



CITY COUNCIL CHAMBERS
680 Park Avenue
Idaho Falls, ID 83402

*Thank you for your interest in City Government. If you wish to express your thoughts on a matter listed below, please contact Councilmembers by email or personally **before** the meeting. Public testimony on agenda items will not be taken unless a hearing is indicated. Be aware that an amendment to this agenda may be made upon passage of a motion that states the reason for the amendment and the good faith reason that the agenda item was not included in the original agenda posting. Regularly-scheduled City Council Meetings are live streamed at www.idahofallsidaho.gov, then archived on the city website. If you need communication aids or services or other physical accommodations to participate or access this meeting, please contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.*

1. **Call to Order.**

2. **Pledge of Allegiance.**

3. **Public Comment.** *Members of the public are invited to address the City Council regarding matters that are **not** on this agenda or already noticed for a public hearing. When you address the Council, please state your name and city for the record and please limit your remarks to three (3) minutes. Please note that matters currently pending before the Planning Commission or Board of Adjustment, which may be the subject of a pending enforcement action or which are relative to a City personnel matter, are not suitable for public comment.*

4. **Consent Agenda.** *Any item may be removed from the Consent Agenda at the request of any member of the Council for separate consideration.*

A. Item from the Airport:

- 1) Change Order, Airport PO #94507

B. Items from Municipal Services:

- 1) IF-20-I, Purchase of Vehicle Replacements and Addition to the Fleet
- 2) IF-20-L, Purchase of Telehandlers for Public Works and Idaho Falls Power
- 3) IF-20-03, Purchase of Trailer Mounted Cable Puller for Idaho Falls Power
- 4) Purchase of Medium Voltage Pole Mounted Reclosers for Idaho Falls Power
- 5) Minutes from the February 10, 2020 Council Work Session and Executive Session; and, February 13, 2020 Council Meeting
- 6) License Applications, all carrying the required approvals

RECOMMENDED ACTION: Approve, accept, or receive all items on the Consent Agenda according to the recommendations presented (or take other action deemed appropriate).

5. **Regular Agenda.**

A. Legal Services

- 1) **Destruction of Certain Temporary Documents:** The Resolution would authorize the destruction of certain temporary records which have no intrinsic, historical, or other value. Prior to the

destruction of temporary City records, Idaho Code § 50-907 and the City's record retention Resolution No. 2016-22 requires that the destruction be ordered by the Council. This resolution meets the requirement to order the destruction of the records specifically listed in the resolution.

RECOMMENDED ACTION: Approve the resolution to destroy certain temporary records pursuant to Idaho Code § 50-907 and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

B. Community Development Services

1) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Linden Trails Addition, Division No. 4: For consideration is the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Linden Trails Addition Division No. 4. The Planning and Zoning Commission considered this item at its January 7, 2020 and recommended the Council act on the plat consistent with their vote on the Planned Unit Development for the same area. The Council approved the PUD on February 13, 2020 and therefore the plat should also be approved. Staff recommends approval of the plat.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Development Agreement for Linden Trails Addition Division No. 4, and give authorization for the Mayor and City Clerk to execute the necessary documents.
- b. Accept the Final Plat for Linden Trails Addition Division No. 4, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat.
- c. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Linden Trails Addition Division No. 4, and give authorization for the Mayor to execute the necessary documents.

2) Public Hearing – Ordinance Amending the Form-Based Code to allow Parklets: Because this is an amendment to a Zoning Code, public hearing notification is required. The hearing was originally scheduled for February 13, 2020 but because the documentation was not ready, it was tabled to the February 27, 2020 meeting. The documentation is now ready for consideration. The Planning and Zoning Commission reviewed this item at its December 3, 2019, meeting and recommended approval by unanimous vote. Staff recommends approval of the ordinance.

RECOMMENDED ACTION: Approve the approve the Ordinance amending the Form Based Code to include Parklets as an allowed Open Space Type under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, or reject the Ordinance).

3) Appeal of Board of Adjustment Decision, 350 South Yellowstone: For consideration is the appeal of a Board of Adjustment (BOA) Appeal Panel's decision regarding alleged code violations at 350 South Yellowstone. A violation notice was sent to the property owner regarding zoning code violations for outdoor storage of materials on November 25, 2019. The owner of the property appealed this interpretation of the code to the (BOA) on January 9, 2020. The BOA upheld the Zoning Administrator's code interpretation and determined the code violations were valid. The property

owner is now appealing the BOA's Appeal Panel's decision to the City Council. The appeal is based on the record and no new facts will be presented.

RECOMMENDED ACTION: Affirm or reverse the Board of Adjustment Appeal Panel's decision.

6. **Announcements.**

7. **Executive Session.**

An Executive Session will be held immediately following the conclusion of the agenda items listed above. The Executive Session has been called pursuant to the provisions of Idaho Code Section 74-206(1)(c) To acquire an interest in real property which is not owned by a public agency. The Executive Session will be held in the City Annex Conference Room. At the conclusion of the Executive Session the Council will not reconvene into Regular Council Meeting.

8. **Adjournment.**



MEMORANDUM

FROM: Rick Cloutier, Director, IDA
DATE: Wednesday, February 5, 2020
RE: Change Order; Airport PO# 94507

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Change Order Approval for PO #94507

Description, Background Information & Purpose

Request approval of a change order to PO #94507 in the amount of \$275,412.30 bringing the total of PO #94507 to \$3,875,260.30. This change order accommodates a change to the baggage canopy. The change provides additional protection for personnel, equipment, and baggage from the elements as the baggage canopy extends and will involve partially enclosing the area where baggage is offloaded into the baggage claim carousels. Per Resolution 2015-9 any change order in excess of \$50,000 shall be considered for approval by City Council and any project over \$200,000, the change order cannot exceed 15% of the original contract price. This change order is over \$50,000 and less than 15% of the original contract price.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>					

This request aligns with the Airport Capital Improvement Plan and ensures the Airport is providing quality facilities for both passengers and our airline tenants.

Interdepartmental Coordination

N/A

Fiscal Impact

The Airport's share of the increase will be \$17,213.27 (6.25%), with the remaining balance covered by the FAA. This change order has already been approved by the FAA.

Legal Review

No special legal review of this action is required.

RESOLUTION NO. 2015-09

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, GRANTING THE MAYOR SPECIFIC AUTHORITY TO APPROVE CERTAIN CHANGE ORDERS; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Council authorizes and approves the City budget annually; and,

WHEREAS, the City budget includes funding for various City Projects; and,

WHEREAS, from time to time, project change orders may become necessary in order to deal with unanticipated circumstances and contingencies and to otherwise ensure that City Projects continue to move forward on a timely basis; and,

WHEREAS, in such projects, time is of the essence to ensure that construction issues are addressed in a manner that does not delay construction or cause unnecessary disruption to public facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, AS FOLLOWS:

1. The Mayor is hereby specifically granted the authority to execute and to approve certain change orders, as recommended by the appropriate Division Director, where the change order involves only a specification change or a time extension; and,

The cumulative value of change orders on a project of Two Hundred Thousand Dollars (\$200,000.00) or less does not exceed Twenty-Five Percent (25%) of the original project contract price; or,

The cumulative value of change orders on a project of more than Two Hundred Thousand Dollars (\$200,000.00) does not exceed Fifteen Percent (15%) of the original project contract price; and,

2. Any individual change order in excess of Fifty Thousand Dollars (\$50,000.00) shall be considered for approval by the Council, regardless of the amount of the original project contract price.

3. Prior to execution, change orders will be reviewed by the City Attorney.

This Resolution shall be in full force and effect from and after its passage by the Council.

ADOPTED and effective this 13th day of February, 2015.

CITY OF IDAHO FALLS, IDAHO

s/ Rebecca L. Noah Casper
Rebecca L. Noah Casper, Mayor

RECEIVED

AUG 02 2019

CONTRACT CHANGE ORDER

ORMOND BUILDERS, INC.

NUMBER: 1

DATE: August 2, 2019

AIP PROJECT NO: 3-16-0018-044

AIRPORT: Idaho Falls Regional Airport
LOCATION: Idaho Falls, Idaho
CONTRACTOR: Ormond Builders, Inc.

You are requested to perform the following described work upon receipt of an approved copy of this document, or as directed by the Engineer.

Add Drive through Baggage Canopy per Change Proposal Request (CPR) No. 006.0-R2 dated June 28, 2019.

See attached Contractor Pricing.

*Increase in Schedule A Lump Sum Price of \$254,910.30

*Modifications to quantities of the established Schedule B Unit Pricing as follows

- Schedule B – Item 18 – Hot Mix Asphalt -18 tons @ \$96 per ton - \$(1,728)
- Schedule B – Item 20C – Concrete Baggage Apron -117 SY @ \$230 per SY - \$26,910
- Schedule B – Item 21A – Concrete Valley Gutter - -120 LF @ \$39 per LF - \$(4,680)

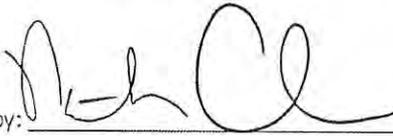
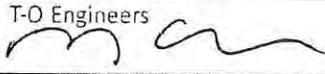
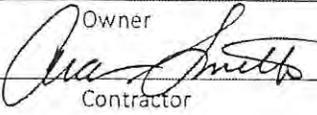
This Change Order Total - \$275,412.30

Original Contract Total - \$3,599,885.84

Revised Contract Total - \$3,875,298.14

The time provided for completion in the contract is changed by 40 calendar days and is described in the revised Specification 011100 - Summary of Work and below. This document shall become an amendment to the Contract and all provisions of the Contract will apply.

The extension of time shall not affect the original completion date of Phase 2 to make the new baggage claim addition functional and usable by the owner. The final completion of the canopy work will be completed while allowing access for baggage equipment and personnel the use of the expanded baggage facility.

Recommended by:		<u>8/7/2019</u>
	T-O Engineers	DATE
Approved by:		<u>8/10/19</u>
	Owner	DATE
Accepted by:		<u>8/6/2019</u>
	Contractor	DATE
Approved by:	_____	_____
	Federal Aviation Administration	DATE

NOTE: Change Orders and Supplemental Agreement require FAA approval prior to construction, otherwise no Federal participation can be granted. State Aeronautics concurrence is required when state participation is anticipated.

AIP PROJECT NO: 3-16-0018-044
AIRPORT: Idaho Falls Regional Airport

CHANGE ORDER NO: 1
LOCATION: Idaho Falls, Idaho

JUSTIFICATION FOR CHANGE

1. Brief description of the proposed contract change(s) and location(s).

CO1 -Add Drive Through Baggage Canopy: Delete Prefabricated Canopy and Provide and enclosed baggage canopy addition with open drive through doors. Work required: All Labor, materials and equipment for the construction of the building addition including Mobilization, Safety Compliance, Quality Control, and all Sub-Contractor's labor, materials and equipment.

2. Reason(s) for the change(s).

The new facility baggage doors face north and will be exposed to the prevailing winds and will receive minimal sunlight due to the shadow of the building and surrounding equipment, especially during the winter months. To provide additional protection from the elements the owners requested extending the overhead canopy and partially enclosing the area where baggage is offloaded into the baggage claim carousels.

3. Justifications for unit prices or total cost.

Prior to requesting pricing from the contractor, an estimate was prepared with a total cost of \$350,000. Pricing from Ormond Builders Inc. was solicited in June 2019 for the addition of the drive through canopy, Architectural, Structural, Electrical and Civil Plans were provided for accurate pricing. The submitted cost was approximately \$275,000. The costs were reviewed and are comparable with the original contract prices.

4. The sponsor's share of this cost is available from:

Local Funds

5. If this is a supplemental agreement involving more than \$2,000; is the cost estimate based on the latest wage rate decision?

Yes _____ No _____ Not Applicable X

6. Has consent of surety been obtained?

Yes _____ Not Necessary X

7. Will this change affect the insurance coverage?

Yes _____ No X

8. If yes, will the policies be extended?

Yes No

9. Has this Change Order been discussed with FAA Officials?

Yes No When Multiple times in 2019 With Whom Steve Engebrecht, Helena ADO

Comments

SECTION 011100

SUMMARY OF WORK

PART 1 - PROJECT DESCRIPTION

This project involves two bid schedule titled as follows:

SCHEDULE A: Terminal Remodel and Baggage Claim Expansion
SCHEDULE B: Site Work and Utility Modifications

The project is funded in part by a grant from the Federal Aviation Administration, Airport Improvement Program (FAA AIP). The Owner intends to award and complete all work described in the plans and contract documents; however, AIP or local funding limitations may require reduction in the scope of work or in specific work item quantities. See Instructions to Bidders, Sections 19 and 22.

It is the intent of the Owner to issue a Notice of Award within 60 days after opening bids with project award contingent on the Owner obtaining adequate FAA/AIP grant funding. The Owner intends to issue a Notice to Proceed to the Contractor for a limited amount of construction to coincide with a five day airport closure in September 2018. The project will start again in April 2019.

Project work includes remodeling a portion of the terminal and expanding the baggage claim facilities, and other work items. Site modifications consist of reconstructing portions of the parking area and utility modifications outside of the terminal building.

PART 2 - PROJECT SCHEDULE

The successful Bidder shall provide a draft construction schedule within five days after the effective date of the Contract. The schedule shall identify the Contractor's plan for accomplishing the work according to the Contract Times and requirements of the Construction Safety and Phasing Plan. The construction schedule shall include a list of manpower and equipment to be utilized and be based on the committed resources identified in Additional Bid Forms, Exhibit I Designation of Subcontractors and Suppliers. Construction activities shall meet the requirements shown on the Construction Layout Plan and Construction Safety and Phasing Plan of the Project Drawings. During the active portion of the project, a schedule update covering two-week periods will be required on a weekly basis. See Specification Section 013216 Project Construction Progress Schedule.

PART 3 - WORK HOURS

The Contractor's project construction schedule shall be based on a five-day workweek of up to ten working hours per day. The Owner and Engineer must authorize additional scheduled work hours in advance. If additional time becomes necessary, the priority is to work extended hours during the workweek and if that is not sufficient then add Saturday and Sunday work.

PART 4 - CONTRACT TIMES

From the effective date of the Notice to Proceed, the Contractor and his subcontractors shall work diligently and continuously to the completion of the work without any unjustified delays or non-working periods except for legal holidays or as may be directed or approved by the Owner.

The Contract Time is the number of calendar days stated in the Agreement allowed for completion of the contract counting from the effective date of the Notice to Proceed and including all Saturdays, Sundays, and holidays. All calendar days elapsing between the effective dates of the Owner's orders to suspend and resume all work, due to causes not the fault of the Contractor, shall be excluded.

The airport will remain operational during the project. The project will be completed in phases to facilitate construction. Execution of project work in phases is represented on the Construction Safety and Phasing Plan of the Project Drawings and also described in Specification Section 013513 Construction Safety and Phasing Plan.

4.1 CONSTRUCTION PHASING REQUIREMENTS.

Project phases, with a brief description of the major components required for completion, phase time limits and liquidated damages are summarized below.

**IDAHO FALLS REGIONAL AIRPORT
Improve and Expand Terminal Building
AIP 3-16-0018-041
Summary of Project Phases**

<u>Phase</u>	<u>Description</u>	<u>Completion Limit</u>	<u>Liquidated Damages per Calendar Day</u>
1	Pedestrian Security Breach Control and Relocate Utilities	5 Calendar Days	\$2,000
2	Terminal Remodel and Baggage Claim Expansion Site Work and Utility Modifications	215 Calendar Days	\$2,000
3	Relocate Temporary Baggage Claim, Complete Landscaping, and Relocate Complete Rental Car Parking Lot to Permanent Location	21 Calendar Days	\$2,000
4	Baggage Canopy Addition	40 Calendar Days	\$2,000

- A. **Phase 1 Pedestrian Security Breach Control and Relocate Utilities.** Phase 1 consists of installing a pedestrian exit lane breach control corridor in the terminal building and relocating utilities. Contractor access, staging areas and haul routes for Phase 1 are shown on the Construction Safety and Phasing Plan Sheets of the Project Drawings. Phase 1 on-site work shall not begin until the Contractor completes the following:

Phase 1 on-site work shall not begin until the Contractor completes the following:

- Participates in the Preconstruction Conference.
- Coordinates construction 30 days hours in advance.

Phase 1 work items include, but are not limited to the following:

- Construction survey
- Erosion and sediment control plan implementation
- Pedestrian exit lane breach control corridor
- Relocate utilities: water, gas, power
- Relocate aboveground fuel storage tank
- Relocate light poles
- Relocate security devices
- Relocate de-icing equipment
- Relocate gate for Hertz service lot
- Construct security fence
- Demolish existing fencing
- Install automatic vehicle gate
- Relocate existing automatic vehicle gate
- Pavement patching
- Cleanup

The Contractor shall complete Phase 1 in 5 calendar days. For Phase 1 considered to be complete, pedestrian exit lane breach controls and water, gas, and power must all be relocated to allow Phase 2 work to begin. If Phase 1 is not complete within the specified time, the Contractor shall be assessed liquidated damages of \$2,000 per each day of delay to the completion of the work.

Before scheduled completion of Phase 1, the Engineer will identify any deficient items to be completed or corrected by the Contractor. All "punch list" items must be completed within the Phase 1 time limit or the Contractor shall be assessed liquidated damages.

B. Phase 2 Terminal Remodel and Baggage Claim Expansion, and Site Work and Utility Modifications. The bulk of the project will be completed in Phase 2. The Contractor shall use the access route and staging area shown on the plans for Phase 2. The Contractor must coordinate his schedule for 30 days in advance of starting Phase 2 work. Phase 2 work includes, but is not limited to the following:

- Install construction fencing
- Construction survey
- Erosion and sediment control plan implementation
- Install temporary baggage claim facilities
- Remove signage and obliterate striping

- Establish temporary rental parking lot
- Sawcut and remove existing asphalt
- Relocate light poles
- Remove bollards and demolish miscellaneous structures
- Remove automatic vehicle gate
- Demolish existing fencing
- Demolish Sally Port structure
- Construct terminal addition
- Relocate utilities
- Excavation and prepare subgrade
- Replace cooling tower
- Install curb and sidewalk
- Install parking lighting
- Construct storm drainage improvements
- Construct security fence
- Install signage
- Pavement patching
- Seal coat and mark parking lot
- Site cleanup

The Contractor shall complete Phase 2 in 210 calendar days. If the project is not completed within the specified time, the Contractor shall be assessed liquidated damages of \$2,000 per each day of delay to the completion of the work.

Ten days before scheduled completion of Phase 2, a substantial completion inspection shall be conducted. The Engineer will identify any deficient items to be completed or corrected by the Contractor. All "punch list" items must be completed within the Phase 2 time limit or the Contractor shall be assessed liquidated damages.

- C. **Phase 3 Relocate Temporary Baggage Claim, Complete Landscaping, and Relocate Complete Rental Car Parking Lot to ~~Permanent Location~~.** The Contractor shall use the access and staging area for Phase 3. The Contractor must coordinate his schedule for Phase 3 with the Owner and Engineer prior to starting Phase 3 work. Phase 3 work items include, but are not limited to the following:

- Install construction fencing
- Construction survey
- Erosion and sediment control plan implementation
- Relocate temporary baggage claim facilities
- Remove signage and obliterate striping
- Demolish miscellaneous structures
- Construct storm drainage improvements
- Excavation and prepare subgrade
- Install curb and sidewalk
- Landscaping
- Relocate light poles
- Install signage

- Pavement patching
- Seal coat and mark parking lot
- Site cleanup

The Contractor shall complete Phase 3 in 21 calendar days. Phase 3 must be completed within the overall time limit for Phase 2. If Phase 3 is not complete within the specified time, the Contractor shall be assessed liquidated damages of \$2,000 per each day of delay to the completion of the work.

Three days before scheduled completion of Phase 3, a substantial completion inspection shall be conducted. The Engineer will identify any deficient items to be completed or corrected by the Contractor. All "punch list" items must be completed within the Phase 2 time limit or the Contractor shall be assessed liquidated damages.

All deficient Phase 3 work items identified by the Engineer must be completed or corrected by the Contractor within the Phase 3-time limit.

D. Phase 4 Baggage Canopy Addition. The Contractor shall use the access and staging area for Phase 2 for Phase 4. The Contractor must coordinate his schedule for Phase 4 with the Owner and Engineer prior to starting Phase 4 work. Phase 4 work items include, but are not limited to the following:

- Construct Baggage Canopy Addition
- Relocate Rental Car Parking to Permanent Location
- Restore Temporary Rental Parking Lot
- Remove Temporary Signage
- Site Cleanup

The Contractor shall complete Phase 4 in 40 calendar days following the completion of Phase 2. If Phase 4 is not complete within the specified time, the Contractor shall be assessed liquidated damages of \$2,000 per each day of delay to the completion of the work.

Three days before scheduled completion of Phase 4, a substantial completion inspection shall be conducted. The Engineer will identify any deficient items to be completed or corrected by the Contractor. All "punch list" items must be completed within the Phase 4 time limit or the Contractor shall be assessed liquidated damages.

All deficient Phase 4 work items identified by the Engineer must be completed or corrected by the Contractor within the Phase 4 time limit.

4.2 FINAL INSPECTION.

A final inspection will be conducted following the completion of Phase 2. When the Project is considered complete to the satisfaction of the Owner and Engineer, a Certificate of Final Completion shall be issued to the Contractor. For the work to be considered final, all items, including punch list items must be completed and accepted by Owner and Engineer.

Following issuance of the Notice to Proceed, the dates of scheduled completion may be modified only by events in accordance with Article 12 of the General Conditions

PART 5 - PROJECT MEETINGS

Weekly project meetings will be required for the purpose of reviewing operational safety, construction progress, project schedule, work item quantities, impact of aircraft operation activity, material submittals and delivery schedules, and other activities relative to project progress and performance.

PART 6 - PROJECT SPECIFIC SAFETY CRITERIA, OPERATIONS PLAN, AND AIRPORT SAFETY OFFICER DESIGNATION

The Owner shall have the authority to designate an individual as the "Airport Safety Officer." The Airport Safety Officer will be identified to the Contractor at the Pre-Construction conference. The Airport Safety Officer will be in charge of issuing NOTAM's for this project and will make periodic inspections to observe the Contractor is following the recommended safety procedures. Further details can be found in Specification Sections 013523 Airport Project Safety Procedures and Access Control.

The contractor shall limit all operations to the work areas shown in the plans. No access to other areas of the airport will be permitted without approval from the Airport Safety Officer.

The Contractor's supervisor at the project site shall be equipped with a two-way air band radio to monitor the airport ground control frequency. Vehicular traffic located in or crossing an active movement area must have a working two-way air band radio or be escorted by a person with an air band radio to monitor aircraft traffic.

PART 7 - CONTRACTOR STAGING AREA

The Contractor's staging and storage areas for specific phases are shown on the plans. The specific locations will be discussed at the Pre-Construction conference. The Contractor may use the staging areas after the Notice to Proceed has been issued. The Contractor shall accept deliveries at the staging areas.

The Contractor shall use accepted industry standard Best Management Practices for noxious weed control in staging, storage, travel and work areas.

PART 8 - UTILITY CONTACTS

The locations of existing utilities as shown on the plans are approximate only. No guarantee is made or implied that all existing underground utilities are identified on the plans. The Contractor is responsible to verify the type, size and location of all existing utilities prior to starting work. The Contractor shall report any discrepancies from the information shown on the plans to the Engineer prior to continuing work.

It shall be the sole responsibility of the Contractor to coordinate, notify and schedule his work activities with the appropriate utility contractors. Any delays and impacts related to the general

contractor not meeting his own schedule relative to utility contractor(s) installation of their facilities will not be an acceptable reason for a time extension to the contract by the Owner.

It shall be understood by the Contractor, Owner and Utility company(s) that the utility contractor(s) will be accorded specific windows or durations to install their facilities in the prosecution of the work. The Contractor shall identify each specific utility installation window by segment or location in the development of his construction schedule.

PART 9 - OTHER CONTRACTORS ON-SITE

Working within the project limits, the Contractor and subcontractors shall cooperate and coordinate their work with the following agencies and other contractors who will be working at the site. Refer to Specification Section 00700 Federal Aviation Administration General Provisions and Contract Provisions, Article 50-05, Cooperation Between Contractors.

END SECTION

Fiscal Impact

Funds for the vehicles are budgeted within the 2019/20 Municipal Equipment Replacement Fund (MERF) and 2019/20 Idaho Falls Power and Community Development department capital outlay budgets.

Legal Review

Legal has reviewed the state contract process and concurs the Council action desired is within State Statute.

IF-20-I Purchase of City Vehicles

MERF Purchase (Y/N)	NEW UNIT #	BUDGETED AMOUNT	COST CODE	BID AMOUNT	Replacing Unit #	\$\$ for	Traded Unit	Savings	Another Purchase making up the difference?
Y	1210	\$ 35,000.00	014-5401-553.75-81	\$ 23,644.73	1201		NA	\$ 11,355.27	None Needed
Y	1430	\$ 35,000.00	061-8203-602.75-01	\$ 35,588.00	1410		NA	\$ (588.00)	Yes - see 1431
Y	1431	\$ 65,000.00	061-8203-602.75-01	\$ 44,303.00	1416		NA	\$ 20,697.00	None Needed
Y	1432	\$ 50,000.00	061-8203-602.75-01	\$ 46,713.00	1411		NA	\$ 3,287.00	None Needed
Y	1433	\$ 50,000.00	061-8203-602.75-01	\$ 46,713.00	1414		NA	\$ 3,287.00	None Needed
Y	1572	\$ 35,000.00	014-5402-553.75-00	\$ 26,231.68	1517		NA	\$ 8,768.32	None Needed
Y	1605	\$ 35,000.00	068-8401-601.75-01	\$ 26,231.68	1168		NA	\$ 8,768.32	None Needed
Y	1611	\$ 35,000.00	068-8409-602.75-01	\$ 26,231.68	1158		NA	\$ 8,768.32	None Needed
Add To Fleet	3066		064-9004-602-7500 ETCP00	\$ 23,644.73	NA		NA		Will need budget transfer
Y	6612	\$ 35,000.00	014-5401-553.75-86	\$ 23,644.73	6606		NA	\$ 11,355.27	None Needed
Add To Fleet	6613	\$ 35,000.00	001-1701-505-7600	\$ 23,644.73	NA		NA	\$ 11,355.27	None Needed

Total

\$ 346,590.96

\$ 87,053.77



MEMORANDUM

FROM: Pam Alexander, Municipal Services Director
DATE: Thursday, February 20, 2020
RE: IF-20-L, Purchase Telehandlers for Public Works and Idaho Falls Power

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Approval to purchase two telehandlers from the GSA contract #GS-30F-0018U, a nationwide government procurement service for a total of \$255,893.75 or take other action deemed appropriate.

Description, Background Information & Purpose

Telehandlers are used to move material to and from places unreachable by a wheeled loader or backhoe loader. The telehandler for Public Works will replace sanitation unit #7008, a 2006 GEHL front-end loader, with telescopic handle. The telehandler for Idaho Falls Power is an addition to the fleet.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>					

The purchase of the trailer mounted cable pullers supports the reliable public infrastructure and transportation community-oriented result by acquiring or replacing equipment required in the field.

Interdepartmental Coordination

Municipal Services, Public Works and Idaho Falls Power recommend accessing the GSA contract #GS-30F-0018U for the purchase of the two telehandlers.

Fiscal Impact

Funds for the telehandlers are budgeted within the 2019/20 Municipal Equipment Replacement Fund (MERF) for Public Works and within the 2019/20 Idaho Falls Power capital budget.

Legal Review

Legal has reviewed the bid process and concurs the Council action desired is within State Statute.



MEMORANDUM

FROM: Pam Alexander, Municipal Services Director
DATE: Thursday, February 20, 2020
RE: IF-20-03, Purchase of Trailer Mounted Cable Puller for Idaho Falls Power

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Accept and approve the bid from the lowest responsive and responsible bidder, Sherman+Reilly, Inc. for a total of \$173,381.00 or take other action deemed appropriate.

Description, Background Information & Purpose

The purchase of the one trailer mounted cable puller will be used by Idaho Falls Power for field work.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>					

The purchase of the trailer mounted cable pullers supports the reliable public infrastructure and transportation community-oriented result by acquiring equipment required in the field.

Interdepartmental Coordination

Idaho Falls Power concurs with the recommendation.

Fiscal Impact

Funding for the cable puller is budgeted within the 2019/20 Idaho Falls Power capital budget.

Legal Review

Legal has reviewed the bid process and concurs the Council action desired is within State Statute.



MEMORANDUM

FROM: Pam Alexander, Municipal Services Director
DATE: Thursday, February 20, 2020
RE: Purchase of Medium Voltage Pole Mounted Reclosers for Idaho Falls Power

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Approval to purchase ten medium voltage mount reclosers from the lowest responsive responsible bidder, D&S Electrical Supply for a total of \$249,223.20 or take other action deemed appropriate.

Description, Background Information & Purpose

Idaho Falls Power intends to purchase an additional ten medium voltage mount reclosers with the vacuum switch assembly that improves the operation and safety of the electrical system. D&S Electrical Supply has agreed to honor the same prices listed in the bid IF-19-30 from July 2019.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				

The purchase of the additional reclosers supports the safety and reliable public infrastructure community-oriented results by upgrading City infrastructure. It also supports the safety elements identified in the Idaho Falls Power strategic plan.

Interdepartmental Coordination

Municipal Services and Idaho Falls Power recommend accessing the prices from the original bid award in July 2019.

Fiscal Impact

Funding for the additional reclosers is budgeted in the Idaho Falls Power 2019/20 capital budget.

Legal Review

Legal has reviewed this request and concurs the council action desired is within State Statute.

City of Idaho Falls
Bid 19-30 Medium Voltage Pole Mounted Reclosers

Opening Date: July 11, 11:00am

BIDDER	G&W Electric Bolingbrook, IL	General Pacific Inc. Fairview, OR	Codale Electric Supply, Inc. A SLC, UT	Codale Electric Supply, Inc. B SLC, UT	Codale Electric Supply, Inc. C SLC, UT	D & S Electrical Supply Idaho Falls, ID
ADDENDUM 1	NO	NO	YES	YES	YES	YES
Quantity: 4	G&W	Siemens	ABB	G&W	Elastimold	G&W
Opt. 1 Price per Each	\$ 22,130.00	\$ 25,670.00	\$ 23,365.00	\$ 22,130.00	\$ 25,000.00	\$ 22,130.00
Total	\$ 88,520.00	\$ 102,680.00	\$ 93,460.00	\$ 88,520.00	\$ 100,000.00	\$ 88,520.00
	17 Weeks ARO		16-20 Weeks ARO			17 weeks ARO
Opt. 2 Price per Each	\$ 23,504.00	\$ 26,288.00	\$ 24,335.00	\$ 23,500.00	\$ 26,100.00	\$ 23,502.00
Total	\$ 94,016.00	\$ 105,152.00	\$ 97,340.00	\$ 94,000.00	\$ 104,400.00	\$ 94,008.00
	17 Weeks ARO		16-20 Weeks ARO			17 weeks ARO
Opt. 3 Price per Each	\$ 24,144.00	NO BID	\$ 24,335.00	\$ 24,145.00	\$ 25,775.00	\$ 24,142.50
Total	\$ 96,576.00		\$ 97,340.00	\$ 96,580.00	\$ 103,100.00	\$ 96,570.00
	22 Weeks ARO		16-20 Weeks ARO			22 weeks ARO
Opt. 4 Price per Each	\$ 25,620.00	\$ 26,907.00	\$ 25,355.00	\$ 25,625.00	\$ 25,890.00	\$ 25,620.40
Total	\$ 102,480.00	\$ 107,628.00	\$ 101,420.00	\$ 102,500.00	\$ 103,560.00	\$ 102,481.60
	17 Weeks ARO		16-20 Weeks ARO			17 weeks ARO
Opt. 5 Price per Each	\$ 26,904.00	NO BID	\$ 25,355.00	\$ 26,905.00	\$ 25,890.00	\$ 26,902.20
Total	\$ 107,616.00		\$ 101,420.00	\$ 107,620.00	\$ 103,560.00	\$ 107,608.80
	22 Weeks ARO		16-20 Weeks ARO			22 weeks ARO

Bidder recommended Options:

Option 1 PPU	N/A	N/A	\$ 379.00	N/A	\$ 11,620.00	N/A
			(3) Pin 50 ft control power cable		SEL CONTROL 9163XXXX3682	
Option 2 PPU			\$ 200.00			
			(5) Pin 45 ft control power cable			
Option 3 PPU						
Option 4 PPU						
Option 5 PPU						

February 10, 2020 - Unapproved

The City Council of the City of Idaho Falls met in Council Work Session, Monday, February 10, 2020, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:00 p.m.

Call to Order and Roll Call:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman
Councilmember Thomas Hally
Councilmember Shelly Smede
Councilmember Jim Freeman

Absent:

Councilmember John Radford
Councilmember Jim Francis

Also present:

Mark Hagedorn, Controller
Bruce Young, Accountant
Chad Ranstrom, Moreton & Company
Aimee Assendrup, Moreton & Company
Tim Osborne, Idaho Counties Risk Management Program (ICRMP) Executive Director
Sandy Moser, ICRMP Underwriting Manager
Randall Spencer, ICRMP Sr. Claims Specialist
Ryan Tew, Human Resources Director
A.J. Argyle, Insurance Broker
Randy Fife, City Attorney
Michael Kirkham, Assistant City Attorney
Kathy Hampton, City Clerk

Moreton and Company Presentation:

Mr. Hagedorn stated the Risk Management Committee consists of himself, Randy Fife, Bruce Young, Municipal Services Director Pamela Alexander, and, Ryan Tew. He also stated the City has been consulting with Moreton and Company since the inception of workers' compensation, in 2011. Mr. Ranstrom reiterated the City has been consulting with Moreton and Company since the City elected to go to a partially self-funded workers' compensation model. He stated in the Idaho there are two (2) workers' compensation options: purchase a fully-insured policy through the Idaho State Insurance Fund; or, partially self-fund. He noted eight (8) public agencies have elected the partially self-funded model.

Mr. Ranstrom stated reasons for partially self-funded include:

- Cost savings – since October 1, 2014, the City has saved \$1,433,034 as compared to the premium of the Idaho State Insurance Fund. This number is valued as of February 5, 2020 and will fluctuate as losses develop.
- Improved claims service – Mr. Ranstrom reviewed the self-insured program savings since 2014. The City has engaged with Idaho Intermountain Claims as a third-party adjuster to directly interface with injured employees. Self-funded employers in Idaho pay, on average, approximately 50% less per indemnity claim than Idaho State Insurance Fund clients.
- Safety and loss control support – Moreton and Company partners with the City to provide services such as loss analysis and trending on a quarterly basis, industrial hygiene services, safety training, and, safety materials and programs.

Mr. Ranstrom stated there are two (2) retentions that apply to the City regarding excess insurance: any one (1) incident which one (1) or more employees are injured (the City retains the first \$500,000 of any injury to employees); and, the excess policy would apply for any amount above \$500,000 and would pay the required statutory costs. The excess coverage also provides an aggregate coverage in excess of \$3M. The City averages approximately \$700,000 annually in claims.

February 10, 2020 - Unapproved

Ms. Assendrup reviewed number of claims by department (3-year history) with Police, Fire, and, Parks and Recreation (P&R) being highest. She stated Moreton and Company is working with P&R and the safety programs.

Ms. Assendrup reviewed cost of claims by department (1-year history) with Fire, Police, and, P&R being highest. Mr. Ranstrom stated training for P&R seasonal workers has been a focus. He also stated an annual report was put together for P&R of the claims breakdown. Due to fluctuation history, Mr. Ranstrom advised the City set aside funds to maintain a loss paying reserve associated with the program. He stated an actuarial study can be performed to estimate adequate funding levels for the loss paying fund.

Councilmember Smede questioned the separation of Public Works versus P&R. Ms. Assendrup stated Public Works is work specific by each division per the National Council of Compensation and Insurance. Mr. Hagedorn stated this is by coding structure. Mr. Ranstrom stated this also allows work to be compared to other entities with similar job functions as a benchmark. Mr. Hagedorn stated claims are reviewed with Moreton and Company on a quarterly basis with follow-up reporting or analysis as needed. He indicated these specific reports can be distributed to the individual department liaisons. Mayor Casper questioned any specific issues. Ms. Assendrup stated the typical trend is combative suspects with police officers and, loaning wildland firefighters to other agencies. She believes additional training is already occurring with firefighters. Mr. Ranstrom indicated training is also occurring within P&R. Mr. Hagedorn stated P&R claims have increased over the previous 2-3 years with varying injuries. There are typically 1-2 large events. To the response of Councilmember Hally, Mr. Ranstrom stated Intermountain Claims will review the previous history of an injured individual. He commended staff as he believes the culture of safety has increased over the life of the program. Mr. Hagedorn believes the committee and the directors have assisted with the claims process.

ICRMP Presentation:

Mr. Hagedorn stated ICRMP is now solely used for claims analysis. Mr. Osborne stated ICRMP is a public entity formed by Idaho Counties in 1985; is an alternative to Volatile Commercial Insurance; and, is a licensed and regulated insurer with the Department of Insurance. He reviewed the following with general discussion throughout:

Member Benefits –

- Ownership for 19 years with Joint Powers Agreement (JPA) benefits.
- Local governance – home office in Boise with direct access to Board of Trustees, management, underwriting claims, and, risk management. Mr. Osborne reviewed the Board of Trustees including County, City, and, Special Districts Trustees.
- Idaho local government experts including newly-elected officials training; continuing training at Association Conferences; and, local resource for governance questions.
- Risk management training for employment, law enforcement, and, cyber liability.

Ms. Moses reviewed coverages including: sexual molestation; general liability, auto (City and citizen owned), employment practices, law enforcement, errors and omissions, employee benefits, chemical spraying, City property, and, additional coverages (equipment breakdown, cyber liability, crime/embezzlement, and aviation liability).

Ms. Moses stated Risk Management team meetings are being held on a quarterly basis regarding claims, risk management, and, underwriting. She also stated the City internal team has access to the ICRMP Risk Management Software for direct entry and monitoring as well as access to all property listings on file.

Ms. Moses reviewed 5-year Claim Summary by Coverage. The largest claim was a sexual molestation claim followed by general liability.

Ms. Moses reviewed 5-year Claim Summary by Coverage without the sexual molestation claim. She recognized Police liability being the lowest claims/percentage.

Ms. Moses reviewed 5-year Summary by Department, which is a hybrid of the previous five (5) years of claims.

Ms. Moses reviewed 5-year Summary by Department without the molestation claim, with Cemetery being the highest percentage. She noted these are claims and payments (what is expected to be paid and has been paid).

Ms. Moses reviewed claims with three (3) cities of comparable size for:

- Auto Claims – average is \$2,995, the City is at \$2,947
- Property Claims – average is \$6,401, the City is at \$6,303
- Employment Claims – average is \$58,618, the City is at \$42,431
- General Liability Claims – average is \$2,481, the City is at \$2,073
- Police Liability Claims – average is \$3,439, the City is at \$4,310

February 10, 2020 - Unapproved

Mr. Osborne reviewed –

- Risk Management Initiative #1 – Employment Practices including legal assistance; dedicated Human Resources (HR) trainers; policies, forms, and, checklists; Supervisor 101; FMLA/FLSA/ADA; harassment/whistleblower/discrimination/retaliation; and, Hire to Retire Employee Life Cycle. Current and future employment training dates were reviewed.
- Risk Management Initiative #2 (Police, Fire, EMS) with dedicated law enforcement trainer – staff discussions; and, planned training.
- Risk Management Initiative #3 – Cyber liability including Knowbe4 phishing tests and training; Malware protection; security basics; and, data breach testing.
- Risk Management Initiatives for water, sewer, streets, driving, and, volunteer boards. These would be addressed on a frequency basis.

Ms. Moses stated 80% of the 2020 Risk Management Discount Program goal has been met which allows a 5% reduction in premium for the coming year. She briefly reviewed the employee count and percentages for the specific trainings.

General comments and discussion followed including cyber/Information Technology (IT), Idaho Falls Power (IFP) insurance policies, supervisor training, mental health training for first responders, and, data breach testing. Mayor Casper recognized the generosity of ICRMP.

Acceptance and/or Receipt of Minutes:

It was moved by Councilmember Smede, seconded by Councilmember Hally, to receive recommendations from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA). Roll call as follows: Aye – Councilmembers Hally, Dingman, Smede, Freeman. Nay – none. Motion carried.

Calendars, Announcements and Reports:

February 10, Idaho Falls Premier/Operation Underground movie – this is being shown to create awareness of sex trafficking and organ harvesting of young children

February 11, press conference at Idaho Falls Regional Airport (IDA)

February 18-22, Engineering Week – Mayor Casper briefly reviewed several of the engineering events

February 21, City Club event regarding nuclear future for Idaho

March 4, Idaho Day

September 29-October 8, Sister Cities Adult Delegation visit

Mayor Casper stated the Utility Billing and Credit Office has been relocated to the previous Fire Department gym in City Hall. This location is ADA accessible. Mayor Casper stated all CUSP subcommittee meetings are posted online; she briefly reviewed legislative issues; the Department of Energy (DOE) will be releasing a Request For Proposal (RFP) for the expiring Idaho Clean-up Project contract; and, Bonneville County Commissioner Roger Christensen has requested an Area of Impact (AOI) discussion.

Liaison Reports and Council Concerns:

Councilmember Dingman reiterated the Utility Billing and Credit Office relocation.

Councilmember Freeman stated a Downtown Parking Validation meeting will be occurring February 11.

Councilmember Smede stated she recently attended a P&R Commission meeting. She indicated the P&R Commission is prioritizing their items and looking at funding opportunities.

Councilmember Hally reminded the Council of the legislative call on February 13; the Community Food Basket Gala on March 14; and, he recognized the elected officials sponsoring senior citizens for the Meals on Wheels Program.

Self-insurance Update:

Director Tew stated the City is currently insured through Blue Cross of Idaho for medical and dental insurance. This insurance has included a Federal premium tax of \$400,000. Moving to Self-insurance would eliminate this expenditure although Director Tew noted Congress has repealed the premium tax, effective January 1, 2021, therefore this tax would be saved regardless. Director Tew stated the City has a one-way retention agreement with Blue Cross.

February 10, 2020 - Unapproved

Mr. Argyle clarified the agreement is premiums paid in versus claims paid out. Blue Cross has currently paid more in claims than the City has paid in premiums, which amounts to approximately \$1.7M. This amount would go away if the City moved to self-insured. Director Tew believes the City should go through the process to become self-insured. He stated an actuarial study must be completed and a board must be established. Mr. Argyle stated this \$1.7M amount is used as leverage on the renewal as Blue Cross raises rates on an annual basis to recover this cost. He believes the City is the last City in the State with a one-way retention agreement. He also believes the transition to self-insured should occur while there is a deficit with Blue Cross. To the response of Councilmember Dingman, Director Tew stated the City could transition to self-insurance in the next fiscal year. Mr. Kirkham reiterated a board would need to be established and trust documents submitted for review. Mr. Argyle stated there are two (2) types of insurance on the insurance market – Specific and Aggregate. Specific is a deductible for everyone on the plan and is an individual cap. The first \$200,000 for each individual on the plan would be paid by the City. The reinsurance would pay any remaining amount. Aggregate is a total cost of the whole and is a group cap. Councilmember Dingman believes the City would have to work extremely hard to reduce claims. Mayor Casper stated training and awareness has previously occurred to reduce rates/premiums. To the response of Councilmember Dingman, Mr. Argyle stated the \$1.7M deficit is mainly due to large prescription costs. He also stated case management will assist with claims. To the response of Councilmember Hally, Mr. Argyle stated 30% reserves are required over three (3) years, which amounts to \$3M. The reserves are currently available, therefore, Mr. Argyle would not recommend the aggregate insurance. To the response of Councilmember Freeman, Mr. Argyle stated Blue Cross bids on costs, discounts, and, pharmacy management. The pharmacy management can continue to bid out with self-insured. Mayor Casper noted the trend for wellness programs did not have as much claim impact as case management.

It was then moved by Councilmember Dingman, seconded by Councilmember Freeman, to move into Executive Session pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency and not reconvene. Roll call as follows: Aye – Councilmembers Freeman, Smede, Dingman, Hally. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Special Council Meeting (Executive Session), Monday, February 10, 2020, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 4:44 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman
Councilmember Thomas Hally
Councilmember Jim Freeman
Councilmember Shelly Smede

Also present:

Rick Cloutier, Airport Director
Jayme Verish, Assistant Airport Director/Operations and Maintenance
Randy Fife, City Attorney

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency.

There being no further business, the Executive Session adjourned at 4:59 p.m.

CITY CLERK

MAYOR

February 13, 2020 - Unapproved

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 13, 2020, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:

- Mayor Rebecca L. Noah Casper
- Councilmember Michelle Ziel-Dingman
- Councilmember John Radford
- Councilmember Shelly Smede
- Councilmember Jim Francis
- Councilmember Thomas Hally
- Councilmember Jim Freeman

Also present:

- All available Department Directors
- Randy Fife, City Attorney
- Kathy Hampton, City Clerk

Pledge of Allegiance:

Mayor Casper requested Ren Bishop, a sophomore at Compass Academy and Boy Scout Troop #387, to lead those present in the Pledge of Allegiance.

Public Comment:

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter. No one appeared.

Consent Agenda:

Idaho Falls Power requested approval of Power Trade Confirmation Agreements; Idaho Falls Power Service Policy Update; and, minutes from the January 30, 2020 Idaho Falls Power Board Meeting.

Municipal Services requested approval of IF-20-K, Purchase Jet Truck for Public Works; Request for Qualification (RFQ) 20-071, Elevator Upgrade at the Gem State Hydroelectric Plant; Treasurer's Report for December 2019; minutes from the January 27, 2020 Council Work Session; and, January 30, 2020 Council Meeting; and, license applications, all carrying the required approvals.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

Regular Agenda:

Mayor Casper stated item 5.E.2. Public Hearing for Form-based Code, has been recommended to be tabled for a future meeting.

Fire Department

Subject: Approval for Modification of City Ordinance, Title 7 Chapter 10 and Title 4 Chapter 17

February 13, 2020 - Unapproved

The risk to the public and emergency personnel of the City of Idaho Falls can be considerably lessened when emergency response personnel have current and accurate information about the conditions, conduct, and operations of a business during an emergency response. This ordinance will allow the Idaho Falls Fire Department (IFFD) Prevention Division to better identify, inspect and verify that the accurate use, permits, and maintenance is being performed within these properties.

Councilmember Hally stated this item was discussed at a previous (January 27, 2020) Work Session. Required information must be submitted to the IFFD including the layout of a building and any items that may be stored at the location. This ordinance will increase safety for firefighters and will protect the building and any adjacent property. This ordinance also requires qualified individuals to repair and maintain sprinkler systems. Councilmember Hally noted the fee for this permit/license is minimal.

It was moved by Councilmember Hally, seconded by Councilmember Smede, to approve the modification of the City Ordinance Title 7, Chapter 10 and addition of Title 4, Chapter 17 under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3296

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CHAPTER 10, TITLE 7 OF THE CITY CODE; ADDING CHAPTER 17 TO TITLE 4 OF THE CITY CODE TO ESTABLISH A REQUIREMENT FOR BUSINESSES PERMITTED PURSUANT TO THE INTERNATIONAL FIRE CODE TO REGISTER WITH THE CITY CLERK; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Municipal Services

Subject: Haul and Spread of Liquid Wastewater Bio-Solids for Public Works

Bid IF-20-09 was published and did not receive any bidders. To maintain compliance with Idaho Department of Environmental Quality (IDEQ) discharge permit requirements, Public Works must have the ability to haul and spread liquid wastewater bio-solids. The estimated amount to haul as stated in the bid invitation was 145,000 gallons. With no bids received, Public Works is requesting the authorization to enter into the open market.

Councilmember Smede and Municipal Services Director Pamela Alexander stated the open market allows the City to seek/approach different vendors for this particular service.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to give authorization to enter into the open market to contract for haul and spread of liquid wastewater bio-solids services for Public Works. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Public Works

Subject: Approval for Modification of City Sewer Ordinance, Title 8, Chapter 1

For consideration are proposed modifications to City Sewer Ordinance, Title 8, Chapter 1. The Idaho Department of Environmental Quality (IDEQ) has recently taken over the duties of primacy of wastewater discharges in Idaho from the US Environmental Protection Agency (EPA). This past year was the first that IDEQ staff completed Pretreatment Program inspections and as part of those inspections, IDEQ requested several changes to our Sewer

February 13, 2020 - Unapproved

ordinance. Public Works staff have worked with IDEQ and our Legal Department to accommodate those changes and to update the ordinance.

Councilmember Freeman stated this item was discussed at a recent (January 27, 2020) Work Session.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve modifications of the City Sewer Ordinance, Title 8, Chapter 1 to incorporate suggestions made by the Idaho Department of Environmental Quality, under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3297

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 8, CHAPTER 4, OF THE IDAHO FALLS CITY CODE TO CONFORM THE SEWER ORDINANCE TO IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY ADMINISTRATIVE JURISDICTION; AMENDING RELATED DEFINITIONS, PROCESSES, AND PENALTIES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Approval of the State/Local Agreement with Idaho Transportation Department for the W 17th Street and Rollandet Avenue Intersection Improvements

For consideration is a State/Local Agreement and Resolution with the Idaho Transportation Department (ITD) for the development of the W 17th Street and Rollandet Avenue Intersection Improvements project. A safety audit of 17th Street in 2016 indicated a need to install a median curb and island in the intersection and create a left-hand turn restriction. As a consequence of this traffic alteration, W 19th Street at the railroad crossing will receive increased traffic volume and this project will also improve the condition of this intersection near the railroad tracks.

Councilmember Freeman stated the cost for this project is estimated at \$487,000 with the City responsible for \$35,746. Most of the City portion will be in-kind work. Councilmember Freeman stated this project is a development agreement and is anticipated to occur in summer of 2021.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the State/Local Agreement, and the accompanying resolution, with Idaho Transportation Department for the W 17th Street and Rollandet Avenue Intersection Improvements, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

RESOLUTION NO. 2020-02

WHEREAS, the Idaho Transportation Department, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Idaho Falls, hereafter called the City, for development of Int 17th St & Rollandet.

Subject: Approval of State/Local Agreement with Idaho Transportation Department for the Path Connection Plan on Short Street

For consideration is a State/Local Agreement and Resolution with the Idaho Transportation Department (ITD) for development of the Path Connection Plan. This project will provide a sidewalk along S Yellowstone Avenue between W 15th Street and Cliff Street and also along the east side of Capital Avenue from Pancheri Drive to Short Street.

February 13, 2020 - Unapproved

Councilmember Freeman stated this is one (1) of many anticipated projects in the south downtown area. The cost for this project is estimated at \$389,000 with the City match of \$28,553. This is also a development agreement.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the State/Local Agreement, and the accompanying resolution, with Idaho Transportation Department for the Path Connection Plan on Short Street, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

RESOLUTION NO. 2020-03

WHEREAS, the Idaho Transportation Department, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Idaho Falls, hereafter called the City, for development of a Path Connection Plan.

Subject: Approval of the State/Local Agreement with Idaho Transportation Department for the Americans with Disabilities Act (ADA) Sidewalk and Thermoplastic Upgrades Project

For consideration is a State/Local Agreement and Resolution with the Idaho Transportation Department (ITD) for the construction of ADA sidewalk and thermoplastic improvements on various streets. The agreement combines two separate projects into one that should help lower bid costs as the two projects will bid as a combined package. ADA corner upgrades will be completed on 5th Street, 9th Street, 10th Street and 12th Street between South Boulevard and Holmes Avenue. ADA corner upgrades will also be completed along 25th Street, John Adams Parkway and Garfield Street and thermoplastic crosswalks will be placed on minor street approaches to these streets.

Councilmember Freeman stated this project will occur in the upcoming year. The estimated cost of this project is \$679,000 with the City match of \$50,000 in in-kind work. Councilmember Francis believes these sidewalks will make more of a walkable community. Mayor Casper stated Public Works has chosen to make ADA improvements a priority.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the State/Local Agreement, and the accompanying resolution, with Idaho Transportation Department for the ADA Sidewalk and Thermoplastic Upgrades project and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

RESOLUTION NO. 2020-04

WHEREAS, the Idaho Transportation Department, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Idaho Falls, hereafter called the City, for construction of ADA Sidewalk Impr Stg 2 and Thermoplastic & ADA Improvements.

Office of the Mayor

Subject: E-Scooter/E-Bike Ordinance

For consideration is an ordinance that provides comprehensive regulation of E-bikes and E-scooters within the City of Idaho Falls. This ordinance was drafted by several City departments including Police, Public Works, Community Development Services, Parks & Recreation, Legal Services, and the Mayor's Office of Economic Development.

Mayor Casper stated six (6) departments have coordinated and worked on this item for some time. It was moved by Councilmember Dingman, seconded by Councilmember Smede, to approve the ordinance amending Title 9 by the

February 13, 2020 - Unapproved

addition of Chapter 8 under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Councilmember Francis stated an amendment to the ordinance would establish Central Downtown as a dismount zone on sidewalks. E-scooters and E-bikes would not be allowed on sidewalks although they would be allowed in the streets. Central Downtown would include both sides of N. Capital, N. Park, and, N. Shoup Avenues between Broadway and Constitution Way and would include both sides of A Street and B Street between Memorial Drive and N. Yellowstone Avenue. Councilmember Francis stated this particular wording was due to a specific concern raised in a previous (January 27, 2020) Work Session discussion. This would be limited to the central core of downtown which has been encouraged for sidewalk dining and, to those exiting downtown businesses. Councilmember Francis stated there would also be a requirement to have a note on rental company vehicles indicating the dismount zone. Per Mayor Casper's request, it was moved by Councilmember Francis, seconded by Councilmember Freeman, to adopt the amendment to the ordinance proposed by Councilmember Dingman regarding E-bikes and E-scooters which would establish a dismount zone in Central Downtown as previously defined. Councilmember Francis stated key parts of the amendment include the definition of Central Downtown (as previously stated/defined); added wording to 9-8-16: Labeling Requirements; and, 9-8-7(A): an E-bike or E-scooter may be operated upon a sidewalk 'except' in the Central Downtown area. He believes the ordinance is due to these vehicles being heavier than non-motorized scooters or bicycles. He noted the requirement for an E-scooter must be able to stop within 25 feet if going 10 miles per hour (mph). He believes this is inconsistent with encouraged activities in the Central Downtown area. He noted this amendment does not prevent an E-scooter or E-bike rider from using the downtown streets or walking their bikes. The amendment also leaves a north/south and east/west route open for riding on sidewalks. Councilmember Francis stated it is not unusual to see dismount zones on downtown sidewalks. He believes this is more enforceable than trying to enforce a speed limit. Councilmember Freeman stated he has been against E-scooters on the downtown sidewalks. He does not see a reason to ban these vehicles in the downtown area although there is concern for the sidewalks. He believes this is a nice compromise, he commended Councilmember Francis. Councilmember Radford believes there is a disservice to citizens when issues are codified when common sense would be more fitting. He also believes there would be more risk of being backed into. He is unsure of any problems in the City and would vote against this ordinance. Councilmember Hally believes there is an obligation to be preventive as this is an arguable issue across the country. He stated the sidewalks, as identified by Councilmember Francis, are narrow and unsafe. He prefers to error on the side of preventing an accident. He is in favor of the amendment. Councilmember Francis reiterated the amendment does not ban the E-scooters and E-bikes from downtown, it would only require a dismount on the sidewalks. It also provides an option to ride in the street if comfortable. Councilmember Dingman expressed her appreciation for the work by Councilmember Francis. She believes banning the E-bikes and E-scooters altogether in the downtown area would be challenging and problematic; there will be an enforcement issue; the ordinance is inconsistent with the regulation of other modes of transportation; it is unknown if the heavier weight would make them more dangerous for pedestrians; and, most riders would not understand the dismount zone. Councilmember Dingman stated she would support the amendment in the name of safety. Councilmember Smede stated other cities have ordinances in effect and there have been many accidents. She believes a policy could be adjusted later. She indicated she would support the amendment as being proactive as she believes there are options to go through town. Mayor Casper also believes enforcement will be an issue; scooter riders may not be diligent in reading City Code; officers will not be waiting to write tickets; the deterrent effect may not be effective; and, the use of scooters will be a form of transportation not a form of recreation due to cost although these may be used by tourists. She expressed her concern for over-regulation although an ordinance can be amended as needed. Roll call on the amended motion as follows: Aye – Councilmembers Smede, Hally, Dingman, Freeman, Francis. Nay – Councilmember Radford. Motion carried. Councilmember Francis questioned 9-8-14(D) regarding the 30mph speed limit. Assistant City Attorney Michael Kirkham believes the intent is the difference of E-scooters and E-bikes as E-bikes are intended to be faster. Councilmember Freeman noted a provision is included in the ordinance regarding current speed limits in the City. Roll call on the original motion to approve the ordinance as amended as follows: Aye – Councilmembers Francis, Freeman, Dingman, Hally, Smede. Nay – Councilmember Radford. Motion carried. Brief discussion followed regarding the intent of Councilmember Francis' amended motion.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3298

February 13, 2020 - Unapproved

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CITY CODE TITLE 9 BY THE ADDITION OF CHAPTER 8 TO PROVIDE COMPREHENSIVE REGULATION OF E-BIKES AND E-SCOOTERS WITHIN THE CITY; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Community Development Services

Subject: Final Plat and Reasoned Statement of Relevant Criteria and Standards, Jackson Hole Junction Subdivision, 1st Amended

For consideration is the application for a Final Plat for Jackson Hole Junction Subdivision 1st Amended. The Planning and Zoning (P&Z) Commission considered this item at its February 4, 2020, meeting and recommended approval of the plat by unanimous vote. Staff concurs with this recommendation.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to accept the Final Plat for Jackson Hole Junction Subdivision, 1st Amended, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Jackson Hole Junction Subdivision, 1st Amended, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: Public Hearing – Ordinance Amending the Form-Based Code to allow Parklets

Because this is an amendment to a Zoning Code, public hearing notification is required. Although the hearing was duly noticed and, therefore, must be placed on the agenda, the full ordinance packet was not fully prepared in time for the meeting and therefore must be tabled. The Planning and Zoning Commission reviewed this item at its December 3, 2019, meeting and recommended approval by unanimous vote.

Community Development Services Director Brad Cramer reiterated the item was included on the agenda per requirements of the Local Land Use Planning Act (LLUPA) although the documentation was not prepared. He indicated this item will be rescheduled for the February 27, 2020 Council Meeting as this type of notice is only published in the newspaper.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to table consideration of the proposed Ordinance to the February 27th, 2020 meeting. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Public Hearing – Planned Unit Development Amendment and Reasoned Statement of Relevant Criteria and Standards Linden Trails Townhomes

For consideration is the application for a Planned Unit Development (PUD) Amendment for Linden Trails Townhomes. The Planning and Zoning Commission considered this item at its January 7, 2020 meeting and recommended denial of the PUD by a 5-3 vote. Specifically, the motion at the meeting stated to recommend denial, “on the basis that (the developers) have an approved amendment that was submitted in July 2019 and there needs to be more discussion between the developer and the Community Development Department of the appropriateness and the best way to continue with this PUD, and there is no indication that they are suffering either financially, or suffering any adverse consequences to the developer to continue development of the PUD with the twin home concept.” This motion was not based on any criteria relevant to approval or denial of the request and staff does not concur with the recommendation and recommends approval of the request.

February 13, 2020 - Unapproved

Mayor Casper opened the public hearing and ordered all items presented be entered into the record.

Director Cramer stated an email was received from Peggy Fransen after the digital packets were distributed. The email was distributed to the Councilmembers prior to the meeting. Director Cramer noted the email was opposed to the PUD. Director Cramer reminded the Council this item is an amendment to a PUD, not a request for a rezone as the zone will remain the same. He presented the following:

Slide 1 – Property under consideration in current zoning of R2

Slide 2 – Aerial photo of property under consideration

Director Cramer noted this is an older photo and does not show all the homes currently built, including the existing townhomes (four-plex style), and some of the twin homes built in the center of the development.

Slide 3 – Additional aerial photo of property under consideration

Slide 4 – Original site plan

Director Cramer stated this development was approved in 2016 for construction of 172 townhome units to be built over six (6) phases. Once three (3) phases were built the developer requested an amendment. This information was reported incorrect in the P&Z meeting. The amendment was requested and approved in 2018 to allow the developer to change the northern half of the development.

Slide 5 – Three (3) phases built out

Slide 6 – Amendment approved in 2018

Director Cramer noted, per Code, there are major and minor amendments when planning new developments. Minor developments are not required to go through a public hearing process and, one (1) of the minor amendments is the reduction of the overall number of units in a development. Director Cramer stated a public hearing would be required if the number of units increased by more than 5%. He also stated in 2018, after some of the twin homes were built, the developer requested a change of 20 twin homes to 40 townhome units which is more than 5% although, the total number of units (150) would still be less than the originally approved 174 units. Following discussion, staff agreed to follow the letter of the requirement. The R2 zone allows townhomes which should not be a point of discussion, as confirmed with legal counsel. Director Cramer stated a PUD allows an elected body to adjust the layout and design if there are reasons to do so. PUD's are required when a developer is trying to do something outside the normal bounds of an ordinance, such as building private streets or platting residential lots that don't front a public street, as in this case. Director Cramer indicated this developer wanted to plat and sell the lots individually and the zoning ordinance would require those lots to be along a public street unless they are in a PUD. He also indicated the question is whether this development meets the requirements of the PUD Code, which it does, and, if any modifications should be made to mitigate any potential problems with the layout or design. Director Cramer stated the Council can deny, approve, or, approve the PUD with conditions. Staff recommends approval due to the P&Z motion as stated in the memo. Director Cramer stated financial suffering is not criteria for approval or denial. Staff is concerned that recommendation is not based on any criteria of the Code. It was made clear in the staff presentation this development meets all of the Code requirements and staff recommends approval. To the response of Mayor Casper, Director Cramer stated the Council should be focusing their scrutiny on what is eligible for consideration. It would be appropriate to discuss the traffic which is a concern to the neighbors. This area had a traffic study performed when it was planned to have 174 units so it is built to have 174 units or more, but if there is something about the layout the Council feels is causing undue traffic burden they could request an additional access point. It would also be appropriate to discuss if the layout indicates the units are too close and not following the ordinance. However to Director Cramer's recollection, there are no violations of any setbacks in this development. If parking was inadequate that could be discussed, however this development exceeds the City parking requirements. Also to the response of Mayor Casper, Director Cramer stated the City does not get involved with Homeowners Association (HOA). To the response of Councilmember Freeman, Director Cramer confirmed there were 172 units planned in November 2016, amended in 2018 to 130, and, the current request is for 150 total units. To the response of Councilmember Francis, Director Cramer confirmed all townhomes are two (2) stories and the R2 zoning does not allow for more than two (2) stories. To the response of Councilmember Dingman, Director Cramer confirmed the two-story buildings will back up to the one-story buildings. To the response of Councilmember Francis, Director Cramer pointed out the driveways are on the front of the twin homes.

Mayor Casper requested any public comment.

February 13, 2020 - Unapproved

Blake Jolley, Connect Engineering, appeared. Mr. Jolley stated a portion of development has created nice changes along Pancheri. He reiterated the dates and density calculations and he believes the PUD has substantially remained the same and if there is any change it has decreased density. He also confirmed the parking is adequate and exceeds minimum parking requirements. The spaces are not always right in front of each dwelling unit although there are spaces available to accommodate with some walking. Mr. Jolley stated the common space has been maintained over 40% and has not decreased even with the decrease in number of the units because the footprints of the buildings stayed the same. He also stated the requirement is 25% open space. None of the amenities have been removed during the amendments. Mr. Jolley reminded the Council that R1 also allows two-story dwellings as well as R2, therefore he does not believe it is a concern with the height of the buildings where two (2) stories are allowed in adjacent zones. Councilmember Radford questioned why they exceeded the 25% requirement of open space to 40%. Mr. Jolley stated this was to provide an open space development and not have everything crammed in. He believes this is a better project due to the 40% open space. To the response of Councilmember Francis, Mr. Jolley confirmed there is open space between each building. He also stated there are walking paths throughout the development to get to the bike path that goes to Broadway. Councilmember Smede questioned the change in units and why the developer is going back and forth. Mr. Jolley deferred that question to the client although he indicated they were trying to provide different ideas for housing and different opportunities.

Dennis Hourany, Wyoming resident and member of the development team, appeared. To the response of Councilmember Smede, Mr. Hourany stated five (5) twin homes were sold, with one (1) twin home still available, in 13 months. He also stated 69 townhomes were sold in 20 months. Those numbers indicate where the market is. Mr. Hourany stated the Division 1 (the southern end with townhomes) required 152 parking spaces with 239 spaces provided, which is 57% over the minimum. Division 3 (the twin homes in the center) required 68 parking spaces with 174 spaces provided. Division 4 (the subject property on the north) required 80 parking spaces with 113 spaces provided. This indicates the development is well over the requirement for parking. Mr. Hourany stated the idea of having the 40% open space versus the required 25% is to create a nicer community.

Sara Hamilton, Blackwood, appeared. Ms. Hamilton stated she is opposed to the PUD as her home backs up to the proposed townhomes. She indicated when she purchased her home in August 2019, she was promised by the builder that more twin homes would be built behind her home. She believes this amendment would significantly damage the resale value of her home and the overall quality of her daily life. She stated her home is a single-story and backs up to the two-story townhome which borders her fence and the parking overlaps property lines. She believes the PUD will increase traffic and parking on the street. Ms. Hamilton wrote a letter including an appendix which shows Blackwood as the main access point for Elmwood and the new proposed street. She indicated the City has a standard that demands high-density housing should be located closer to arterial and collector streets. The proposed amendment violates the standard set by the City. Ms. Hamilton also indicated, according to the Comprehensive Plan Appendix B, the area was not intended to contain high-density housing. She believes that pursuing high-density housing in the area violates the plan set forth by the City. She also believes the amendment to the plan seems to mirror the original intended plan in terms of density but because of the twin homes that are already built, the new amendment is significantly different than the originally approved design. Those people residing in the twin homes were promised more twin homes and bought their homes under that assumption. Ms. Hamilton stated the elected representatives now have the opportunity to represent and protect the owners from predatory business practices. She has collected 40 residential signatures on a petition with complaints about noise, parking, snow removal, and, fire hazards. She stated the streets are private and are maintained by the HOA and the poor snow removal has added to the parking problems. She also stated during the P&Z Meeting the twin homes would not cause a financial burden on the developer merely to state it will not cause additional suffering, but it shows the proposed amendment is unnecessary. Ms. Hamilton indicated the builder has sold 69 townhomes due to building more. He has only built six (6) twin homes with two (2) more in the process and all five (5) have sold prior to being finished. Ms. Hamilton stated she had to beg to buy the model home. She also assumes the sixth unoccupied twin home is being used as a model home. Ms. Hamilton stated the traffic study mentioned was done without the twin homes and does not include the fact that high-density traffic will go through a low-density area. She also stated the townhomes are two (2) stories tall and the majority of the windows on the townhomes face the backyard.

February 13, 2020 - Unapproved

Taylor Houcke, Fox Wood Drive, appeared. Ms. Houcke reiterated none of the homes in Linden Trails were finished or purchased until 2018 after the twin home modification. She recognizes this may have been part of the original plan although it was not part of the plan to any of the current property owners. She stated she went door to door prior to the P&Z Meeting and found no one out of the 25 people were in favor of the change from the twin homes to townhouses. She also stated the majority of the people she contacted live in the current townhouses. After the P&Z hearing, Ms. Houcke indicated she spoke to over 90% of the residents of the Linden Trails development and most were against the proposed density changes. Only two (2) residents chose not to sign the petition as they were short-term renters and did not feel the amendment would affect them. Ms. Houcke believes it is unethical to sell homes and within six (6) months to a year change the entire layout of Linden Trails development by deleting the twin homes. She believes Linden Trails promotes an idea of community living with single-family homes, townhouses, and, twin homes which creates an opportunity for everyone in the community to be part of something, and that is something that Idaho Falls is lacking. She also believes the deletion of the twin homes causes a loss of an aspect. Ms. Houcke believes the quick and quiet change is negligent on the part of the builder and she, along with other property owners, would not have purchased if it had been townhomes. She stated the twin homes will have townhouses on each side and is an unusual and undesirable circumstance. She also stated the biggest concern is the park area and, by changing the twin homes to townhomes will create twice as much traffic to go past the park where children play and that is not ideal to the community. The walking paths have not been maintained by the HOA and if they are not maintained for snow removal, they are not accessible. Ms. Houcke stated there is a lack of twin home or duplex-style housing available. She indicated there were six (6) twin home-style houses available in the Idaho Falls/Ammon area, none of which were on the west side of town and all were built before 1999. This area already has townhomes. Ms. Houcke urged the City Council to reject the amendment and live up to the potential the current property owners were promised.

Curtis Tucker, Periska Way, appeared. Mr. Tucker stated he purchased his home in December 2018. He also stated he had conversation with Mr. Hourany prior to the purchase of his home who was very specific and showed him where the townhouses would be and told him everything else would remain twin homes. Mr. Tucker indicated that was an important part of his decision to purchase the home. He also indicated Mr. Hourany gave his word and Mr. Tucker believes it should stay that way. Mr. Tucker stated there are parking issues. He identified an area that had 5-15 cars in one (1) area that cannot find parking and also showed 16 units that aren't built which would account for 32 cars that are not in the area yet. Mr. Tucker stated in Idaho everyone has a car and, some individuals own trailers. He is against the amendment as he was committed to by Mr. Hourany. He believes the PUD will decrease the value of his home and will increase the traffic in the area.

Councilmember Smede questioned which units are built and which units are proposed. Director Cramer was unsure and deferred to the developer.

Brent Monette, Rexburg, Idaho, appeared. Mr. Monette stated he is the Construction Manager on this project and is contracted by New Earth Development to oversee the construction progress. He also stated he is in attendance on his own volition and not at the request of New Earth Development. Based on conversations with Mr. Hourany and the residents, Mr. Monette identified which units are built, which units are under construction, and, which twin homes are built and occupied. He stated there are two (2) homes with one (1) on the market and one (1) recently occupied. He also identified where Mr. Tucker lives. He recognized some residents that live on Boxwood would be affected by the amendment. He indicated he spoke with residents that live in the back of Boxwood and they shared the same concern for the overall community that others have spoken of. He also indicated he has worked with many of the residents while taking care of warranty issues. He understands HOA cannot enforce parking. He stated the current limited parking is due to the construction and dumpsters. Mr. Monette stated he has agreed to do snow removal inside the community although he was under the impression the sidewalks are the City's responsibility and not the HOA's. He also stated the added units will not affect the snow removal so that is not a valid issue for this hearing but could be brought up with the HOA. Mr. Monette stated the eight (8) planned units have no driveways so that would create less snow removal. Each unit has two (2) spaces if they don't have a garage and 2-3 spaces if they do have a garage, which is adequate. The City will have to enforce parking. Mr. Monette indicated the community was originally designed for a diverse economic group. He also indicated the townhome development would be chosen over the twin home development for the middle-income housing as the townhome provides great

February 13, 2020 - Unapproved

economic diversity. To limit one (1) from the other is a jump in \$100,000 of buying power which changes the income demographic by 10,000-20,000/year per person. Without townhomes, teachers, educators, firefighters, nurses, etc. are limited to purchase and live in this community. An average income and median income for Idaho Falls is \$58,000. Townhomes would add value to the community. Mr. Monette stated a lot of people are paying cash for their townhomes which he believes is wise. If the amount of housing is reduced 20 taxpayers are taken away from the community and that makes a big difference in the type of funding that schools get. Mr. Monette commended the Council on this type of forum as part of the democratic process.

Peggy Fransen, Boxwood, appeared. Ms. Fransen stated the townhomes have a garage option to be purchased for additional parking, although the new townhomes would not have that option. She also stated it was noted in the P&Z Meeting the bulk of the population should be towards the outlet, however the new amendment puts the townhomes in the center of the development. Ms. Fransen detailed a route through the neighborhood if a resident wanted to get to Broadway.

Eric Peterson, Idaho Falls, appeared. Mr. Peterson stated he lives in a twin home and expressed his concern with parking – he indicated the residents in the townhomes have three options to park but the options are not near their townhome and instead they park on Periska Way; with the snow removal – he believes there is no place to put the snow being removed; and, with traffic and the route to get to an outlet. He believes residents with young children would also be concerned with traffic. Mr. Peterson stated he can afford the twin home as the only earner in his family, he doesn't believe people cannot afford the twin homes.

Nicole Young, Idaho Falls, appeared. Ms. Young stated she lives on the east side of town as there are more opportunities for housing. She believes there is a need for housing and increasing the amount of housing opportunities is beneficial. She indicated more twin homes and less townhomes are being built. She believes there is a demand for townhomes and she is excited to see the west side being developed as she believes increasing the amount of properties available on the west side of town is beneficial to everyone. Ms. Young believes the townhomes have a better pricing for people with lower incomes.

Heather Anderson, Idaho Falls, appeared. Ms. Anderson stated she is excited for the new development and believes there is a need for affordable housing on the west side of town. She indicated following a search for houses under \$200,000, there were approximately 12 houses available on the west side, four (4) of them were townhomes, and, the rest were older homes. Ms. Anderson believes people will benefit from the PUD and is in support.

Doug Crawford, Blackwood, appeared. Mr. Crawford stated he purchased his property in September because of the layout of the neighborhood and the plan that was presented. He indicated he saw a plan in 2017 although he is unsure if that was the approved plan. Mr. Crawford agrees with the points against the plan. He indicated he will be disappointed if the City had an opportunity to do something about this but didn't. He also indicated all those in favor of the amendment do not live in the neighborhood.

Ty Bergeson, Blackwood, appeared. Mr. Bergeson stated everyone bought into the neighborhood on a promise of a really interesting balance with a good share of townhomes and a nice balance of twin homes. He believes the trust was violated if the plan is reversed and amended after everyone has purchased based on a plan presented to them. Mr. Bergeson is opposed to the PUD as he believes it upsets the balance of the unique development.

Mr. Peterson reappeared. Mr. Peterson stated the single-family homes are approximately \$400,000 and there is a huge disparity on the single-family homes and the townhomes. He also stated the single-family area has three (3) housing plans which are all around \$400,000; the townhome is \$200,000 or under; and, the twin homes are \$250,000. He does not believe he would be able to sell a single-family home for what he paid for it if townhomes are built next to it. Mr. Peterson stated traffic is a concern although he might feel different if there was another outlet.

Jonathan Wilcox, Blackwood, appeared. Mr. Wilcox indicated the townhomes on the south end are bought and sold as rentals. He also determined one (1) or two (2) of the townhomes are being used as group homes. Mr. Wilcox

February 13, 2020 - Unapproved

stated Ms. Houcke and her husband were able to afford a \$400,000 home and she is a teacher and, Ms. Hamilton purchased her house at the age of 22 for over \$250,000. He does not believe the twin homes are out of reach for young individuals or people looking for a middle-range house. Mr. Wilcox believes the PUD gives the elected representatives the opportunity to protect their constituents from out of State individuals that are looking to turn a quick profit. He stated it does not matter whether the PUD meets all the codes if it doesn't suit the constituents or the people in the neighborhood, it has the ability to be denied.

Yasir Arafat appeared. Mr. Arafat stated he purchased his home on Periska Way hoping he would be able to sell the home in a couple of years with the rise of housing values. He expressed his concern for the update and the traffic as presented by the neighbors. He stated the common area did fulfill the code requirements but because there are no outlets on the adjacent streets he expressed his concern about taking kids to the park with the traffic on the road.

To the response of Councilmember Francis, Director Cramer confirmed the City has no responsibility to plow or maintain the interior street and, the City is not responsible for the sidewalks, contrary to public testimony. He also confirmed the green space within the PUD is maintained by the HOA, not by Parks and Recreation. Also to the response of Councilmember Francis, Director Cramer stated the City initially enforces that development meets the minimum parking requirement of code which is two (2) stalls per housing unit. If someone is blocking a public intersection the police should be notified and the vehicle can be towed but parking is allowed on public streets throughout most of the City unless it is posted no parking. He also stated if there is a parking problem in a way that blocks a fire lane the police should be notified as that can be addressed as a safety issue. He indicated the City must be notified of parking problems as there is not patrol for blocked fire lanes. Councilmember Francis questioned what contingency the Council has. Director Cramer stated the number of units is not something that can be changed as the zone allows 17 units per acre and this development has proposed 8.9 units per acre. He also stated if there is a legitimate reason for safety, outside of normal standard, etc., those are potential reasons to have a building moved or repositioned. Councilmember Francis clarified it is not in the Council's parameters to say fewer buildings must be built if within the code. To the response of Councilmember Hally, Director Cramer stated the HOA could determine the types of homes being built but the City would have nothing to do with it as the City will allow what the zone allows. Also to the response of Councilmember Hally, Mayor Casper clarified the record indicates there is an HOA. Director Cramer clarified the R2 and R1 Zones both allow a maximum of a two-story building. The developer would have been within his right to build two-story twin homes with no public hearing as the height is a right allowed by the zone. Director Cramer stated the access plan was still okay with the original plan that had 172 units. He also stated the City looks at the PM peak hour and a traffic study is required when there will be more than 200 peak-hour trips. In this case it was determined the 20 additional units will add 20 additional trips in the course of an hour. This equals one (1) car every three (3) minutes, which is not a significant change.

Mr. Hourany reappeared. Mr. Hourany stated the tenants on the lower right side of the townhomes park in front of the unit in the fire lane and they are not allowed to park there. He indicated there is legal parking 20 feet away although the tenants won't park there. He also indicated no matter where parking is located it is a function of wanting to park as close to a front door and, the perimeters are always empty. Mr. Hourany stated two (2) garage complexes would allow potential home buyers to have a garage which wasn't opted for it. A purchase of a townhome also required purchase of a garage as that was the only way to sell the garages and, they were sold at a loss. Therefore, it didn't make sense to add garages to the amendment. Mr. Hourany stated the walking path is a City asphalt walking path and, the sidewalks are the homeowners' responsibility. He also stated the walking path, which was required, is parallel to Periska Way and is a continuous path that partially runs through the City, however, because the City didn't maintain the path, the HOA took the responsibility. Mr. Hourany stated the open space is 43% as opposed to the required 25% which requires more snow to store. He also stated the retention basin can hold a lot of snow although snow is currently being pushed to the empty lots as it is closer and more convenient. Mr. Hourany stated the fire lane is not blocked and is not allowed to be blocked, however, owners use this fire lane as an egress. Mr. Hourany stated the HOA monitors parking, sends out notices, and, advises owners the vehicles will be towed if they are not moved. Mr. Hourany stated snow removal has been a challenge for the whole City this year. He requested to know what law or ordinance was not met if the amendment is denied. To the response of Councilmember Francis, Mr. Hourany stated due to the lava on some of the lots there will be some two-story homes although there is no guarantee that every home will be single-story but they will design the home so it

February 13, 2020 - Unapproved

is not imposing. Mr. Hourany also stated the homes are developed garage-to-garage so it's not a car to a front door, which is friendlier, and there is a plan for screening between the proposed amendment and the twin homes with landscaping. Mr. Hourany stated the promise of twin homes throughout was never the case. There is a document that shows twin homes, but this is economics and for over two (2) years they were able to sell 10 single-family homes and in 13 months they sold five (5) twin homes and the one (1) which is still for sale is not a model home. Mr. Hourany stated the first five (5) twin homes were priced right, and the economics are pushing the price up. Because of the demand for the townhomes he believes this is best for the community and best for him as a developer. Mr. Hourany noted they are an Idaho Corporation.

Mr. Jolley reappeared. Mr. Jolley clarified Periska Way is a residential collector, designed to collect higher volumes of traffic. He stated he worked with the City Engineer to create the traffic pattern to receive higher volumes of traffic specifically for this development. He also stated this PUD had no requested setback reductions and all setbacks meet the standard.

Mayor Casper closed the public hearing.

Mr. Fife stated the City Council does not have the role to redesign the application. He also stated, per Code, there are ways to change what is proposed. The City does not control HOA or covenants or restrictions. The Council looks at whether or not the application complies to the regulations and any adjustments must be based upon the reasons of the Reasoned Statement of Relevant Criteria and Standards. The economics is not part of the Council's role other than from a design and compliance standpoint. Mr. Fife reminded the Council to compare the City Code to the application. If the application meets the Code the law requires that Council grant the application. Council must view the application for design, compliance, and, functionality but not with the interior unless there is a safety issue. Councilmember Francis believes the parking might not be the best solution, although it was a thought to keep the open space between the twin homes and the townhouses. Councilmember Freeman understands the frustration, but the developer is well within the legal rights with the amendment.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to approve the Planned Unit Development for Linden Trails Townhomes as presented. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Linden Trails Townhomes as presented, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Public Hearing – Ordinance and Reasoned Statement of Relevant Criteria and Standards Rezoning Property from RP to R3, 2550 Richards Avenue

For consideration is the application to rezone property located at 2550 Richards Avenue from RP to R3. This item was considered by the Planning and Zoning Commission at its December 3, 2019 meeting. The Commission recommended approval of rezoning the property to R2, rather than R3, by unanimous vote. Staff believes the R3 is still a more appropriate zone in terms of matching the existing zoning scheme in the area, although R2 is also supported by the principles of the Comprehensive Plan.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record.

Director Cramer presented the following:

Slide 1 – Property under consideration in current zoning

Director Cramer stated this area was part of a City-initiated annexation and the City recommended RP because of the existing land use. The requested rezone is for potential changes to development on the site. Staff recommended R3 because the property to the south is also R3 therefore, the zoning would match. It is also consistent with the Comprehensive Plan to have higher density next to the intersection of two (2) collectors and an arterial. P&Z recommended R2, either zone would be consistent with the Comprehensive Plan.

February 13, 2020 - Unapproved

Slide 2 – Comprehensive Plan Future Land Use Map

Director Cramer reiterated R2 and R3 would be consistent with the designation on the Comprehensive Plan Map.

Slide 3 – Aerial photo of property under consideration

Slide 4 – Additional aerial photo of property under consideration

Director Cramer stated R2 has more stringent setback requirements especially from public streets. This piece of property has two (2) public streets that the property fronts. He also stated the front setback in R2 would be 20' on both sides of the street and, R3 would reduce the setback to 15'. Parking is not allowed in the front setback of either zone and would require the parking to be pushed back away from the public streets. R2 has two-story maximum, R3 has no specific height requirement. R2 restricts the number of units per building to four (4) although multiple buildings could be placed on the site. R3 has no limit to the number of units in a building. R2 allows 17 units per acre, R3 allows 35 units per acre. There is no specific height restriction in R3, however, because there are single-family homes to the north the limit on height is 24' unless the building is pushed farther away from the single-family home. For every 1' of building height above 24' the buildings have to move an additional 2' away from the single-family home. Director Cramer explained the building would not be closer than 48' from the single-family to the north, and for every 1' of building height past 24' the building would shift 2' away from the single-family dwelling.

Slide 5 – Photos of St Clair Road and Richards Avenue

Director Cramer reminded the Council no specific development plans should be discussed. The question should be whether or not the request is consistent with the Comprehensive Plan and, does the zone make sense for the area. Director Cramer stated the request is for R3 which would fit the Comprehensive Plan and a recommendation from P&Z. R2 would also fit within the Comprehensive Plan. He also stated the property has limitations that would prohibit density, including parking requirements, landscaping requirements, and, height restrictions, so it would not be practical to think the density would be met for R3. To the response of Councilmember Francis, Director Cramer indicated there is a dispute on the size of the property. The tax records indicate it is 1.1 acre, which is being used as the legal description. Councilmember Francis questioned the entry/exit into the property and whether it would make a difference being R2 or R3. Director Cramer stated the Comprehensive Plan reads that when there is a higher-density development it should have access onto the collector, which would be St. Clair, rather than local access, which is Richards. Councilmember Hally believes parking is restricted on the west side of St. Clair. Councilmember Dingman stated R3 is consistent with the property around it, and since the applicant has requested R3 there is not a reason to deny based upon the principles of the Comprehensive Plan, although the R2 also makes sense. Director Cramer concurred. He indicated that staff has continued to recommend R3 because of the adjacent zoning and R2 might look like a spot zone. Spot zoning is granting a special privilege although R2 would not be a spot zone as it would be consistent with the Comprehensive Plan.

Mayor Casper requested any public comment.

Nathan Saunders, owner of the property and the applicant, appeared. Mr. Saunders stated there is parking on the street by the high-density apartments. His family owned all of the surrounding property and the development of the family farm has gone to developing the City. He also stated when he bought the property he was not annexed and since being annexed he has been told that he has to spend \$80,000 to bury the canal so there can be on-street parking for the City. Mr. Saunders stated if he had understood the restrictions on RP at the time of annexation, he would not have agreed to RP zoning and would have requested R2 or R3 as the sidewalk and canal were not discussed at the time of annexation. Mr. Saunders would like to stay consistent with the neighbors to the south for the density. He stated the homes that would be most impacted by height has trees so he believes there is no impact on the neighbors. The goal would be to exit onto St. Clair and block off access to Richards Avenue with the exception of a possible fire exit.

Sterling Barnes, Autumn Lane, appeared. Mr. Barnes stated he is working with Mr. Saunders with the intent to build four-plexes on the property but has not defined plans until the zoning is approved. He also stated that they prefer to build high-density affordable housing for the community. The R3 designation has sufficient restrictions with the practical height restrictions and setbacks and, R3 is justified and would blend well with current adjacent property on the south and the north.

February 13, 2020 - Unapproved

Jeremy Westwood, Legend Circle, appeared. Mr. Westwood stated he lives in the subdivision adjacent to the subject property. He also stated R3 has no height restrictions although there are ways developers can increase height, including underground parking. He believes R2 is perfect for four-plexes. Mr. Westwood stated staff recommended RP when the property was annexed in December 2018. RP is consistent with everything adjacent to it, except for the apartments and the apartments are the skinniest portion. Mr. Westwood stated this would be the last hearing for members of the community if zoned R3 and the developers could do whatever they want that is consistent with R3 zone. He expressed his concern the developer might not have to pipe the canal as the other developers were required to do. He also expressed his concern with the possible access to Richards Avenue as that access would not be consistent with the Comprehensive Plan. Mr. Westwood indicated he is an owner in Big Sky Apartments and is pro-development. He indicated development of Big Sky property is 15.8 units per acre and meets an R2 requirement. Mr. Westwood expressed his concern about parking on St. Clair and the City's lack of enforcement. He stated two (2) years ago R3 zoning was requested on the corner of E. Sunnyside and Springfield. He also stated the zoning was rejected by P&Z because of the height. Mr. Westwood believes this is the exact same situation as R3 has no height restrictions and, there are ways around the setback and parking requirements. He stated a precedent has been set with the Sunnyside/Springfield property. He reminded the Council that P&Z unanimously approved R2.

Mayor Casper reminded the Councilmembers the proposed use should not be on the list of considerations in a rezone so any reference to what might be built is not relevant.

Luke Stallings, Legends Circle, appeared. Mr. Stallings would like the house to remain a single-family home. He understands it is an old farmhouse and some development needs to be done so the compromise of finding middle ground with the neighbors should be R2. He understands the property to the south is zoned R3, but it is developed more to the standard of an R2. He is unsure of the parameters when the property was built and whether standards have changed but he believes this property should be R2 which would create a buffer between the R1 and R3.

Davette Bogart, Richards Avenue, appeared. Ms. Bogart stated she lives in the twin homes north of the property on 25th Street. She agrees with comments from Mr. Westwood. She believes R2 would be more appropriate in this situation and would avoid tying the hands of the public and the Council. She also stated once the developer gets the zone then anything that is allowed can happen even after the plan is approved. Ms. Bogart read from the Comprehensive Plan: "The Map does not speak to the livability of the community, does not address how new development looks, or how it works, it does not help us create change that is good or better than what we presently have." She believes this is the opportunity for the Council to "Manage growth, to minimize disruption, to create linkages and improve attractiveness of the community." Ms. Bogart stated three (3) sides of this property are single-family homes. "To manage growth communities have to increase the ability . . . we will have to return to the community to ask for continuing evaluation." Ms. Bogart believes this is the community's opportunity to speak to the Council about this property. She also believes R2 is good as it keeps the height and serves all purposes.

Brent Tueller, Legends Circle, appeared. Mr. Tueller stated his was the second house built in the area. He agrees with the comments from the neighbors although he added if the developers want to build duplexes there shouldn't be a problem to understand R2 would be the best zoning. Mr. Tueller would like to keep his property value, he believes R3 would devalue his property.

Councilmember Freeman questioned piping of the canal being required in R2 and not required in R3. Director Cramer stated he is unsure and deferred to the applicant. He also stated no improvements are required, including curb, gutter, and, sidewalk, until development happens which would be true of any zone. To the response of Councilmember Freeman, Director Cramer stated the zone change would not change the ability to access Richards Avenue although it would depend on what and how it gets built. He stated R2 and R3 allow lower-density and higher-density development so some lower-to-medium-density could be allowed access onto Richards Avenue but high-density wouldn't be allowed. Mayor Casper questioned the relevancy of the smallest point of adjacency of the R3. Director Cramer stated the size is not relevant as the proximity is what counts with the Comprehensive Plan. He also stated if it is contiguous to the zone, it is designated for higher-density. Mayor Casper questioned how height is measured and, the underground parking tactic. Director Cramer stated height is height and if the building goes up it

February 13, 2020 - Unapproved

has to be moved away from the single-family. He also stated the underground parking would be a way to achieve greater density by getting rid of the surface parking although it would not create more height. To the response of Councilmember Freeman, Director Cramer stated the apartments to the south are 15 units per acre. 17 units per acre is allowed in R2. To the response of Councilmember Francis, Director Cramer stated there would not be a preliminary plat hearing as this would likely be developed as a single lot. There would also not be another public hearing with the exception of a public hearing for a PUD. He added there is an appeals process if the vote goes R3, then the applicant has the right to request reconsideration. Director Cramer noted the ordinance and the Reasoned Statement were written in favor of R3.

Mr. Saunders reappeared. To the response of Councilmember Radford, Mr. Saunders stated he prefers R3 to leave the options open in reference to density. He is willing to look at R3 with a height restriction and that is what happened to the south. He stated he stays in a house with three (3) kids, two (2) bedrooms, and, no furnace, but any development he does on the house will require him to bury the canal. Mr. Saunders stated Richards Avenue residents have considered their roads to be private and development will require the City streets to be used by people. He also stated the goal is to exit onto St. Clair, bury the canal, and, make the road wider so it is safer for the families living in the unit.

Director Cramer stated development agreements were used to place restrictions outside of normal zoning standards and that should never have been allowed.

Mr. Westwood reappeared. Mr. Westwood clarified the canal not being buried are direct comments from staff on the staff memo. He stated underground parking allows the unit in the middle of the property to meet any required setbacks and parking and, height can go as higher with the density based upon the parking underground.

Director Cramer stated if required street improvements can be completed without burying the canal then that is acceptable, although if not, the canal will need to be buried or relocated. The City cares about the street improvements, curb, gutter, and, sidewalk. To the response of Mayor Casper, Director Cramer stated fire code requires a second access after 30 units and that would require an R3 zone. To the response of Councilmember Dingman, Director Cramer confirmed curb, gutter, and, sidewalk improvements are required regardless of R2 or R3. To the response of Councilmember Francis, Director Cramer stated "possibility" would remain in any zone.

Mayor Casper closed the public hearing.

Councilmember Francis believes transition makes most sense with R2. He expressed his appreciation for the housing demand and he believes more than one (1) house on this property will help meet City demand, although that could be accomplished with the R2. Councilmember Freeman concurs with Councilmember Francis and P&Z. He also believes the current R3 is more in-line with R2 and, the transition of R2 would be good. Councilmember Hally stated he uses this street often and is cautious as there are children on the curb. He is in favor of limiting density and is leaning towards R2.

It was moved by Councilmember Radford to approve the Ordinance Rezoning M&B: 1.1228 Acres NW1/4 of the NW1/4 of the SW1/4, Section 28, T 2N, R 38E, from RP to R3 under suspension of the rules that require three complete and separate readings and that it be read by title and published by summary. Motion died for lack of a second. It was then moved by Councilmember Francis, seconded by Councilmember Hally, to approve the Ordinance Rezoning M&B: 1.1228 Acres NW1/4 of the NW1/4 of the SW1/4, Section 28, T 2N, R 38E, from RP to R2 under suspension of the rules that require three complete and separate readings and that it be read by title and published by summary. Mr. Fife believes additional work may be required on the ordinance due to the amended motion. Following a review of the proposed ordinance, Director Cramer believes there are minimal changes. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Smede, Dingman. Nay – Councilmember Radford. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

February 13, 2020 - Unapproved

ORDINANCE NO. 3299

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF 1.128 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM RP ZONE TO R2 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Mr. Fife stated, per consensus of the Council, any adjustments within the ordinance will be reflected by the title reading,

It was moved by Councilmember Francis, seconded by Councilmember Freeman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezoning of M&B: 1.1228 Acres NW1/4 of the NW1/4 of the SW1/4, Section 28, T 2N, R 38E, from RP to R2, making the necessary adjustments in the Reasoned Statement to reflect the previous motion, and give authorization for the Mayor to execute the necessary documents. Director Cramer stated the Reasoned Statement, II. Decision, will require an amendment. Roll call as follows: Aye – Councilmembers Dingman, Francis, Smede, Hally, Freeman. Nay – Councilmember Radford. Motion carried.

Subject: Public Hearing – Subdivision Ordinance Amendments

For consideration are changes to the Subdivision Code which clarify various procedures and requirements. Many of these needed changes were brought to light following a recently appealed plat. During that process, a number of confusing and missing elements were discovered. These proposed changes address those issues. The changes also include a thorough description of various meeting types and procedures. This is a requirement of the Local Land Use Planning Act but has been missing from our codes. The Planning and Zoning Commission considered these changes at its December 3, 2019, and recommended approval by unanimous vote.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record.

Director Cramer stated this is mainly clean-up work. He reiterated the amendments include clarifying appeals and procedures, application procedures, and, the addition of procedures for quasi-judicial hearings as required by the LLUPA. These procedures define one (1) hearing versus two (2) hearings, how the meetings run, and, the options for testifying and appealing. This will comply with State Code.

Seeing no one present for public comment, Mayor Casper closed the public hearing.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to approve the Ordinance amending City Code Title 10, under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3300

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CITY SUBDIVISION CODE TO CLARIFY PLATTING PROCEDURES; AMENDING THE ZONING CODE BY ESTABLISHING HEARING AND MEDIATION PROCEDURES FOR CERTAIN LAND-USE MATTERS; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Public Hearing – Zoning Ordinance Amendments

February 13, 2020 - Unapproved

For consideration are changes to three sections of the Zoning Ordinance. First is to correct some numbering issues that were inadvertently created with a previous adjustment to the code. The second change is to adjust standards for accessory dwellings and blank walls on commercial buildings. The changes to blank wall requirements are a result of monitoring issues with the current requirements over the past 12-18 months. The final change is to adjust standards for screening and open storage. The current language has created confusion and need to be clarified. The Planning and Zoning Commission considered these changes at its November 5, 2019, and January 7, 2020, meetings and recommended approval by unanimous vote. Staff concurs with this recommendation and respectfully requests approval of the changes.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record.

Director Cramer stated amendments include numbering errors from previously adopted changes; adjusting setback standards for accessory structures that were not consistent with main structures; and, adjusting blank wall standards and screening requirements for open storage and service areas.

Seeing no one present for public comment, Mayor Casper closed the public hearing.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to approve the Ordinance amending City Code Title 11, Chapters 2, 3, and 4 under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3301

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 11, CHAPTER 2 TO CORRECT NUMBERING IN THAT CHAPTER; AMENDING CHAPTER 3 TO MODIFY ACCESSORY STRUCTURE SETBACKS AND COMMERCIAL ZONE BLANK WALL AND SCREENING REQUIREMENTS; AMENDING CHAPTER 4 TO CLARIFY ENTRY WALL STANDARDS IN THE TRADITIONAL NEIGHBORHOOD ZONE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE

Announcements:

Mayor Casper wished everyone a Happy Valentine's Day and, she stated Engineers Week is forthcoming with several youth activities.

Adjournment:

There being no further business, the meeting adjourned at 11:16 p.m.

CITY CLERK

MAYOR



MEMORANDUM

FROM: Michael Kirkham, Assistant City Attorney
DATE: Monday, February 24, 2020
RE: Destruction of Certain Temporary Documents

Council Action Desired

- Ordinance Resolution Public Hearing
 Other Action (Approval, Authorization, Ratification, etc)

Adopt the resolution to destroy certain temporary records listed in the resolution, pursuant to Idaho Code § 50-907.

Description, Background Information & Purpose

The Resolution would authorize the destruction of certain temporary records which have no intrinsic, historical, or other value. Prior to the destruction of temporary City records, Idaho Code § 50-907 and the City’s record retention Resolution No. 2016-22 requires that the destruction be ordered by the Council. This resolution meets the requirement to order the destruction of the records specifically listed in the resolution.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Interdepartmental Coordination

All records slated for destruction were submitted by the various city departments.

Fiscal Impact

This action will have known fiscal impact.

Legal Review

n/a

RESOLUTION NO. 2020 –

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE CLASSIFICATION AND DESTRUCTION OF CERTAIN TEMPORARY PUBLIC RECORDS PURSUANT TO IDAHO CODE § 50-907; PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Code allows for the classification and retention of certain records as “permanent”, "semi-permanent" and "temporary" records; and

WHEREAS, “temporary” records are those which need to be retained for less than five (5) years and are so classified by the Council; and

WHEREAS, "semi-permanent" records are those which must be retained for a period of five (5) years after the date of issuance or completion of the matter contained within the record; and

WHEREAS, Idaho Code § 50-907 allows for the City Council to order the destruction of those records which are not considered historical; and

WHEREAS, the records listed herein are only those records which are considered to be "temporary" or "semi-permanent" records pursuant to the Idaho Code; and

WHEREAS, such temporary or semi-permanent records have been classified as such by the Council hereinbelow; and

WHEREAS, Council has determined that such records have no intrinsic, historical or other value which would preclude their destruction;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO AS FOLLOWS:

That the following records be classified as “temporary” and that their destruction is hereby ordered by the Council:

FROM THE HUMAN RESOURCES DEPARTMENT:

1. All Month-end Reports prior to 2016.
2. Terminated employee’s files for employees separated over 10 years.
3. Travel expense reports prior to 2016.
4. Physical and Hearing Exam Reports for employees separated over 10 years.
5. Supervisor’s Reports of Accidents prior to 2016.
6. Accident on Duty Compensation Payment Reports prior to 2016.

FROM THE CITY ATTORNEY’S OFFICE:

1. Archived files from Holden, Kidwell, Hahn, & Crapo from prior to 2015 including:
 - a. City of Idaho Falls – Gem Lake Development
 - b. Beco v. Idaho Falls
 - c. City of Idaho Falls v. Jack Flynn
 - d. Public Works – 1993
 - e. City of Idaho Falls – Bonneville Metropolitan Planning Organization
 - f. City of Idaho Falls – IPP3 Project
 - g. City of Idaho Falls v. DEQ
 - h. Wastewater Treatment Plant Facilities Plan
 - i. City of Idaho Falls – Area of Impact
 - j. City of Idaho Falls – Communication/Pole Attachment Agreement
 - k. City of Idaho Falls – Model City Code Small – Master
 - l. City of Idaho Falls – ROW Management Ordinance

FROM THE IDAHO FALLS POLICE DEPARTMENT:

1. IFPD personnel records prior to 2010.

FROM THE PUBLIC WORKS DEPARTMENT:

The following records that were created prior to 2015:

1. Archived legal files
2. Payroll computer print outs
3. Organizational charts
4. Suggestions box
5. Radio reports – base and vehicles
6. Municipal Employees Association reports
7. Affirmative Action reports
8. Vehicle fuel consumption and mileage reports
9. Vehicles taken home report
10. Vehicle accident report procedure
11. State Insurance Fund – Employee Health Insurance
12. Safety procedures, policies, and reports
13. Resumes
14. Public Works Meetings:
 - a. Committee Meeting minutes
 - b. Staff Meetings (Departments) minutes
 - c. Division Director’s meeting minutes
15. Public Works Department Monthly Reports and Building Inspection Reports
 - a. Water Department Building Inspection and monthly reports
 - b. Sewer Department Building Inspection and monthly reports
 - c. Sanitation Department Building Inspection and monthly reports
 - d. Street Department Building Inspection and monthly reports
 - e. Engineering Department Building Inspection and monthly reports
 - f. Annual Department Reports and Status Reports
16. Treasurer’s Monthly Cash Report
17. Appraisals of City-owned property

- a. Southwest corner Eagle Rock and Shoup
- b. Torneton property – 482 Cliff St.
- c. North Yellowstone and Elva – City Garage property
- 18. Meetings, conferences, committees, seminars, and presentations
- 19. Idaho Falls Fiscal Impact Analysis
 - a. Lee Nellis Study
 - b. Abby Byrne Study
 - c. Area of City Impact
 - d. Capital Facilities Plan
- 20. Developer Exactions Survey – Homer Hoyt Center for Land Economics and Real Estate Administration
 - a. Golf Course – Annexation (North of City, East River Road)
 - b. Snake River – Rip Rap
 - c. Economic Development
 - i. SEG
 - ii. Micron correspondence
 - iii. Logen Corporation
 - d. Idaho Falls Downtown Development Corporation/BID
 - e. Regional Special Events Center
 - f. State Department of Correction – Hemmert Avenue property
 - g. Business location inquiries
 - h. Urban Redevelopment Agency
- 21. Community Development projects – H.U.D. Grants
- 22. State of Idaho information
 - a. A.I.C. City/County Task Force
 - b. City Report
 - c. A.I.C. – Local Government Legal News
- 23. Advertisement for Bids
- 24. Upper Snake River Reservoir System Capacity
- 25. Water Supply Outlook for Idaho
- 26. Highway Information
 - a. Idaho Highway Information (condition, construction, etc.)
 - b. State Highway work zone safety campaign
 - c. Local Highway Technical Assistance Council (LHTAC)
- 27. Climatological Data
 - a. Monthly precipitation report
- 28. Social and Economical profile of Bonneville County and Idaho Falls
 - a. Questionnaire – Environmental impact
- 29. Environmental Quality / Requirements for City and Small Governments Engineering
 - a. Safety meeting minutes
- 30. Directory of Licensed Public Works Contractors of Idaho
- 31. Committees and organizations
- 32. Equipment files
- 33. All other City Department files
- 34. Miscellaneous
 - a. Bidder’s list

- b. Correspondence (interoffice and Mayor)
- c. Correspondence (outside)
- d. Aerial photography
- e. Irrigation Ditch Agreement (Ziebarth-Tautphaus-25th St. and St. Clair Road)
(Johnson Pump – Meppen Canal)
- f. Flood control file
- g. Division Head Meetings
- h. Land Acquisition – State Highway Agreements – Forest Service
 - i. Museum site and highway maintenance site
 - ii. City property near Fremont – East River Road
- i. Office space and storage
- j. City Hall Annex (Smith Building)
 - i. Air Conditioning System
 - ii. Remodeling
- k. Other cities
- l. Unity dispatch record
- m. School district
- n. Complaints
 - i. Fences – Market Road, 12th, and St. Clair Road
 - ii. Litter
 - iii. Signs and lights
 - iv. Public nuisance
 - v. Dilapidated structures, demolition license, and release (Daisey Linger
Burbidge – Armstrong), garage – 1st and Lomax
- o. Miscellaneous Public Structures
 - i. Operation and maintenance
 - ii. Highland grandstand
 - iii. Ridgemont House
 - iv. Parking structures
 - v. Equipment storage building
- p. Climatological data
- q. Air pollution control claims
- r. Mountain States Telephone and Telegraph Company
- s. Intermountain Gas Company
- t. Claims (Russ Dahl)
- u. Microfilming
- v. United States flags – decals and regulations
- w. Public transportation
- x. Cable TV
- y. Noise pollution
- z. Senior citizens
- aa. Efficiency experts – Jack Bedford
- bb. Environmental Resources Impact Study
- cc. United States Postal regulations
- dd. Allocation of capital and surplus – Idaho First National Bank
- ee. Civil defense

- ff. River Parkway rock wall
- gg. Conference on Children
- hh. Sign Shop building
- ii. Miscellaneous City-owned property
- jj. Energy management and conservation
- kk. Ethanol plant concepts

Separated employee files for employees prior to 2010.

FROM THE CITY CLERK'S OFFICE:

1. Monthly Departmental reports prior to January, 2016.
2. License applications for businesses, tradesmen, and child care prior to January, 2016, and related documentation.
3. City Council Call Sheets prior to January, 2018.
4. Damage Claims prior to January 2010.
5. City Clerk's Office Receipts prior to January, 2016.
6. Other related documents prior to January, 2016.

FROM THE CONTROLLER'S OFFICE:

1. Payroll records older than 2015. Items include timesheets, subsidiary calculations, and abt, benefit, tax, add pay registers.
2. Accounts payable older than 2015. Items include invoices and canceled checks
3. Journal entries older than 2015, including the supporting records for journal entries that recorded financial and budgetary adjustments

FROM THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT

1. Residential building plans prior to 2017.

FROM IDAHO FALLS POWER:

The following records:

1. Transitory correspondence prior to 2015
2. Employee time records prior to 2015
3. Employee travel records prior to 2015
4. Purchase orders & requisitions prior to 2015
5. Contracts/agreements expired prior to 2015
6. Liability Claim Reports 2010 and prior
7. Terminated employee files for employees separated over 10 years
8. Energy efficiency program loan documents created prior to 2015

ADOPTED and effective this ___ day _____, 2020.

CITY OF IDAHO FALLS, IDAHO

Rebecca L. Noah Casper, Mayor

ATTEST:

Kathy Hampton, City Clerk

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO
HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Resolution entitled,
“A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL
CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE
CLASSIFICATION AND DESTRUCTION OF CERTAIN TEMPORARY PUBLIC
RECORDS PURSUANT TO IDAHO CODE § 50-907; PROVIDING THIS
RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL AND
PUBLICATION ACCORDING TO LAW.”

Kathy Hampton, City Clerk

When final plats meet the requirements of the subdivision ordinance, the ordinance requires such plats be approved. This plat complies with the code and approval of the plat is consistent with the City's goals for good governance.

Interdepartmental Coordination

The Final Plat has been reviewed by Planning, Engineering, Water, Sewer, Idaho Falls Power, Survey, Streets, Sanitation, and Fire Prevention.

Fiscal Impact

NA

Legal Review

Legal has reviewed the Development Agreement.



Janessa Ln

Linda St

Thomas Dr

Linda Cir

Donna Dr

Blackwood

Trails End

Elmwood

Peniska Way

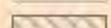
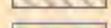
Boxwood Dr

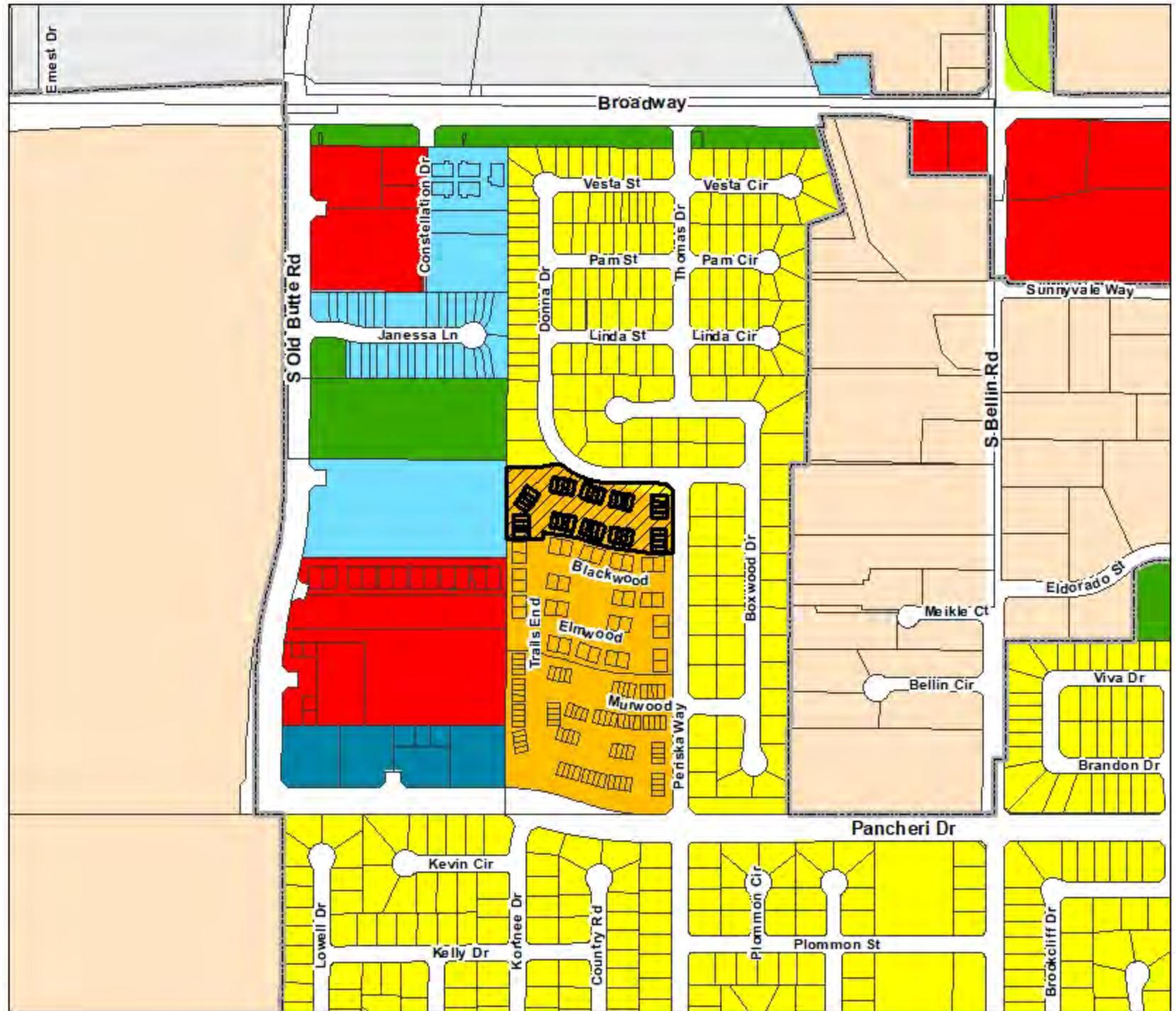
Murwood

Legend

-  Site
-  City Limits
-  Area of Impact

Overlays

-  PT
-  PT&T-1
-  PUD
-  T-1
-  T-2
-  RE
-  RP
-  R1
-  R2
-  TN
-  RMH
-  R3
-  R3A
-  PB
-  DT
-  CC
-  LC
-  HC
-  R&D
-  LM
-  I&M
-  P



IDAHO FALLS

Planning Division
 City Annex Building
 680 Park Ave.
 Idaho Falls, ID 83402
 (208) 612-8276



Legend



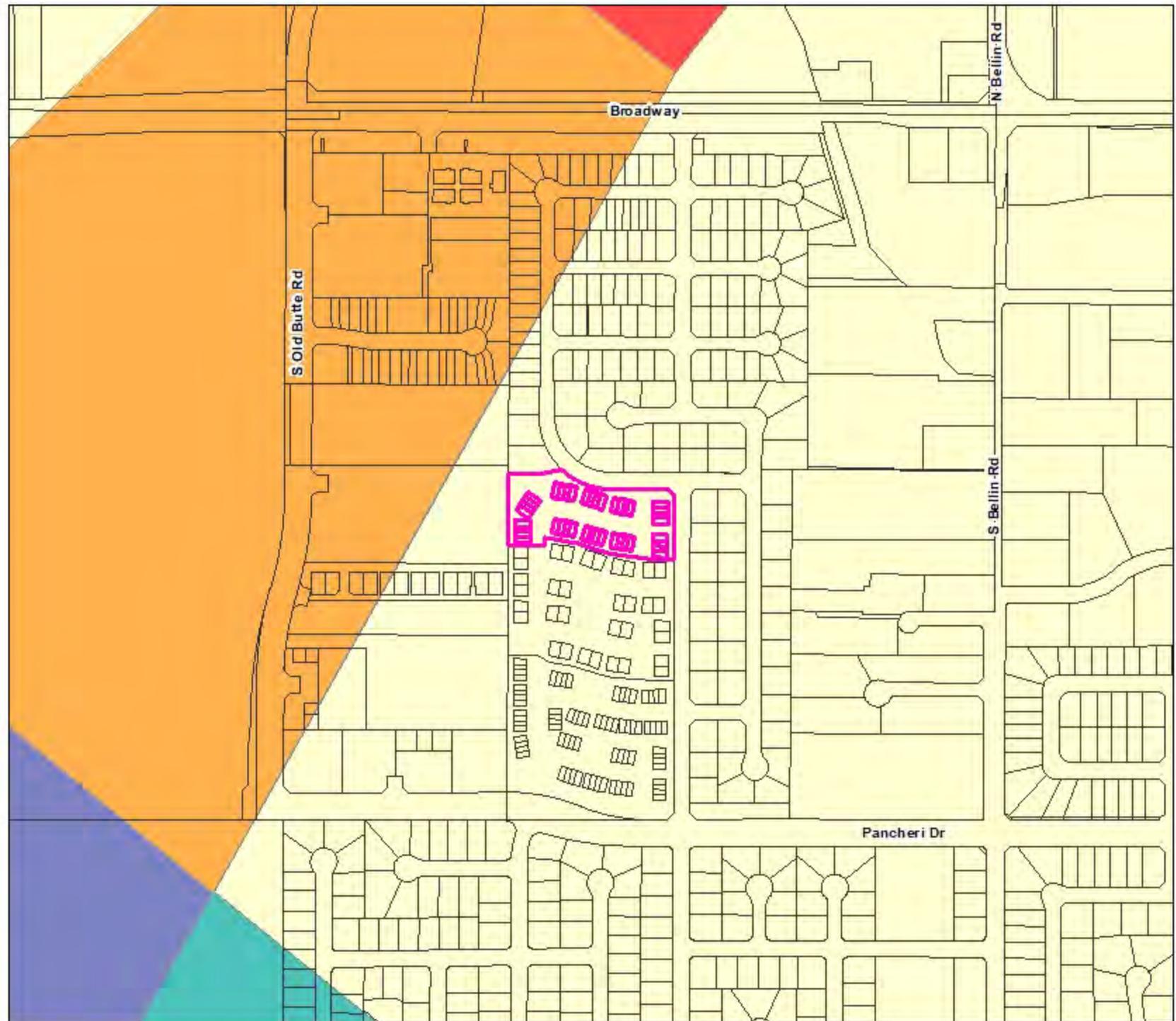
Site

Airport Overlay Zone

-  No Development
-  Limited Development
-  Limited Development Approach Surface
-  Controlled Development
-  Controlled Development Approach Surface
-  Approach Surface



Planning Division
City Annex Building
680 Park Ave.
Idaho Falls, ID 83402
(208) 612-8276



LINDEN TRAILS ADDITION, DIVISION NO. 4

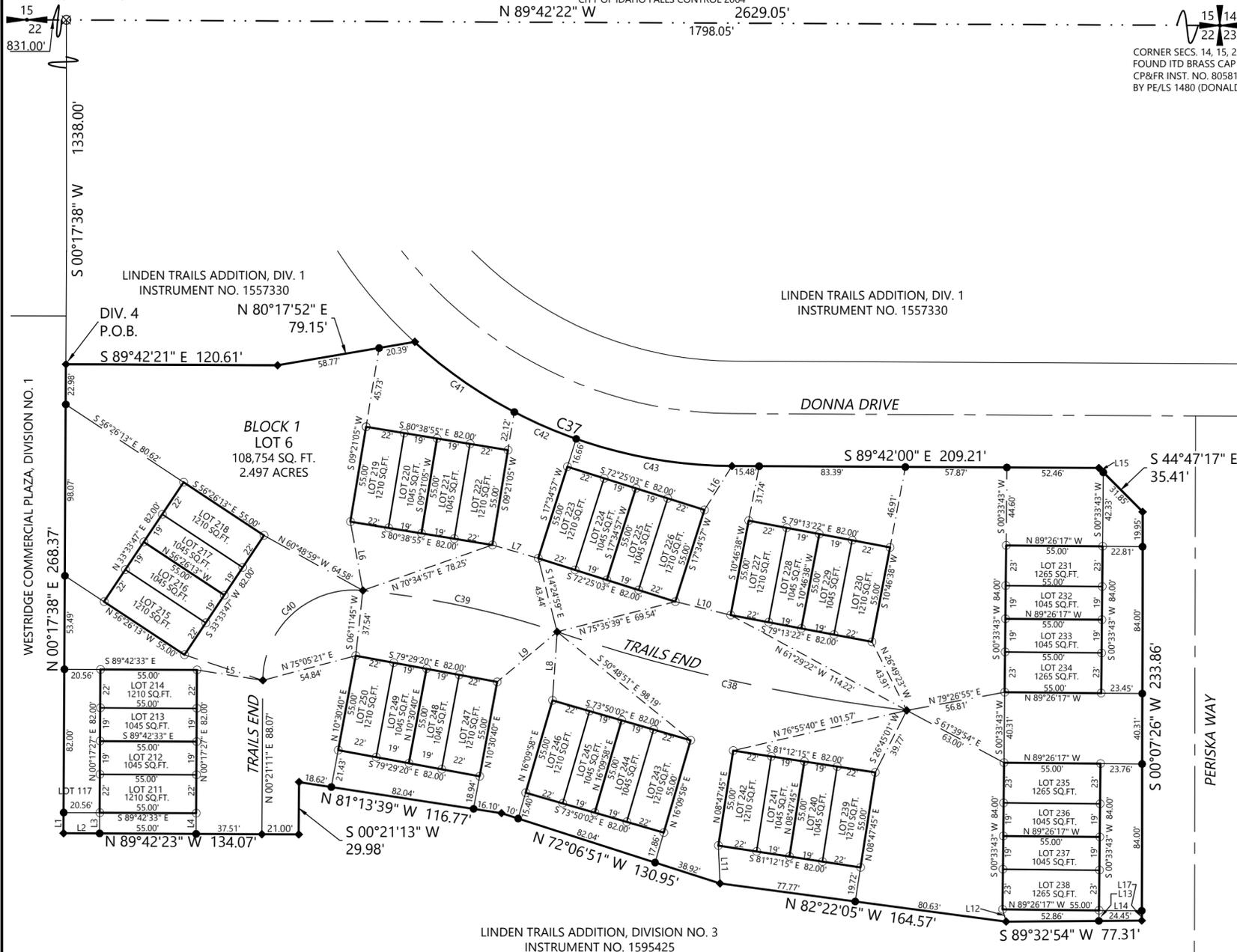
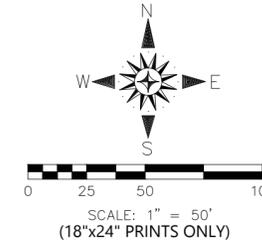
A SUBDIVISION CREATED UNDER IDAHO CODE TITLE 50 CHAPTER 13,
BEING AN ADDITION TO THE CITY OF IDAHO FALLS,
BONNEVILLE COUNTY, IDAHO
PART OF THE NE 1/4 OF SECTION 22,
T. 2 N., R. 37 E.B.M.

1/4 CORNER SECS. 15 & 22
FOUND 5/8" IRON ROD
CP&FR INST. NO. 904718
BY LS 4734 (TOM E. COLE)

BASIS OF BEARINGS
CITY OF IDAHO FALLS CONTROL 2004

N 89°42'22" W 2629.05'
1798.05'

CORNER SECS. 14, 15, 22 & 23
FOUND ITD BRASS CAP
CP&FR INST. NO. 805818
BY PE/LS 1480 (DONALD L. MECHAM)



BOUNDARY DESCRIPTION

PART OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, BEING MARKED BY A BRASS CAP REFERENCED AS CORNER PERPETUATION AND FILING RECORD INSTRUMENT NO. 805818, FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION, MARKED BY A 5/8" IRON ROD LS 4734 AND REFERENCED AS CORNER PERPETUATION AND FILING RECORD INSTRUMENT NO. 904718, BEARS N 89°42'22" W 2629.05 FEET (CITY OF IDAHO FALLS CONTROL 2004), THE BASIS OF BEARINGS FOR THIS DESCRIPTION;

THENCE N 89°42'22" W 1798.05 FEET ALONG THE NORTH LINE OF SECTION 22 FROM THE NORTHEAST CORNER THEREOF;

THENCE S 00°17'38" W 1338.00 FEET TO A POINT BEING MARKED BY A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE S 89°42'21" E 120.61 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222;

THENCE N 80°17'52" E 79.15 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222, SAID POINT BEING ON A CURVE TO THE LEFT FROM WHICH THE CENTER BEARS N 42°30'51" E 270.00 FEET;

THENCE SOUTHEASTERLY 198.93 FEET ALONG SAID CURVE TO THE LEFT TO A POINT BEING MARKED BY A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222, SAID CURVE HAVING THE FOLLOWING CURVE DATA:
RADIUS = 270.00 FEET, LENGTH = 198.93 FEET, DELTA = 42°12'51", CHORD BEARING = S 68°35'34" E, CHORD DISTANCE = 194.46 FEET;

THENCE S 89°42'00" E 209.21 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222;

THENCE S 44°47'17" E 35.41 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222;

THENCE S 00°07'26" W 233.86 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222;

THENCE S 89°32'54" W 77.31 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222;

THENCE N 82°22'05" W 164.57 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222;

THENCE N 72°06'51" W 130.95 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222;

THENCE N 81°13'39" W 116.77 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222;

THENCE S 00°21'13" W 29.98 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222;

THENCE N 89°42'23" W 134.07 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222;

THENCE N 00°17'38" E 268.37 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 153,855.83 SQUARE FEET OR 3.532 ACRES, MORE OR LESS.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 00°17'36" E	11.83'
L2	N 89°42'23" W	20.56'
L3	S 00°17'27" W	11.83'
L4	N 00°17'27" E	11.83'
L5	N 80°59'45" W	38.04'
L6	N 10°14'30" W	39.98'
L7	S 73°44'32" E	27.24'
L8	S 03°52'09" W	39.30'
L9	N 50°03'26" E	44.58'
L10	S 76°14'22" E	32.47'
L11	N 02°29'01" W	21.72'
L12	S 16°34'13" E	7.29'
L13	S 00°33'43" W	6.03'
L14	N 89°26'17" W	24.40'
L15	S 44°47'17" E	3.56'
L16	S 31°55'27" W	29.62'
L17	N 00°07'26" E	5.60'

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C37	42°12'51"	270.00'	198.93'	104.22'	N 68°35'34" W	194.46'
C38	11°43'27"	1000.00'	204.62'	102.67'	S 77°17'24" E	204.27'
C39	13°00'38"	500.00'	113.51'	57.00'	S 77°55'55" E	113.27'
C40	95°12'39"	52.00'	86.41'	56.96'	N 47°57'32" E	76.81'
C41	14°49'17"	270.00'	69.84'	35.12'	S 54°53'47" E	69.65'
C42	8°10'26"	270.00'	38.52'	19.29'	S 66°23'38" E	38.49'
C43	19°13'09"	270.00'	90.57'	45.71'	S 80°05'26" E	90.14'

SURVEYOR'S CERTIFICATE

I, SHANE C. REMER, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY OF THIS SUBDIVISION, DESIGNATED AS LINDEN TRAILS ADDITION, DIVISION NO. 4, WAS MADE UNDER MY DIRECTION, AND THAT SAID SUBDIVISION IS TRULY AND CORRECTLY SURVEYED AND STAKED AS PROVIDED BY LAW AND IN ACCORDANCE WITH THE ACCOMPANYING PLAT AS DESCRIBED HEREON.

SHANE C. REMER, P.L.S. 12222



NOTES

- SEE SHEETS 2 OF 4 FOR SANITARY SEWER AND WATER LINE EASEMENT DETAILS
- SEE SHEET 3 OF 4 FOR PUBLIC UTILITY EASEMENT DETAILS.

LEGEND

- PLACED 1/2" X 24" IRON ROD WITH PLASTIC CAP STAMPED PLS 12222
- PLACED 1/2" X 24" IRON ROD WITH PLASTIC CAP STAMPED PLS 12222 AS REFERENCE POINT
- FOUND 5/8" X 24" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222
- CALCULATED POSITION-NOTHING FOUND OR PLACED
- SECTION CORNER CONTROL
- SECTION LINE
- LINDEN TRAILS, DIVISION NO. 4 BOUNDARY
- CENTERLINE OF ROAD
- TIE LINE TO LOTS-NOT A PROPERTY LINE

LINDEN TRAILS ADDITION,
DIVISION NO. 4
SUBDIVISION PLAT

CORNERSTONE GEOMATICS
A Professional Land Surveying Company
www.cornerstonegeomatics.org
(208) 390-8643 • 1532 N. 775 E., Shelley, ID 83274 • shane@cornerstonegeomatics.org
Commit to the Land whatever you do, and he will establish your plans.



DRAWN BY
SCR
CHECKED BY
SCR
PROJECT NO.
0118
DATE
11/23/2019
REVISIONS

SHEET 1 OF 4 SHEETS

IDAHO FALLS PLANNING AND ZONING COMMISSION
STAFF REPORT

Final Plat
Linden Trails Division No. 4
January 7, 2020



Community
Development
Services

Applicant: Connect
Engineering

Location: Generally south of
Broadway, west of S Bellin
Rd., north of Pancheri Dr. and
east of S Old Butte Rd.

Size: Approx. 3.532 acres

Buildable Lots: 40

Common Lots: 1

Existing Zoning:

Site: R2

North: R1

South: R2

East: R1

West: R3A

Existing Land Uses:

Site: Undeveloped

North: Residential

South: Residential

East: Residential

West: Residential

Future Land Use Map:

Lower Density

Attachments:

1. Maps
2. Aerial photos
3. Plat

Requested Action: To **recommend** to the Mayor and City
Council approval of the final plat for Linden Trails Division
No. 4.

Staff Comments: The property was annexed and zoned R2 in
2016. The Planning Commission has reviewed this area
previously in different configurations. The proposed layout is
similar to the initial layout including townhome buildings.
The proposed plat includes 40 townhome lots and one
common lot to accommodate the private street network and
open space for the division. This plat area is being developed
as part of a PUD.

Main access to the development will come from Pancheri
Drive on the south side and the extension of Periska Way.
The 10-foot path on the west side of Thomas Drive has been
extended along the eastern edge of Periska Way providing
direct access for these residents to the pathway system along
Broadway and Pancheri.

The proposed development supports many Comprehensive
Plan Polices as noted in this report.

Staff Recommendation: Staff has reviewed the final plat
and finds that it complies with the subdivision ordinance.
Staff recommends approval of the plat.

Subdivision Ordinance: Boxes: with an "X" indicated compliance with the ordinance

REQUIREMENTS	Staff Review
Building envelopes sufficient to construct a building.	X
Lot dimensions conform to the minimum standards of Zoning Ordinance.	X
Lots have full frontage on, and access to, a dedicated street.	X
Residential lots do not have direct access to arterial streets.	X
<p>Direct access to arterial streets from commercial or industrial lots shall be permitted only where it can be demonstrated that:</p> <p>1) The direct access will not impede the flow of traffic on the arterial or otherwise create an unsafe condition; 2) There is no reasonable alternative for access to the arterial via a collector street; 3) There is sufficient sight distance along the arterial from the proposed point of access; 4) The proposed access is located so as not to interfere with the safe and efficient functioning of any intersection; and 5) The developer or owner agrees to provide all improvements, such as turning lanes or signals, necessitated for the safe and efficient uses of the proposed access.</p>	NA
Adequate provisions shall be made for soil preservation, drainage patterns, and debris and waste disposal and collection.	X
Sidelines of lots shall be at, or near, right angles or radial to the street lines. All corner lots shall have a minimum radius of twenty feet on the property line.	X
All property within the subdivision shall be included within a lot or area dedicated for public use.	X
All corner lots zoned RP through R3, inclusive, shall be a minimum of ten percent larger in area than the average area of all similarly zoned lots in the plat or subdivision under consideration.	X
All major streets in subdivision must conform to the major street plan of the City, as set forth in Comprehensive Plan.	X
The alignment and width of previously platted streets shall be preserved unless topographical conditions or existing buildings or structures required otherwise.	X
<p>Residential lots adjoining arterial streets shall comply with: 1) Such lots shall have reverse frontage on the arterial streets, 2) such lots shall be buffered from the arterial street by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural soundproofing, 3) Minimum lot depth shall be 150ft except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer, 4) Whenever practical, existing roadside trees shall be saved and used in the arterial buffer, 5) Parking areas shall be used as part of the arterial buffer for high density residential uses, 6) Annexation and development agreement shall include provisions for installation and continued maintenance of arterial buffers.</p>	NA
Planning Director to classify street on basis of zoning, traffic volume, function, growth, vehicular & pedestrian safety, and population density.	All Private Streets

Comprehensive Plan Policies:

Residential development should reflect the economic and social diversity of Idaho Falls. New and existing developments should foster inclusiveness and connectivity through mixed

housing types and sizes and neighborhood connections through parks, open spaces and streets. (p. 40)

Walkways shall be provided from schools and parks to those portions of residential subdivisions in which homes back such facilities. By providing such facilities, children will have access to parks and schools without walking around residential blocks. (p. 43)

Bikeways should tie residential neighborhoods to schools, shopping, and employment. Bikeways offer an alternative to the automobile and provide transportation facilities for those unable to drive, primarily the youth of the City. (p. 43)

Low Density Residential. Single family homes on individual lots at a density of 7 units or less per net acre. This area may include detached homes or homes which share a common wall, open space, or other common facilities. (p. 67)

Land in residential subdivisions should be dedicated for walkways and bikeways. If the City adopts park dedication requirements, in-lieu fees, or impact fees, an acceptable alternative for the developer is to dedicate the land adjacent to the canal system for bikeway development. The land must link to the proposed City-wide system and directly benefit the residents of the subdivision. (p.86)

Zoning:

11-3-4: STANDARDS FOR RESIDENTIAL ZONES.

Table 11-3-1: Standards for Residential Zones

	RE	RP	R-1	R-2	TN	R-3	R-3A	RMH
Lot Area								
Lot Area Minimum in ft ²	1 acre*	12,000	7,000	6,000*	3,000*	5,000*	5,000	5,000
Lot Area Maximum in ft ²			13,500					
Site Width								
Site Width at Front Setback, Minimum in ft.	150	60	50	50	25	50	50	50
Setbacks, Minimum in ft.								
Front	40	30*	25*	20*	15*	15	15	30
Front Maximum in ft.					20*			
Side	20	7.5/10*	6*	6*	5	6*	6*	10
Rear	40	25	25	25	10	25*	25	25*
Lot Coverage, Building Height, and Density								
Maximum Lot Coverage in %	30	40	40	80	50	80	80	40
Maximum Building Height in ft*	24	24	24	24	*			24
Maximum Density in gross in units/acre	1	4	6	17	15	35	35	8
*See explanations, exceptions and qualifications in Section 11-3-4A,B,C,D of this Zoning Code.								

January 7, 2019

7:00 p.m.

Planning Department

Council Chambers

MEMBERS PRESENT: Commissioners Margaret Wimborne, Joanne Denney, George Swaney, Lindsey Romankiw, George Morrison, Brent Dixon, Natalie Black. (8 present 7 votes).

MEMBERS ABSENT: Arnold Cantu

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler; and interested citizens.

CALL TO ORDER: Margaret Wimborne called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: Hicks moved to approve the December 3, 2019 minutes, Morrison seconded the motion and it passed unanimously.

Public Hearing(s):

4. PLAT 19-027: FINAL PLAT. Linden Trails Addition, Division 4. Beutler presented the staff report, a part of the record. Black confirmed that there are no garages, and only front parking. Beutler agreed it is parking lot style. Black is worried about the road that Commissioner Dixon talked about during the PUD going in through the twin homes instead of going through the end of the higher density. Beutler stated that there are two access points that come out to Periska and the northern end has the fire access road and the intent is for it to not be used for regular access. Black asked and Beutler confirmed that the road was in the same place in the original plat approved in 2016.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark, Idaho Falls, Idaho. Jolley reiterated that this is largely the same that was approved in 2016 minus the one garage being changed into a four plex townhome. Jolley indicated that the access locations have not changed since the original approval in 2016 and traffic patterns have stayed the same.

Dixon moved to recommend to the Mayor and City Council that they act on this business item Plat 19-027 consistent with the final decision on the previous item, PUD 16-005, Morrison seconded the motion and it passed unanimously.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FINAL PLAT OF LINDEN TRAILS DIVISION NO. 4, LOCATED GENERALLY SOUTH OF BROADWAY, WEST OF S BELLIN RD., NORTH OF PANCHERI DR. AND EAST OF S OLD BUTTE RD.

WHEREAS, the applicant filed an application for a final plat on December 11, 2019; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on January 7, 2020; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on February 27, 2020 and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to the City of Idaho Falls 2013 Comprehensive Plan, the City of Idaho Falls Zoning Ordinance, the City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is an approximate 3.532 acre parcel located generally south of Broadway, west of S Bellin Rd., north of Pancheri Dr. and east of S Old Butte Rd.
3. The subdivision is part of a Planned Unit Development and includes 40 townhome lots and one common lot.
4. The plat complies with all requirements of the Subdivision Ordinance and Zoning Ordinance for the R2 Zone.
5. The proposed development is consistent with the principles of the City's Comprehensive Plan.
6. The Planning and Zoning Commission recommended the Council act on the plat in the same manner in which they acted on the Planned Unit Development for this development. On February 13, 2020 the Council approved the Planned Unit Development.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the Final Plat of Linden Trails Division No. 4.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2020

Rebecca L. Noah Casper, Mayor

DEVELOPMENT AGREEMENT
LINDEN TRAILS ADDITION, DIVISION NO. 4

This DEVELOPMENT AGREEMENT, LINDEN TRAILS ADDITION, DIVISION NO. 4 (hereinafter called "AGREEMENT"), made this _____ day of February, 2020, by and between the CITY OF IDAHO FALLS, IDAHO, a municipal corporation of the State of Idaho, (hereinafter "CITY"), whose mailing address is P.O. Box 50220, Idaho Falls, Idaho 83405, and NEW EARTH DEVELOPMENT, INC., an Idaho corporation (hereinafter "DEVELOPER"), whose mailing address is P.O. Box 14856, Jackson, WY 83002.

W I T N E S S E T H:

WHEREAS, DEVELOPER is the sole owner, in law or equity, of a certain tract of land in the County of Bonneville, State of Idaho, which land (hereafter referred to as "Subdivision"), is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof; and

WHEREAS, DEVELOPER desires to develop the Subdivision within CITY and has submitted a plat bearing the Subdivision name described in the caption of this AGREEMENT; and

WHEREAS, City Engineer, and the Idaho Falls Planning and Zoning Commission, have recommended such development be allowed, subject to certain requirements and obligations on the part of DEVELOPER; and

WHEREAS, CITY is willing to allow the development of the Subdivision within City of Idaho Falls, Idaho, subject to the terms and conditions of this AGREEMENT and the Special Conditions attached hereto; and

WHEREAS, CITY has authority to approve Subdivision plats and the construction of streets, utility lines and other public improvements within the CITY; and

WHEREAS, DEVELOPER specifically waives DEVELOPER's right to protest development requirements described in this AGREEMENT, including DEVELOPER's right of judicial review contained in Chapter 52, Title 67, Idaho Code, and pursuant to the standards set forth in § 67-5279, Idaho Code; and

WHEREAS, DEVELOPER understands that the public improvements required herein are standards required pursuant to Idaho Falls City Code, Title 10, Chapter 1, and are authorized by Idaho Code §§ 67-6513 and 67-6518; and

WHEREAS, DEVELOPER and CITY believe that without the public improvements required herein, CITY would not be able to otherwise provide for mitigation of the effects of the Subdivision development on the ability of CITY to deliver services without compromising quality of such service delivery to current CITY residents, or without imposing substantial additional costs upon current CITY residents to accommodate the proposed Subdivision; and,

WHEREAS, CITY desires to ensure that public improvements consisting of those described in this AGREEMENT, including Special Conditions for the Subdivision, are constructed; and

WHEREAS, DEVELOPER understands that a waiver of public improvements is available pursuant to Idaho Falls City Code, but DEVELOPER specifically does not wish to request such a waiver and wishes to enter into this AGREEMENT; and

WHEREAS, DEVELOPER enters into this AGREEMENT of DEVELOPER's own free will and accord, without coercion and without inducement and at DEVELOPER's request; and

WHEREAS, DEVELOPER has read this AGREEMENT, has understood it, and has had the opportunity to avail itself of legal and other counsel prior to entering into this AGREEMENT and prior to signing it; and

WHEREAS, DEVELOPER has submitted a preliminary plat bearing the Subdivision name described in the caption of this AGREEMENT; and

WHEREAS, City Engineer and City Planning and Zoning Commission have recommended such Subdivision be approved subject to certain requirements and obligations on the part of DEVELOPER; and

WHEREAS, CITY is willing to approve the Subdivision to CITY, subject to the terms and conditions of this AGREEMENT and the Special Conditions attached hereto.

NOW, THEREFORE, in consideration of the covenants and conditions set forth herein, the parties agree as follows:

1. Approval of Subdivision. CITY hereby approves the Subdivision plat as described in Exhibit "A" attached hereto and made a part to this AGREEMENT by reference, and agrees that upon DEVELOPER's full and complete performance of the terms and conditions hereto, it will accept and maintain all public facilities and improvements shown in the Improvement Plans for the Subdivision.

2. Improvement, Preliminary, and Final Improvement Plans. "Improvement Plans," used in this AGREEMENT, are engineer-designed plans showing all streets, sewer lines, water lines, storm drains, street signs, traffic control devices, barricades, other public utilities (telephone, gas, electricity, fiber optic and irrigation facilities) and other public improvements contemplated within the Subdivision. "Preliminary Improvement Plans" as used in this AGREEMENT, are those Improvement Plans submitted and considered for the Subdivision development prior to the approval of City Engineer, and not yet approved for construction. "Final Improvement Plans" as used in this AGREEMENT, are those Improvement Plans submitted, considered and approved by City Engineer for the Subdivision development.

DEVELOPER anticipates that development of the entire Subdivision will occur in phases or divisions. DEVELOPER has filed, and City Engineer has approved, Improvement Plans for the public improvements to be constructed within public rights-of-way exterior to the Subdivision, (hereafter referred to as the “Exterior Improvement Plans”) showing the width, location and alignment of all streets, sewer lines and water lines within the Subdivision and the size and materials specifications for such water and sewer lines. Prior to the commencement of any construction or development within any phase or division of the Subdivision, DEVELOPER shall also file with, and obtain the approval of, City Engineer Improvement Plans (hereafter the “Interior Improvement Plans”) for all streets, sewer lines, water lines, storm drainage facilities, street signs, traffic control devices, barricades and other public improvements contemplated within such phase or division of the Subdivision. The filed Improvement Plans shall also show the proposed location of other public utilities (telephone, gas and electricity), and irrigation facilities affected by the development of such phase or division of the Subdivision. Preliminary Improvement Plans are incorporated herein by reference as though set out in full, and the Final Improvement Plans shall also, upon approval by City Engineer, be deemed to be incorporated herein by reference.

3. Construction of Public Improvements. Unless otherwise agreed in the Special Conditions, DEVELOPER shall, at its expense, design and construct all public improvements shown in the Exterior Improvement Plans and Interior Improvement Plans. Unless otherwise agreed in writing by City Engineer, DEVELOPER shall construct all required public improvements within such Improvement Plans in strict accordance with the approved Preliminary and Final Improvement Plans and CITY Standard Engineering Drawings and Specifications (hereafter referred to as the “Standard Specifications”) in effect at the time the construction is accomplished. The Standard Specifications are incorporated herein by reference as though set out in full and compliance to the Standard Specifications is a condition of this AGREEMENT.

4. Permits. DEVELOPER shall obtain all right-of-way, excavation and/or other permits required by local ordinance and comply with all requirements therein with respect to the timely performance of the work governed by such permits.

5. Inspection. DEVELOPER shall retain a professional engineer (hereafter referred to as the “Project Engineer”) licensed within the State of Idaho to supervise, inspect and test the construction of all public improvements within the Subdivision in order to ensure such improvements are constructed in accordance with this AGREEMENT, the Improvement Plans and the Standard Specifications. DEVELOPER shall not materially deviate from the Improvement Plans or Standard Specifications without the express written approval of the City Engineer.

6. Corrected Improvement Plans. Prior to acceptance of any phase or division of the Subdivision, DEVELOPER will file “As Constructed”/ “As Built” Improvement Plans (hereafter referred to as the “Corrected Improvement Plans”) with City Engineer. Such Corrected Improvement Plans shall be prepared by the Project Engineer and shall show the actual constructed

location of all public improvements within the Subdivision including the horizontal and vertical location of all water, sewer and storm drain lines, individual building service lines curb and gutter alignment and street grades. Such Corrected Improvement Plans shall also specifically show all changes between the Final Improvement Plans and the public improvements as actually constructed. The Project Engineer shall also certify upon the Corrected Improvement Plans that such Corrected Improvement Plans correctly show all public improvements as actually constructed and that such public improvements have been constructed in accordance with the Standard Specifications in effect at the time such construction was accomplished. The Project Engineer shall also deliver to City Engineer all compaction reports, daily construction logs, reports, written tests, analysis and other data as may be necessary to verify or support the certification of the Project Engineer.

7. Acceptance of Subdivision. Upon satisfactory completion of such public improvements and facilities, DEVELOPER's delivery of Corrected Improvement Plans and the filing and approval by CITY of a final plat, CITY will accept that portion of the Subdivision for which a final plat has been approved. Such acceptance shall not be valid unless expressly acknowledged in writing by City Engineer. Except as otherwise expressly provided in the Special Conditions, upon acceptance of any phase or division within the Subdivision, CITY shall assume ownership and control of all public facilities within any dedicated street or public utility right-of-way within the Subdivision and shall execute and record an instrument documenting such acceptance. Acceptance of the Subdivision Improvements and recording the acceptance instrument shall not be deemed as a waiver of DEVELOPER's agreement herein to fully and completely perform the terms and conditions of this AGREEMENT, or as a waiver or release of the warranty set forth below in this AGREEMENT.

8. Warranty. DEVELOPER warrants that the materials and workmanship employed in the construction of all public improvements within the Subdivision shall be good and sound, and shall conform to generally accepted standards within the construction industry. Such warranty shall extend for a period of one (1) year after acceptance of any phase or division of the Subdivision within which such improvements are located, by CITY, provided nothing herein shall limit the time within which CITY may bring an action against DEVELOPER on account of DEVELOPER's failure to construct such improvements in accordance with this AGREEMENT, the Improvement Plans or the Standard Specifications. DEVELOPER, and DEVELOPER's heirs, successors and assigns, shall and do hereby warrant and agree, to defend the quiet and peaceful possession of CITY in all easements, rights-of-way, street dedications or other estates conveyed pursuant to the terms of this AGREEMENT or pursuant to the subdivision plat which is the subject hereof, from and against all claims against DEVELOPER and DEVELOPER's successors or assigns and against every person whomsoever who lawfully holds, or who later lawfully claims to have held, rights in the premises as of the date of this AGREEMENT.

9. Water and Sewer Main Connection Charges. DEVELOPER agrees to pay to CITY at the time any separate sanitary sewer service or culinary water service connection to CITY sanitary

sewer system or culinary water system is requested, all connection fees, main connection charges, and main charges as set forth in the City Code in effect at the time such request for service is made.

10. Failure to Pay Fees. In the event DEVELOPER fails or refuses to pay any of the fees, charges or costs set forth herein, CITY may disannex any property owned by DEVELOPER within the Subdivision or declare the entire unpaid balance immediately due and payable and collect such sums in the manner provided by law, or may pursue any other remedy set forth herein or as may be available at law or in equity. All such remedies shall be cumulative and CITY may pursue the same separately or simultaneously as it deems necessary or appropriate. In the event of such acceleration, all sums due shall bear interest at the rate established by law for judgments entered in the State of Idaho.

11. Participation by CITY. The parties agree that those portions of the water main, the sanitary sewer line, storm drains and street section work (hereafter collectively referred to as the "Shared Work"), the cost of which CITY has expressly agreed to pay pursuant to the Special Conditions, including any water or sewer line or storm line extensions, increased line size or capacity and road width or thickness, are required because of future service needs originating from properties not owned by DEVELOPER and located within the vicinity of the Subdivision, and that sound planning requires construction thereof at the present time in order to accommodate future expansion and development. In recognition of the cost savings which can be accomplished by construction of such excess capacity and improvements concurrently with the facilities to be constructed for DEVELOPER's purposes, and the impracticality or impossibility of constructing such excess capacity and improvements separately or at a later time, DEVELOPER agrees to design and construct such facilities subject to CITY's agreement to reimburse DEVELOPER for a portion of such costs, all as set forth in the Special Conditions. Prior to the commencement of the Shared Work, DEVELOPER shall obtain and deliver to CITY three (3) independent bona fide bids for the performance of such work from qualified and responsible contractors. Such bids shall be solicited and itemized in a manner which allows clear and specific identification of that portion of the construction work for which CITY is responsible. CITY shall have no obligation to pay for any portion of the costs of the Shared work unless prior to the commencement of the work, the parties have expressly agreed in writing to a specific amount for which CITY will reimburse the DEVELOPER. Payment of such costs by CITY shall be due within thirty (30) days from acceptance of the Subdivision by CITY and delivery of an itemized statement to CITY setting forth in detail the total amount of the costs for which CITY is responsible.

12. Special Conditions. In recognition of the unique circumstances relative to this Subdivision the parties agree to the Special Conditions attached hereto as Exhibit "B" and by this reference made a part hereof.

13. Irrigation Facilities. DEVELOPER shall relocate or reconstruct, at DEVELOPER's expense, all ditches, headgate structures, culverts, siphons, drywells or other similar appurtenant structures that will be impaired or otherwise disturbed by the construction of this Subdivision.

DEVELOPER shall also obtain the consent of all persons or entities who have any water right or control over such structures. DEVELOPER shall also indemnify and hold CITY harmless from any action, claim, demand or cost of any kind, including attorney's fees and court costs, arising from the relocation or reconstruction of such facilities or DEVELOPER's failure to properly relocate or reconstruct such facilities.

14. Relocation of Power Lines. DEVELOPER shall relocate at its expense, all existing electric utility poles or other utility lines or fixtures necessary to construct the public improvements within this Subdivision as shown on the Improvement Drawings.

15. Construction Schedule Change. Any modification to the public improvements shown in the Improvement Drawings or to the construction phase limits shall be approved by City Engineer. Prior to said approval, revised Improvement Drawings shall be resubmitted to City Engineering Department showing the proposed changes.

16. Taxes and Assessments. DEVELOPER shall pay all real property taxes and assessments levied or assessed against any interest in real property which DEVELOPER has agreed to convey to CITY pursuant to this AGREEMENT. Such taxes and assessments shall be paid prior to the acceptance by CITY of the public improvements within any phase or division of the Subdivision.

17. Occupancy. No building or structure within the Subdivision shall be used or occupied for any purpose other than for the construction of such building or structure, unless a final plat has been filed and approved and all public improvements within the plat have been completed and accepted by City Engineer. CITY may withhold Certificates of Occupancy until all such work has been completed. Nothing herein shall prevent the use of a model building for the purpose of DEVELOPER's sales promotional efforts provided the building is not occupied for commercial or industrial purposes.

18. Default. In the event DEVELOPER fails to comply with the terms and conditions hereof in any material respect, CITY may, without further notice to DEVELOPER, exercise any or all of the following remedies:

A. Withhold the issuance of any building permit or certificate of occupancy for any structure located within any phase or division of the Subdivision affected by such default;

B. Withhold the connection of water, sewer or electric service to any property located within any phase or division of the Subdivision affected by such default;

C. Refuse to accept public ownership and maintenance of public improvements within any phase or division of the Subdivision affected by such default and record a notice of such action with the Bonneville County Recorder's office;

D. Issue a stop work order for any building under construction within any phase or division of the Subdivision affected by such default;

E. Withhold reimbursement of Subdivision inspection fees collected pursuant to Section 10-1-19 of the Idaho Falls City Code; and

F. Bring an action for damages, injunctive relief, specific performance or any other remedy available at law or in equity.

19. Notices. Any notice required by this AGREEMENT shall be mailed to the receiving party at the address set forth above or such other address as may be delivered to the sending party in writing. Such notice shall be mailed by certified mail, return receipt requested, postage prepaid and addressed as set forth above and shall be deemed received upon its deposit in the United States mail in such manner.

20. Recording Fees. Prior to the execution and approval of this AGREEMENT, DEVELOPER shall pay to CITY all recording fees necessary to record this AGREEMENT with the Bonneville County Recorder's office. Prior to the approval of any final plat within the Subdivision, DEVELOPER shall pay to CITY all recording fees necessary to record such final plat with the Bonneville County Recorder's office.

21. Irrigation District Release. Prior to the approval of the Subdivision plat, DEVELOPER shall obtain a certification upon the plat signed by any irrigation district, canal company, ditch association or other similar water delivery entity who provides or delivers water to any property located within the Subdivision. This certification shall state that the water rights for all property within the Subdivision have been transferred from the property and that all liens and assessments of such water delivery entity have been released.

22. Storm Water Discharge Certification. Prior to the acceptance and approval of Final Improvement Plans for any division or phase of the Subdivision, DEVELOPER shall obtain the certification of any Irrigation District, canal company or other entity into which any storm water from such phase or division will be discharged. The certification shall state that such water delivery entity has reviewed and approved the Final Improvement Plans for such phase or division and that the discharge of storm waters from such area into their canal or ditch in the manner shown in the Final Improvement Plans is approved and accepted by such entity.

23. Conflict With Standard Specifications. In the event of any conflict between the terms of this AGREEMENT or the Improvement Plans and the Standard Specifications, the terms of this AGREEMENT or the Improvement Plans shall prevail over any contrary provision of the Standard Specifications. In the event of any conflict between the terms of this AGREEMENT and the Improvement Plans, the terms of this AGREEMENT shall prevail.

24. Covenants Appurtenant to the Land. All covenants and conditions set forth herein

shall be appurtenant to and run with the Subdivision and shall be binding upon DEVELOPER's heirs, successors or assigns.

25. Governing Law. This AGREEMENT shall be governed by the laws of the State of Idaho. The venue for any action arising out of this Agreement shall be exclusively in the District Court of the Seventh Judicial District of the State of Idaho, Bonneville County or in the United States District Court for the District of Idaho.

26. Entire Agreement. This writing evidences the final and complete agreement between the parties and no other prior statement, representation or understanding shall be binding upon the parties unless expressly set forth herein.

27. Effective Date. This AGREEMENT shall become valid and binding only upon its approval by CITY Council of CITY and upon its execution by the Mayor.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this day and year first above written.

ATTEST:

CITY OF IDAHO FALLS, IDAHO

Kathy Hampton, City Clerk

By _____
Rebecca L. Noah Casper, Mayor

NEW EARTH DEVELOPMENT, INC.

By  _____
Dennis Hourany, President

STATE OF IDAHO)
) ss.
County of Bonneville)

On this _____ day of _____, 2020, before me, the undersigned, a notary public for Idaho, personally appeared Rebecca L. Noah Casper, known to me to be the Mayor of the City of Idaho Falls, Idaho, the municipal corporation that executed the foregoing document, and acknowledged to me that she is authorized to execute the same for and on behalf of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

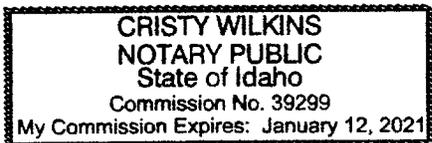
Notary Public of Idaho
Residing at: _____
My Commission Expires: _____

(Seal)

STATE OF IDAHO)
) ss:
County of Bonneville)

On this 6th day of FEB, 2020, before me, the undersigned, a notary public, in and for said State, personally appeared Dennis Hourany, known or identified to me to be the President of New Earth Development, Inc., and whose name is subscribed to the within instrument and acknowledged to me that he is authorized to execute the same for and on behalf of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Cristy Wilkins

Notary Public of IDAHO
Residing at: Bonneville
My Commission Expires: 1-12-2021

EXHIBIT "A"

Legal Description

LINDEN TRAILS ADDITION, DIV. 4 - BOUNDARY

PART OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, BEING MARKED BY A BRASS CAP REFERENCED AS *CORNER PERPETUATION AND FILING RECORD INSTRUMENT NO. 805818*, FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION, MARKED BY A 5/8" IRON ROD LS 4734 AND REFERENCED AS *CORNER PERPETUATION AND FILING RECORD INSTRUMENT NO. 904718*, BEARS N 89°42'22" W 2629.05 FEET (CITY OF IDAHO FALLS CONTROL 2004), THE BASIS OF BEARINGS FOR THIS DESCRIPTION; THENCE N 89°42'22" W 1798.05 FEET ALONG THE NORTH LINE OF SECTION 22 FROM THE NORTHEAST CORNER THEREOF; THENCE S 00°17'38" W 1338.00 FEET TO A POINT BEING MARKED BY A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222, SAID POINT BEING THE **POINT OF BEGINNING**; THENCE S 89°42'21" E 120.61 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222; THENCE N 80°17'52" E 79.15 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222, SAID POINT BEING ON A CURVE TO THE LEFT FROM WHICH THE CENTER BEARS N 42°30'51" E 270.00 FEET; THENCE SOUTHEASTERLY 198.93 FEET ALONG SAID CURVE TO THE LEFT TO A POINT BEING MARKED BY A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222, SAID CURVE HAVING THE FOLLOWING CURVE DATA: RADIUS = 270.00 FEET, LENGTH = 198.93 FEET, DELTA = 42°12'51", CHORD BEARING = S 68°35'34" E, CHORD DISTANCE = 194.46 FEET; THENCE S 89°42'00" E 209.21 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222; THENCE S 44°47'17" E 35.41 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222; THENCE S 00°07'26" W 233.86 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222; THENCE S 89°32'54" W 77.31 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222; THENCE N 82°22'05" W 164.57 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222; THENCE N 72°06'51" W 130.95 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222; THENCE N 81°13'39" W 116.77 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222; THENCE S 00°21'13" W 29.98 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222; THENCE N 89°42'23" W 134.07 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12222; THENCE N 00°17'38" E 268.37 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 153,855.83 SQUARE FEET OR 3.532 ACRES, MORE OR LESS

EXHIBIT "B"

SPECIAL CONDITIONS FOR
Linden Trails Addition Division No. 4

S-C 1.00. Arterial Street and Bridge Fees. The bridge and arterial streets fee for this Subdivision is Eight Thousand Dollars (\$8,000) (40 lots R-1 at Two Hundred Dollars (\$200) per lot), payable as follows:

<u>Due Date</u>	<u>Payment Amount</u>
Upon execution of this Agreement	\$ 800.00
May 1, 2020	\$ 1,800.00
August 1, 2020	\$ 1,800.00
November 1, 2020	\$ 1,800.00
February 1, 2021	<u>\$ 1,800.00</u>
TOTAL	\$ 8,000.00

S-C 2.00. Surface Drainage Fees. The surface drainage fee for this Subdivision is One Thousand One Hundred Fifty-Three and 92 Cents (\$1,153.92) (153,856 square feet net area at \$.0075 per square foot), payable as follows:

<u>Due Date</u>	<u>Payment Amount</u>
Upon execution of this Agreement	\$ 115.39
May 1, 2020	\$ 259.63
August 1, 2020	\$ 259.63
November 1, 2020	\$ 259.63
February 1, 2021	<u>\$ 259.64</u>
TOTAL	\$ 1,153.92

S-C 3.00. Sewer Main Connection Fee. CITY agrees to allow DEVELOPER to connect to the sewer previously constructed within the development, subject to DEVELOPER's payment of the sewer main connection charge pursuant to Section 8-1-23(C) of the City Code in the amount of Six Thousand Five Hundred Seventy-Five Dollars and Seven Cents (\$6,575.07) (268.37 FT currently at \$24.50 per foot). Mainline connection fee costs will be adjusted to comply with the

CITY's current rate in the event that the connections are not made at time when CITY fee Resolution reflects the rate referenced herein. Pursuant to Section 8-1-23(B) of the City Code, DEVELOPER or DEVELOPER's heirs or assigns shall also pay individual sewer connection fees each time an individual sewer service line is connected to CITY sewer system. Such fees shall be paid in the amounts and manner set forth in the CITY fee Resolution.

S-C 4.00 Storm Drainage. Storm Drainage will be designed and constructed to accommodate drainage of the roads and lots within the development by DEVELOPER. The storm drainage system shall meet the CITY Storm Drainage policy.

S.C. 5.00 Existing Infrastructure. When it is necessary to move or remove existing infrastructure not belonging to CITY and not within CITY Right-of-Way, DEVELOPER will coordinate such activities with the applicable owner, (e.g., poles owned by Pacificorp dba Rocky Mountain Power). Any existing electrical infrastructure owned by Pacificorp dba Rocky Mountain Power will require a buy-out from DEVELOPER prior to receipt of electrical service from CITY. Request for the buy-out is to be initiated by DEVELOPER after annexation.



MEMORANDUM

FROM: Brad Cramer, Community Development Services Director
DATE: Monday, February 24, 2020
RE: Ordinance Amending the Form-Based Code to Allow Parklets

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

1. To approve the Ordinance amending the Form Based Code to include Parklets as an allowed Open Space Type under the suspension of the rules requiring three complete and separate readings and request that it be ready by title and published by summary.

Description, Background Information & Purpose

Because this is an amendment to a Zoning Code, public hearing notification is required. The hearing was originally scheduled for February 13, 2020 but because the documentation was not ready, it was tabled to the February 27, 2020 meeting. The documentation is now ready for consideration. The Planning and Zoning Commission reviewed this item at its December 3, 2019, meeting and recommended approval by unanimous vote. Staff recommends approval of the ordinance.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

The ordinance to allow parklets in the City Core area is consistent with goals for good governance, growth, livability, sustainability, and transportation by providing additional opportunity for creating public spaces, encouraging alternative modes of transportation, and providing for additional variety and vibrancy in the downtown and south downtown areas.

Interdepartmental Coordination

Staff from Planning, Engineering, Legal, and the Idaho Falls Downtown Development Corporation have reviewed the ordinance.

Fiscal Impact

NA

Legal Review

Legal is reviewing the final ordinance language.

IDAHO FALLS PLANNING AND ZONING COMMISSION
STAFF REPORT
Parklet Open Space Type for the Form-Based Code
December 3, 2019



Applicant: City of Idaho Falls

- Attachments:**
1. Proposed Form Based Code Open Space Type
 2. Subdistrict Map

Staff Recommendation: To recommend to the Mayor and City Council approval of a new Parklet Open Space Type in the City’s Form-Based Code.

Staff Comments:

In 2017, the City adopted the Downtown Master Plan to create a coordinated vision and implementation strategy for downtown Idaho Falls. In the City’s Downtown Master Plan there are a number of catalytic projects identified to help achieve the vision of Downtown. Two of those identified catalytic projects include Temporary Sidewalk Reconfiguration for Restaurant Dining, Street/Sidewalk Reconstruction/ Restaurant Dining. The Parklet concept will help to implement these ideas for the Downtown Master Plan’s vision, goals, and initiatives in the use of public space such as roadways, sidewalks, and alleys. The Parklet option will help to establish a standardized and organized approach to help create efficient uses of urban space, provide attractive additions to local streetscapes, invite people to sit and stay in public spaces, enhance walkability, and encourage business participation in a vibrant streetscape. Downtown will develop a stronger sense of “place”, with attractive and walkable streets, and become a unique and exciting city center for residents and visitors.

The Open Space chapter of the Form-Based Code gives direction to developers and property owners the types and size requirements of open space required in various districts. To provide open space as an amenity that promotes physical and environmental health within the community and to provide access to a variety of active and passive Open Space Types. Courtyards, plazas, and other Open Space Types are a valuable and vital part of a healthy and attractive city center. The new Parklet Open Space Type is proposed to be allowed in Core A, General A, Historic Core, and Edge A subdistricts. These open spaces may be temporary or permanent and will have an approval process similar to the site plan approval process the City currently uses.

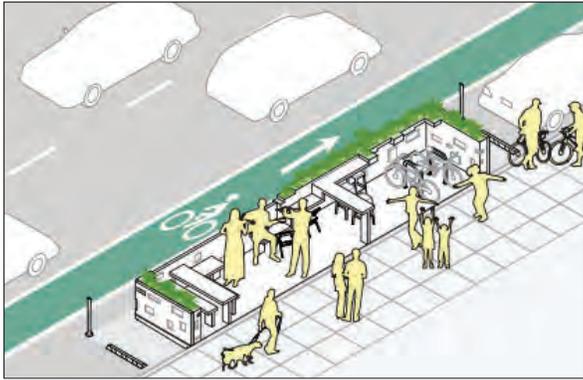


Figure 6.9 (1) Typical Parklet

6.9 Parklet Open Space Type

1. Intent

The purpose of this Open Space Type is to provide attractive additions to streetscapes, invite people to sit and stay in public spaces, enhance walkability, and encourage business participation in a vibrant streetscape. Parklets are public seating platforms that convert curb side parking spaces into vibrant community spaces. They are the product of a partnership between the city and local businesses, residents, or associations. Most parklets have a distinctive design that incorporates amenities such as seating, greenery, and/or bike racks and accommodate unmet demand for public space on thriving downtown streets or commercial areas. While they are funded and maintained by neighboring businesses, residents, and community organizations, they are publicly accessible and open to be used by all.



Figure 6.9 (2) Typical Parklet Examples

Parklet Requirements

Dimensions	
Minimum Length (feet)	25'
Maximum Length (feet)	40'
Minimum Width (feet)	6'
Maximum Width (feet)	Must be at least 3' from all traffic travel lanes as determined by the City Engineer.
Adjacent Parcels	
Permitted Districts	Core A, Historic Core, General A, Edge A
Frontage Orientation of Adjacent Parcels	Any
Location	
Must be located at least 25' away from the intersection.	
Must not obstruct any fire hydrant, utility service or emergency service access.	
May not block any public alley access or any private alley access without sign consent of all interested parties.	
Must not obstruct the required sight distance triangle.	
Must be located directly in front of the business requesting the use. The area may not extend beyond the limits of the business storefront.	
Not permitted in bus stops but may be adjacent to them.	
No more than 10% cumulatively of any block may be used.	
A minimum of 6' clearance is required from the edge of the parklet to any building or obstacle.	
Safety	
Must be setback at least 4' from contiguous parking stalls. If contiguous with parallel parking stalls must also provide a curb stop to buffer the parking from the parklet.	
Vertical elements are required that make them visible to traffic, such as bollards or posts with reflective markers.	
A slip resistant surface must be used.	
An open guardrail or barrier must be installed to define the space and may not exceed 3' in height. The guardrail must be able to withstand 200 lbs of horizontal force. No fabric, chain link fencing, chicken wire, or snow fencing may be used as guardrails or barriers.	
Not allowed in a location where the speed limit exceeds 30 mph.	
A flush transition at the sidewalk and curb to permit easy access and avoid tripping hazard	
Improvements	
Maximum Impervious + Semi-Pervious Surface	10% + 90%
Lighting	If intended to be used at night lighting is required, max 12' fixture height
Landscaping	Planters are allowed, but may not exceed 3' in height.
Permitted Uses	
Dining Areas	
Bicycle Facilities	
Public Seating	
Recreational Space (excluding playground equipment)	
Landscape Islands	
No signage is allowed	

December 3, 2019

7:00 p.m.

Planning Department
Council Chambers

MEMBERS PRESENT: Commissioners Natalie Black, Joanne Denney, Brent Dixon, Gene Hicks, George Morrison. (5 present 4 votes).

MEMBERS ABSENT: George Swaney, Lindsey Romankiw, Arnold Cantu , Margaret Wimborne

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler, Brent McLane and Brian Stephens; and interested citizens.

CALL TO ORDER: Natalie Black called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: Hicks moved to approve the November 12, 2019 minutes, Morrison seconded the motion and it passed unanimously.

Business:

5. ANNEX 19-013: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of I&M. Stephens presented the staff report, a part of the record.

Applicant: Bryce Esplin, 3834 Professional Way, Idaho Falls, Idaho. Esplin stood for questions.

Morrison moved to recommend to the Mayor and City Council approval of the annexation and initial zoning of I&M for Lot 4, Block 1, Sunnyside Industrial and Professional Park, as presented, Hicks seconded the motion and it passed unanimously.

Public Hearing(s):

2. AMENDMENT: Amendment to Form Based Code. McLane presented the staff report, a part of the record. There was discussion regarding barriers, and speed limits that would limit the areas that Parklets are allowed. Dixon asked questions about bike riders. McLane confirmed that the parklet wouldn't stick any farther out than a parked car. Hicks asked if this is for food trucks. McLane stated that this isn't a food truck thing and the permitted uses are very specific as to what is permitted. Black asked if there is a specific reason not allow food trucks. McLane stated that food trucks can park in any stall as long as they are abiding by the parking requirements. Dixon asked if the 10% limit is first come first serve. McLane stated that there is a lease requirement that would need to be renewed and if it becomes an issue that people are feeling like they are not getting the opportunity to participate they might have to address it in the future. Black asked if this is something that is being requested. McLane stated it is the City being proactive as well as some requests for something like this. McLane believes that parklets will create vibrancy on the street and bring the product out to the street which is valuable for the property owner. McLane believes it is a good use of the right of way. Dixon asked about the short sides of blocks where the alleys come out and expressed a concern about the maximum 10% and minimum length of 20'. McLane stated that the minimum size would be one parking

stall. McLane stated that it will be restrictive where they can go. McLane stated that in the Code they are restricted to specific sub-districts for compatibility.

Black opened the public hearing.

City is the Applicant.

No one appeared in support or opposition of the application.

Black closed the public hearing.

Morrison likes it and thinks it's a good idea.

Hicks stated that he has seen it in a lot of cities around the world and they are great.

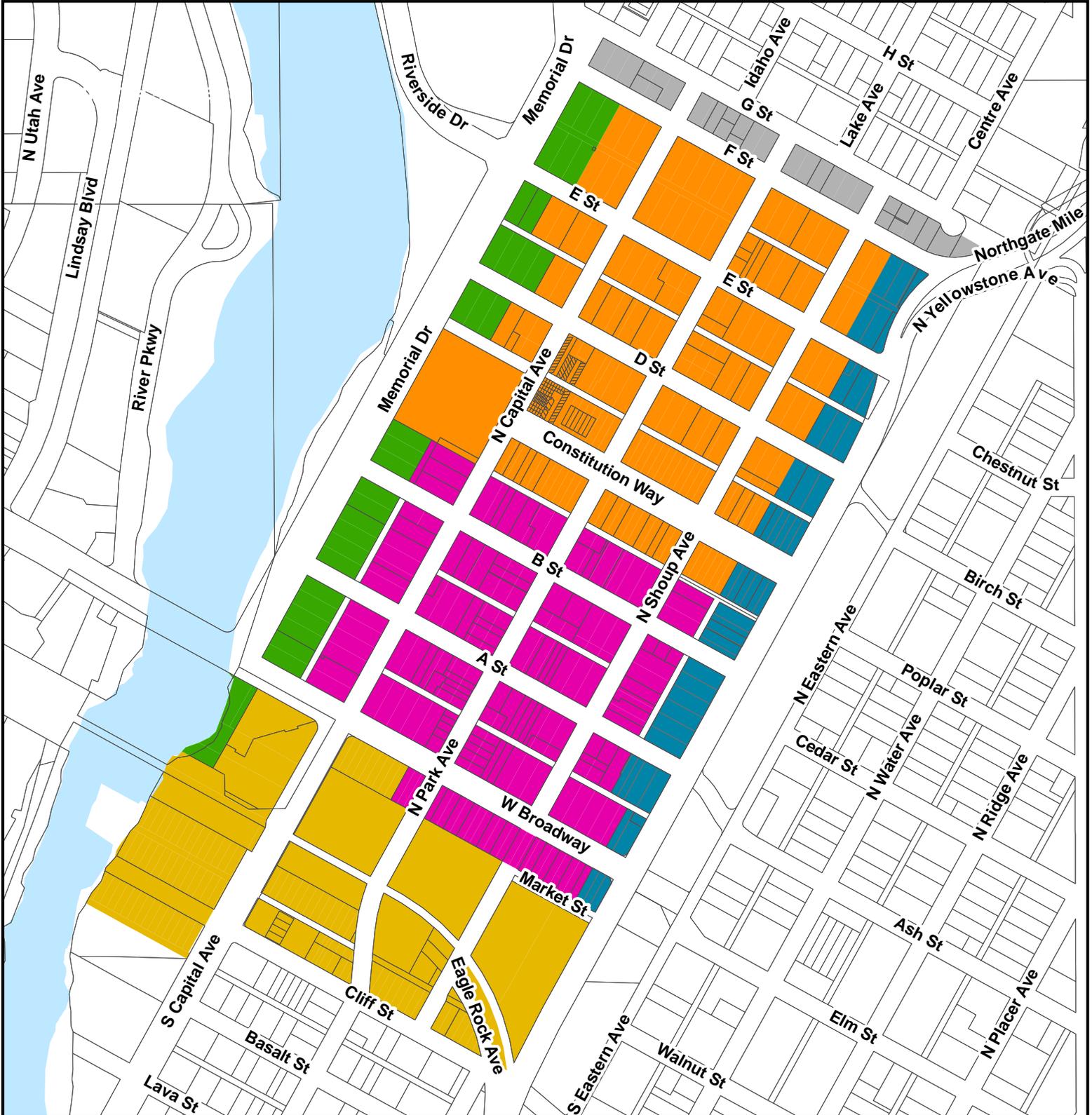
Dixon moved to recommend to the Mayor and City Council approval of the Amendment to the Form Based Code for Parklet, Denney seconded the motion and it passed unanimously.

City of Idaho Falls Downtown Master Plan and Implementation Strategy



Subdistricts

-  Core A: Mixed Use Development
-  Historic Core
-  General A: Multi-Purpose and Mixed-Use Redevelopment
-  Edge A: Riverwalk Frontage Residential Focused
-  Edge B: Highway Frontage Commercial Focused
-  Edge C: Residential Buffer



PROJECT	Temporary Plaza		
Project Type	Short Term/Tactical, Operating Funds		
Cost	Low		
Vision Link	Urban Design	Tactical Urbanism	Market & Housing
Companion Project	Programmatic: Additional Summer/ Winter Events/Bonneville Hotel Redevelopment		
Description	Consider closing a parking lot to create space to test public events. The closure could be short term, for a weekend or longer term, for the summer months. The space made available could be used by tenants to display goods, by food trucks at a festival event, or as public plaza space. Temporary improvements may include painting the pavement with bright colors, installing temporary lighting and planters, and temporary seating. The project regulating plan suggests parking lots that may be a good candidate for these improvements. Civic spaces may also enhance the marketability of adjacent parcels for housing developments.		



PROJECT	Intersection Reconfiguration		
Project Type	Short Term/Tactical, Operating Funds		
Cost	Low		
Vision Link	Urban Design	Tactical Urbanism	Transportation
Companion Project	Temporary Street Reconfiguration, Bonneville Hotel Redevelopment		
Description	The intersection of streets are key locations for enhancements to the urban environment. Sidewalk bulbouts for example provide additional space for aesthetic upgrades and shorten the crossing of streets for pedestrian. These, with planters, are already found at many intersections in downtown. The intersection of Constitution and Park Street is a location where new bulbouts may be tested. This location has been chosen to support the rehabilitation of the Bonneville Hotel project and may be tested with flexible delineators, temporary planters and other aesthetic upgrades. Additional improvements such as parklets, enhanced seating, planters and festival string lighting may also be tested here and at other locations. B Street and Park Street is a candidate for other temporary upgrades to support the plaza and stage. Short term reconfiguration may be temporary, allowing measured review prior to commitment of capital funds. Other intersections may be tested prior to permanent improvements.		



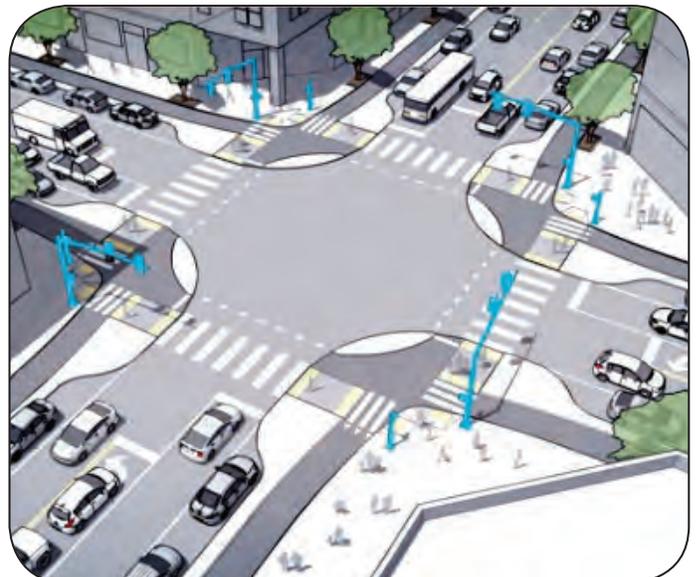
PROJECT	Temporary Sidewalk Reconfiguration for Restaurant Dining		
Project Type	Short Term/Tactical, Operating Funds		
Cost	Low		
Vision Link	Tactical Urbanism		
Companion Project	Temporary Street Reconfiguration		
Description	Portions of existing sidewalks may be temporarily reconfigured and assigned to outdoor dining. Outdoor dining can improve aesthetics by introducing street furnishings, increase activity on the street and provide additional revenue for small business owners. The dining area shall be delineated with temporary fencing and populated with moveable tables and chairs. Where sidewalk width is not adequate, or where additional space is desired, small parklets can be developed in parallel parking stalls adjacent to the sidewalk with temporary planters and seating/dining. Testing of dining can be temporary to test the effect on parking and traffic patterns.		



PROJECT	Street/Sidewalk Reconstruction/ Restaurant Dining
Project Type	Medium Term, Capital
Cost	Medium/High
Vision Link	Urban Design
Companion Project	Intersection Reconstruction
Description	Reconfigure Constitution as a boulevard with wide sidewalks with room for outdoor dining, street trees, and parking with a planted median down the center of the street.



PROJECT	Intersection Reconstruction
Project Type	Medium Term, Capital
Cost	Medium/High
Vision Link	Urban Design
Companion Project	Street Reconstruction
Description	Temporary upgrades as tested at two intersections (Constitution & Park Street, B Street and Park Street) may be made permanent at this and other intersections across downtown. This may include the addition or enhancement of sidewalk bulbouts with planters, new street and traffic lighting, overhead festival lighting, furnishings, landscaping, and outdoor dining opportunities. Outdoor dining, parklets, and enhanced planters may result in geometric changes to streets and parking. The introduction of upgraded materials in streets and sidewalks may also be considered.



PROJECT	Plaza Development
Project Type	Medium Term, Capital
Cost	Medium/High
Vision Link	Urban Design
Companion Project	Intersection Reconstruction, New Recreation Center
Description	Civitan Plaza reconstruction/Stage reconfiguration w/intersection & street enhancements for events (for example, lights over intersection to create event space) Construct Urban Plaza in northern blocks



City of Idaho Falls Form Based Code February 2020 Edition



City of Idaho Falls Form Based Code

Mayor: Rebecca L. Noah Casper

City of Idaho Falls City Council

City of Idaho Falls Downtown Plan Steering Committee

City of Idaho Falls Planning & Zoning Commission

Community Development Services Director: Brad Cramer

Planner II, Historic Preservation/Long-Range: Brent McLane

Consultant Team

CRSA

Kelly Gillman

Susie Petheram

Tina Black Gillman

Melissa Fryer

Agnew Beck

Chris Beck

Ellen Campfield Nelson

Pros Consulting

Neelay Bhatt

Brayton McClure

City of Idaho Falls Form-Based Code based on the Wasatch Choice 2040 Consortium Form-Based Code for Centers and Corridors Template

Form-Based Code Contents

1.0 Place Types

- 1.1 Establishment of Place Types
- 1.2 Specific Place Type Requirements
- 1.3 General Place Type Requirements
- 1.3 Urban Center Place Type
- 1.4 Additional Place Types

2.0 Street Types

- 2.1 General Requirements
- 2.2 General Street Type Standards
- 2.3 General Street Layout Requirements
- 2.4 Alley
- 2.5 Connector Street
- 2.6 Avenue

3.0 Subdistricts

- 3.1 Introduction
- 3.2 Place Type Regulating Map

4.0 Uses

- 4.1 General Requirements
- 4.2 Definition of Uses

5.0 Building Types

- 5.1 Introduction to Building Type Standards
- 5.2 Explanation of Building Type Table
- 5.3 Storefront Building
- 5.4 General Stoop Building
- 5.5 Mid-Scale Shop Building
- 5.6 Townhome Building
- 5.7 Yard Building
- 5.8 Civic Building
- 5.9 Entrance Types
- 5.10 Roof Types
- 5.11 Additional Design Requirements

6.0 Open Space Types

- 6.1 General Requirements
- 6.2 Plaza Open Space Type
- 6.3 Square Open Space Type
- 6.4 Green Open Space Type
- 6.5 Commons or Courtyard Open Space Type
- 6.6 Pocket Park Open Space Type

- 6.7 Park Open Space Type
- 6.8 Greenway/Riverwalk or Urban Trail Open Space Type
- 6.9 Parklet Open Space Type

7.0 Landscape

- 7.1 General Requirements
- 7.2 Installation of Landscape
- 7.3 Street Trees and Streetscape Design
- 7.4 Frontage Buffer
- 7.5 Side and Rear Buffer
- 7.6 Interior Parking Lot Landscape
- 7.7 Active Frontage Buffer
- 7.8 Screening of Open Storage, Refuse Areas, and Utility Appurtenances.

8.0 Parking

- 8.1 General Requirements
- 8.2 Parking Requirements
- 8.3 Parking Design Standards
- 8.4 Loading Requirements
- 8.5 Site Access and Driveways

9.0 Sign Types

- 9.1 Reserved for Future Regulation

10.0 Administration

- 10.1 General Provisions
- 10.2 Development Review Procedures
- 10.3 Exceptions and Variances
- 10.4 Nonconformances
- 10.5 Definitions

Page Intentionally Left Blank

1.0 Place Types



1.0 Place Types

Page Intentionally Left Blank

1.1 Establishment of Place Types

Introduction

For the purpose of this Code there are three terms used to describe geographic and regulatory areas: Place Type, District, and Subdistrict.

- (1) Place Type. A general description of the existing, desired, or combination of existing and desired form and use of a geographical area, not a specific parcel. The purpose of a Place Type is to regulate design, subdivision, and rezoning of parcels designated within a specific District.
- (2) District. A geographical area where a Place Type has been designated. The purpose of a District is to describe the boundaries within which a Place Type and various Subdistricts have been designated.
- (3) Subdistrict. A specific, regulatory area that applies to parcels within a District or Place Type. The purpose of a Subdistrict is to define regulations for allowed built form and land uses within the Subdistrict. Subdistricts are intended match or closely match the existing, desired, or combination of existing and desired form and uses of buildings on specific parcels.

1. Application

Place Type requirements apply to all parcels within the District, as designated on the Regulating Plan Map. Subdistricts are defined and adopted under Chapter 3.0 of this Code. Subdistricts may be allowed under multiple Place Types.

2. Establishment of Place Types

The following Place Types are hereby created. Refer to the Place Types for specific descriptions and requirements.

- (1) Urban Center Place Type, See 1.4
- (2) Reserved for future Place Types

3. Zoning Map

Place Types are utilized in the following formats:

- (1) Zoning Map. Place Types are assigned to Districts on the Regulating Plan Map. Subdistricts are applied to specific parcels within a District, as shown on the Regulating Plan Map.
- (2) Unmapped. There shall be no unmapped or un-designated parcels within a Place Type District.

1.2 Specific Place Type Requirements

1. Establishment of Subdistricts

- (1) Permitted Subdistricts. A series of permitted Subdistricts are listed within each Place Type.
- (2) Required areas of and/or specific locations for certain Subdistricts may be designated.

- (3) Each Subdistrict includes permitted uses (refer to 4.0 Uses) and permitted Building Types (refer to 5.0 Building Types). Refer to 3.0 Districts for further definition of permitted uses and Building Types.

2. Block Configuration, Street Types, and Open Space

Block Configuration. Maximum block lengths and widths are provided for each Place Type. The block configuration requirements define the maximum sizes for blocks within each Place Type. If existing blocks within the development application area are larger than those designated, subdivision and new streets are required.

- (1) Permitted Street Types. A series of permitted Street Types are designated within the Place Type. Refer to 2.0 Street Types for further definition
- (2) Open Space Requirement. A specific requirement for Open Space Types to be located within walking distance of commercial and residential units is listed for each Place Type.
- (3) Permitted Open Space Types. A series of permitted Open Space Types are listed Within each Place Type. Open Space Types shall be utilized to meet the Open Space Requirement.

1.0 Place Types

1.3 General Place Type Requirements

1. Applicability

The following general block, lot, and street design requirements are applicable to all Place Types.

2. Interconnected Street Pattern

The network of streets within any Place Type shall form an interconnected pattern with multiple intersections and resulting block sizes as designated in the requirements for each Place Type.

- (1) The arrangement of streets shall ensure the continuation of existing streets from adjoining areas into new developments.
- (2) Cul-de-sac and dead end streets are not permitted.
- (3) Where possible, streets shall follow natural features rather than interrupting or dead-ending at the feature.
- (4) Refer to 2.0 Street Types for requirements for streets.

3. Block Configuration

Refer to Figure 1.3 (1) for an illustration of Typical Block Elements.

- (1) The shape of a block shall be generally rectangular, but may vary due to natural features or site constraints.
- (2) Blocks shall typically be two lots deep, with the exception of blocks containing open space. Blocks may include an alley. Blocks may include existing lots within an existing zoning district outside the Place Type.
- (3) Blocks shall typically be fronted with lots on at least two faces, preferably on the longest street faces.

4. Maximum Block Size

- (1) Block sizes for residential and commercial development and redevelopment are designated within each Place Type. Where blocks in different Place Types back up to each other, those blocks are exempted from the maximum block size.

5. Minimum Number of Access Points

This requirement is intended to establish a minimum level of connectivity via vehicular rights-of-way between adjacent developments and to surrounding streets. The Access Management Plan will guide the number of access points based on road designation.

6. Designate Primary Streets

The intent of the Primary Street designation is to develop a network of streets with continuous building frontage and no or limited vehicular access in order to reduce conflicts between pedestrians and vehicular traffic.

- (1) Designate primary streets along all blocks faced and fronted by commercial activity.
- (2) All lots shall front on at least one primary street. Such street frontage shall serve as the front of the lot, as referred to in the Building Type requirements.
- (3) Where there is a lot with two (2) primary street frontages, the developer shall consult with staff to determine which street frontage warrants primary designation and the front of the lot.

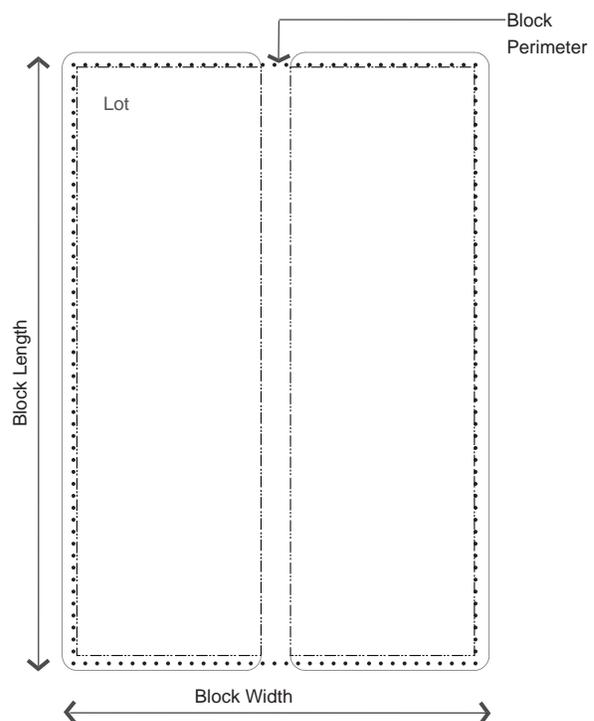


Figure 1.3 (1). Typical Block Elements.

7. Block Access Configurations

- (1) Vehicular access should not occur from a Primary Street, unless the parcel is fronted by more than two primary streets, in which case, staff shall determine which is the appropriate street for vehicular access. The determination shall be based on locations of existing and proposed vehicular access points of other developments along the Primary Streets.
- (2) Blocks may include alleys, drives, or driveway entrances with the following recommended configurations. See Figure 1.3 (2).
 - (a) Mid-Block Access. This configuration includes an alley or drive running through the center of the block.
 - (b) "T" Configuration. This configuration includes two alleys within a Block that are perpendicular to each other, forming a "T," thus allowing development to front on three block faces.
 - (c) "H" Configuration. Similar to the "T" configuration, this configuration allows development to front on all four block faces.
- (3) Access to blocks shall be aligned, and generally located on opposite sides of the block, and aligned across from access points to other blocks.
- (4) Mid-Block Pedestrian Ways. Mid-block pedestrian ways are required on blocks longer than five hundred feet (500').
 - (a) When combined with mid-block street crossings, these pathways should align to facilitate easy pedestrian movements.
 - (b) Mid-Block pedestrian ways should be located in the middle third of a block face.
 - (c) Minimum width for mid-block pedestrian ways rights-of-way or easements is twenty feet (20').
 - (d) Mid-Block pedestrian ways should follow the streetscape requirements of Street Type A. See 2.0 Street Types for further definition.

8. Lots

- (1) Typical Lot Dimensions. All lots of record shall be developed to meet the requirements outlined in 5.0 Building Type requirements.
- (2) Typical Lot Configuration. All lots shall have frontage along a public street unless otherwise specified in 5.0 Building Type requirements.
 - (a) Lot Shape. To create regular, rectangular lots, side property lines shall be perpendicular to the vehicular right-of-way to the extent practical.
 - (b) Through-Lots. Through lots fronting on two parallel streets are not permitted with the exception of a lot covering fifty percent (50%) or more of a block and where both sides of the building fronting a street meet the standards for a front property line (refer to 5.0 Building Types).
 - (c) Corner Lots. Corner lots shall have a front yard along one street and a corner yard along the other street. The front yard of a corner lot should be consistent with the front yard of one adjacent parcel.
 - (d) Flag Lots. Flag lots are prohibited.

9. General Open Space Requirements

- (1) Refer to the Place Type requirements tables for permitted Open Space Types.
- (2) Mix Open Space Types. Multi-parcel developments may provide a mix of open space types to meet open space requirements, for Place Types in which multiple open space types are allowed,

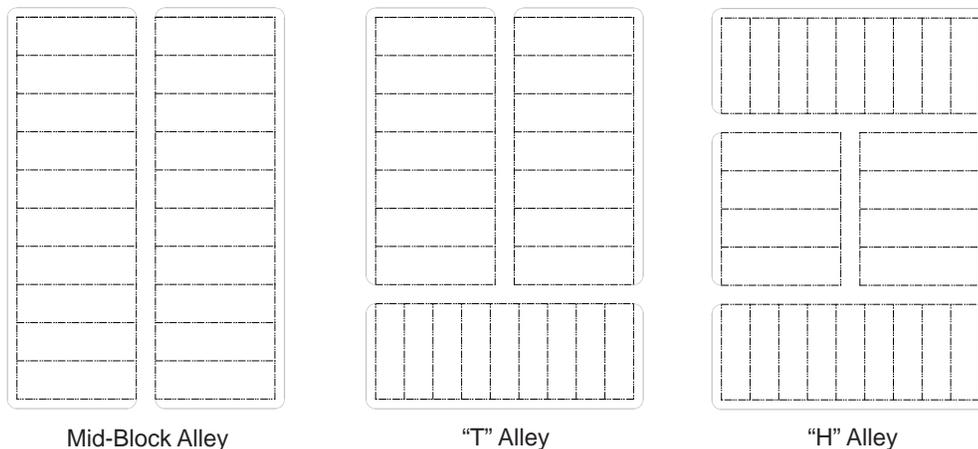


Figure 1.3 (2). Alley Configuration.

1.0 Place Types

10. General Subdistrict Layout

For all Place Types, the following outlines how the Subdistricts should relate to one another. See Figure 1.3 (3).

- (1) The following applies to all Subdistricts.
 - (a) Similar intensities of uses should face each other across the street.
 - (b) More intense uses, that share blocks with less intense uses, should be located on block ends. For example, a residential General Subdistrict should be located on corner parcels when on the same block as a less intensive Edge Subdistrict.
 - (c) Blocks may contain multiple Subdistricts; however, changes in Subdistricts should occur along an alley, the rear property line, or at a corner parcel.
 - (d) When Place Types back up to the rear of existing single family residential neighborhoods, an Edge Subdistrict should be utilized as a buffer.

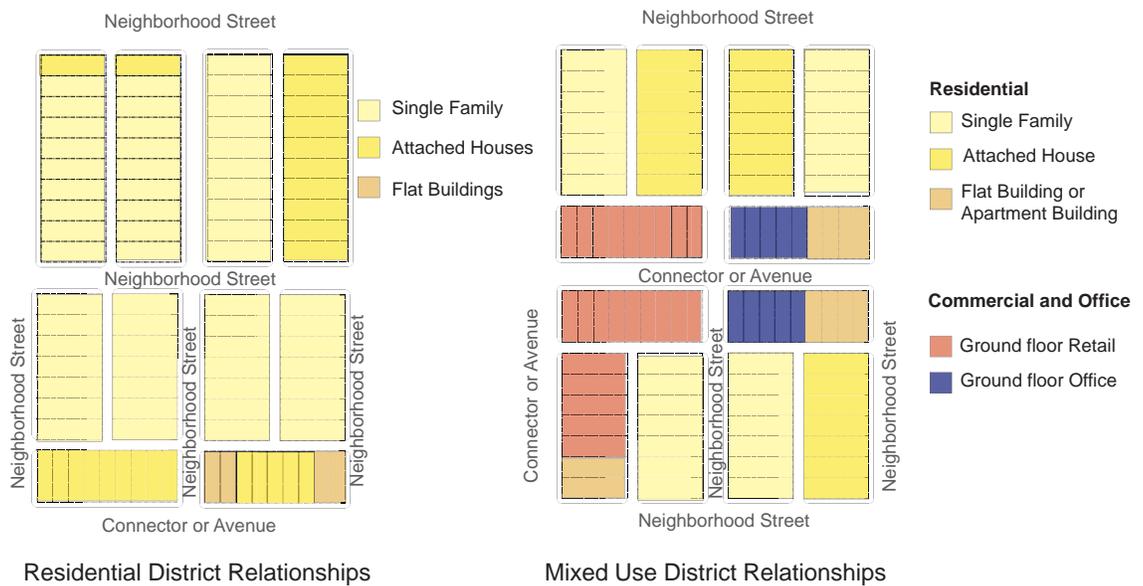


Figure 1.3 (3). District Relationships

1.4 Urban Center

1. Description and Intent

The Urban Center Place Type is intended for use in fairly intensive centers of activity, particularly the downtown area of Idaho Falls. This Place Type allows for a range of building intensity and a wide mix of uses. The Urban Center Place Type is designed for a high level of walkability, efficient use of the public right-of-way, and provision of opportunities for a wide range of public and private events in public spaces. Boundaries of the Urban Center Place Type typically include lower intensity Edge Subdistricts.

2. Requirements

Refer to Table 1.4 (1) for requirements for the Urban Center Place Type.

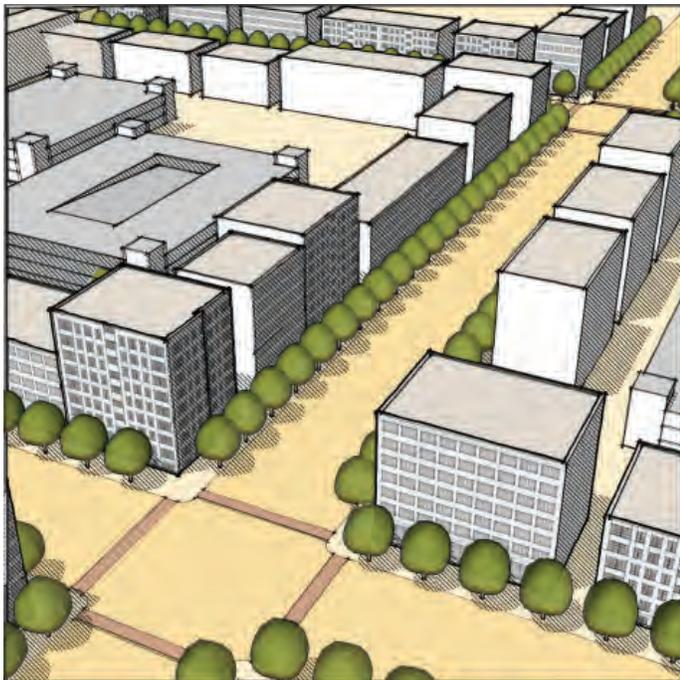


Figure 1.4 (1) Urban Center Place Type

Urban Center Requirements			
		Downtown District	
Subdistricts	Core A	●	Mixed Use Development
	Historic Center	●	Downtown Historic Center
	General A	●	Multi-Purpose and Mixed Use
	Edge A	●	Riverwalk Frontage Mixed Use
	Edge B	●	Highway Frontage Mixed Use
	Edge C	●	Residential Buffer
Block Configuration	Maximum Block Length	350'	
	Maximum Block Width	350', Mid block alley (non primary street) may intersect block.	
Permitted Street Types	Alley	●	
	Lane		
	Neighborhood St		
	Connector	●	
	Avenue	●	
	Boulevard		
Open Space Requirements	Core Subdistrict Requirements		One Open Space Type is required within one quarter (1/4) of a mile of the entrance of each building.
	General and Edge Subdistrict Requirements		One Open Space Type is required within one sixth (1/6) of a mile of the entrance of each building.
Permitted Open Space Type	Plaza	●	
	Square	●	
	Green		
	Pocket Park	●	
	Commons	●	
	Park		
	Greenway/Riverwalk	●	Shall be utilized only for Edge Subdistrict requirements.

● = Permitted

Table 1.4 (1). Urban Center Place Type Requirements.

1.0 Place Types

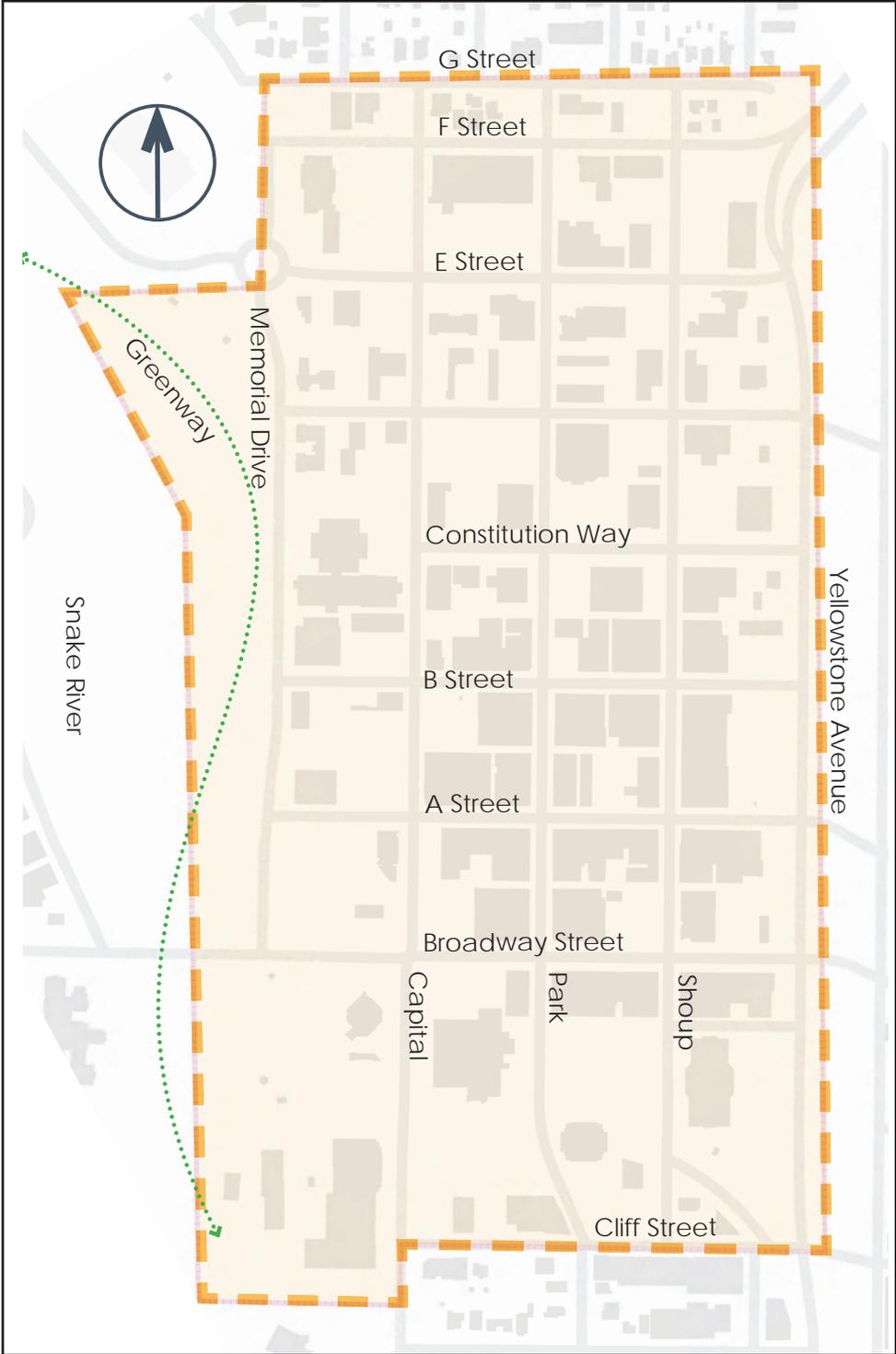


Figure 1.4 (2) Downtown District Boundaries

2.0 Street Types



2.0 Street Types

Page Intentionally Left Blank

2.1 General Requirements.

Introduction

Streets play a critical role in the City's urban fabric. A well-connected street network is important for the efficient and convenient movement of traffic. Side streets provide opportunity and choice for drivers, and create a more accessible and pedestrian friendly city center.

1. Intent.

The standards outlined in this Chapter are intended to:

- (1) Create complete streets that address all modes of travel, including transit, pedestrian, bicycle, and vehicular traffic.
- (2) Address all features of the street right-of-way, including sidewalks, parkways, traffic lanes, bicycle lanes, and medians.
- (3) Continue the existing logical system of streets and street names that result in a simple, consistent and understandable pattern of blocks and lots.
- (4) Provide adequate vehicles and pedestrians access to all lots.
- (5) Create streets that are appropriate in residential, commercial, or mixed use districts and are designed to encourage travel at appropriate volumes and speeds.
- (6) Create streets and public rights-of-way that result in reduced stormwater runoff and improved quality of stormwater runoff.
- (7) Create a safe and inviting public right-of-way.

2. Applicability.

The standards in this Chapter apply to all rights-of-way within designated Place Types.

- (1) Nonconforming streets shall not be required to conform to the requirements of this Chapter, unless significant improvements are made to the nonconforming street.
- (2) Alterations to buildings that trigger the requirements of Chapter 5.0 Buildings are considered a significant improvement and therefore require compliance with the regulations of this Chapter.
- (3) At the discretion of the Zoning Administrator, alterations to requirements of this Chapter may be approved to avoid improvements that:
 - (a) may result in a streetscape that is inconsistent along a single block face.
 - (b) may cause an undue maintenance burden on the City.

3. General Requirements.

All proposed streets, landscape planting or furnishings zones, and sidewalks shall be located in dedicated rights-of-way, as required by this Code.

- (1) Street Types. Unless otherwise approved by the City Engineer or

Zoning Administrator or designee, all new streets (whether publicly or privately owned) and street frontages along all new buildings shall correspond to the Street Types established in this Chapter.

- (2) Public Use. All streets shall be available for public use at all times. Gated streets and streets posted as private are not permitted, regardless of whether they are publicly or privately owned.
- (3) Streetscapes should be developed according to the standards in Chapter 7.0 Landscaping.

4. Street Construction Specifications.

All construction in the right-of-way shall follow specifications defined by the Department of Public Works.

2.2 General Street Type Standards.

1. Street Types.

Street Types defined in this Chapter outline acceptable street configurations. New streets should be designed using the principles and characteristics defined by each Street Type. The Zoning Administrator may require additional right-of-way, pavement width, or additional street elements if unique site characteristics warrant.

2. Graphics.

The graphics provided here are samples of recommendations that illustrate a possible configuration of each Street Type. These designs are intended as general standards for the use of space within the right-of-way. Exact features depend on the level of traffic and the location of the street and are subject to City review and approval.

3. Typical Street Elements.

Typical elements of a right-of-way are divided into the vehicular and pedestrian space (Refer to Figure 2.2 (1): Typical Right-of-Way Elements). Each Street Type detailed in this Chapter outlines which

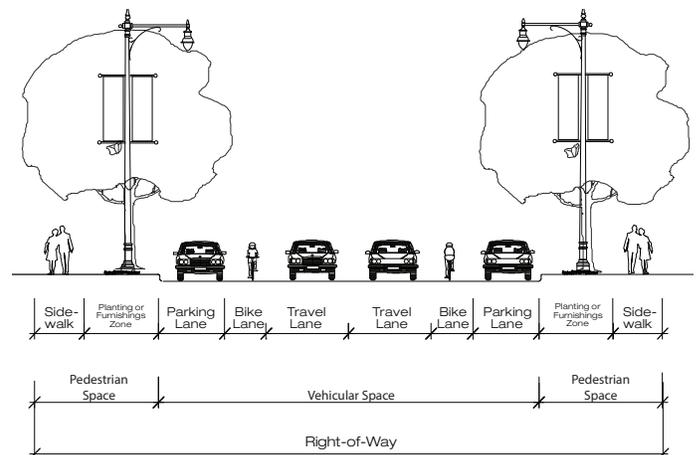


Figure 2.2 (1). Typical Right-of-Way (Property Line to Property Line) Elements.

2.0 Street Types

facilities are applicable.

- (1) Vehicular Space. The vehicular space is comprised of the travel lanes, bicycle lanes, and parking lanes from face of curb to face of curb. Parking lanes may serve to buffer pedestrians in the pedestrian space from higher speed traffic.
- (2) The pedestrian space is typically comprised of pedestrian facilities, such as sidewalk, path/trail, or off-street bicycle path, and a buffer area, consisting of a landscape planting zone or furnishings zone that serves to buffer pedestrians or bicyclists from the movements of higher speed vehicles in the vehicular space (where a parking lane may not exist). The pedestrian space may extend beyond the right-of-way as part of a building's setback. The pedestrian space should be designed to enhance the adjacent building and uses.
 - (a) Landscape Planting Zone. A landscape planting area between the back of curb or edge of pavement to the sidewalk in which street trees, lighting, and signage may be

located. Typically used adjacent to residential buildings.

- (b) Furnishings Zone. A hardscape area that extends from the sidewalk to the back of curb, in which street trees, street furniture, lighting, and signage may be located. Typically used adjacent to commercial or office buildings.

4. Vehicular Travel Lanes

The number and width of vehicular travel lanes are determined by the Street Type, traffic volumes, and traffic safety requirements.

5. Vehicular On-Street Parking.

On-street parking, as permitted on designated Street Types, shall meet the following requirements. Parallel and diagonal parking is permitted on designated Street Types.

- (1) Vehicular Parking Space Dimensions. On-street parking spaces shall comply with the appropriate dimensions outlined in Figure

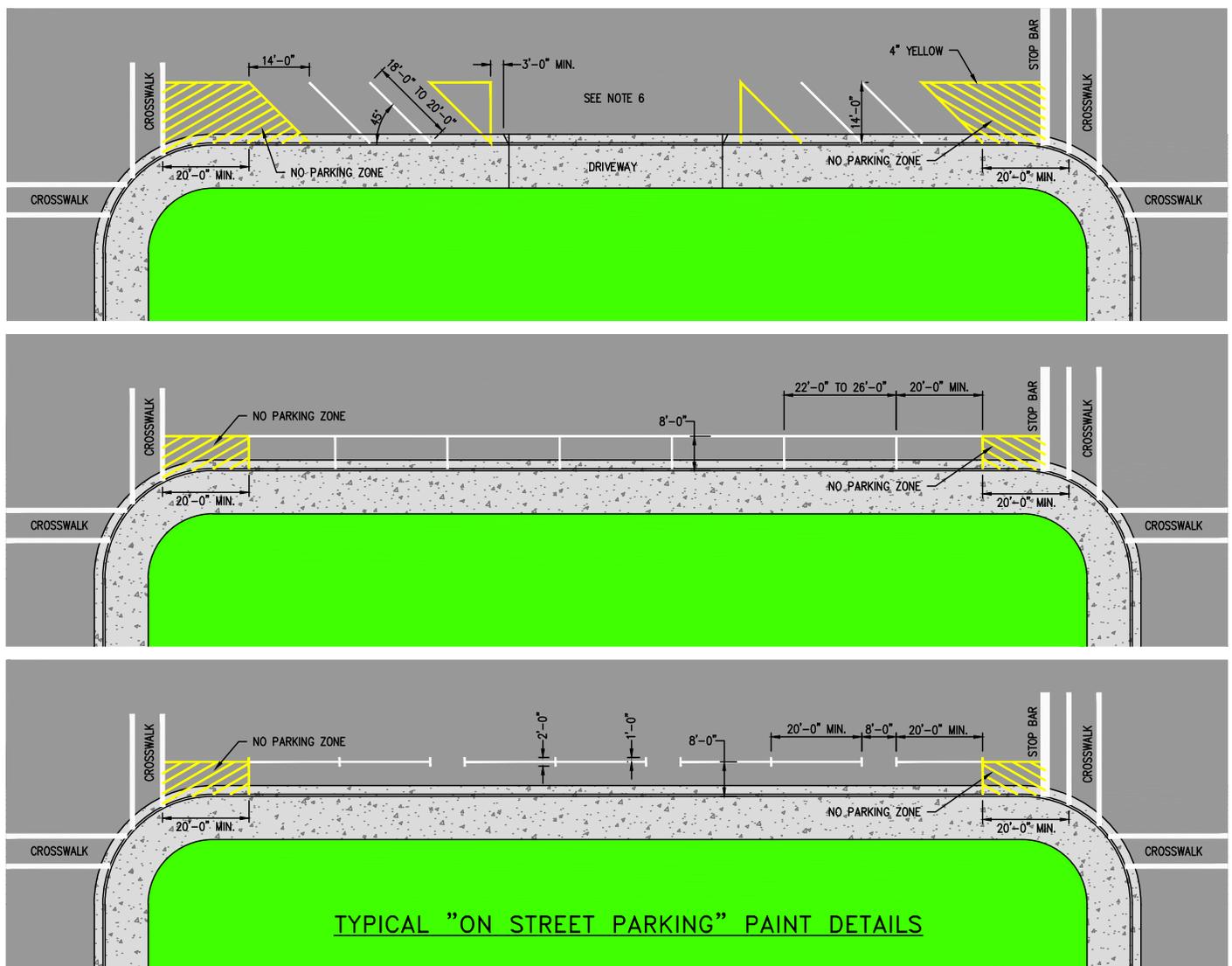


Figure 2.2 (2). On-Street Parking Layout.

2.2 (2) On-street Parking Layout. The width of a parking space shall be measured from the center of a stripe.

6. Bicycle Facilities.

All bicycle accommodations shall be coordinated with the recommended bicycle facilities mapped in Connecting Our Community: A Plan for Connecting The Idaho Falls Area Through Walking and Biking. The following types of bicycle accommodations are permitted in the vehicular realm per Street Type. Refer to Figure 2.2 (3).

- (1) Cycle Track. A cycle track is a separate on-road bicycle facility that is typically adjacent to, but physically separated from, vehicular traffic and parking by a barrier. Cycle tracks shall be limited to streets designated to accommodate regional connections or as approved by the Zoning Administrator.
- (2) Dedicated Bicycle Lane. Dedicated bicycle lanes are striped lanes on the outside of the outermost lane that are designated for bicycle use only. This lane typically occurs on both sides of the street and shall be four (4) to six (6) feet wide.
- (3) Designated Shared Lane. A designated shared lane is shared between vehicles and bicycles. This lane is typically wider than a standard vehicular lane, minimum thirteen feet (13'), in order to accommodate both types of users, and includes a painted bicycle marker combined with a double arrow, known as a "sharrow". This improvement occurs on both directions.
- (4) Shared Lane. A shared lane refers to a street that does not have bicycle lanes or a designated shared lane, but the speed and configuration of the street is such that bicycles could comfortably share lanes with traffic.

7. Stormwater Management.

Incorporation of stormwater management best practices into the right-of-way design is encouraged in coordination with the Public Works Department.

8. Street Trees.

Street trees are required along all street frontages, with the exception of the Lane and the Alley.

- (1) Street trees shall be located either in a Landscape Planting Zone within a planting bed or lawn or in a Furnishings Zone in tree wells with a grate, if required.
- (2) Tree grates are required for all trees located in tree wells in pedestrian spaces that are less than ten feet (10') in width.
- (3) Spacing for street trees shall be no less than forty feet (40') on center. Recommended spacing is twenty-five feet (25') on center.

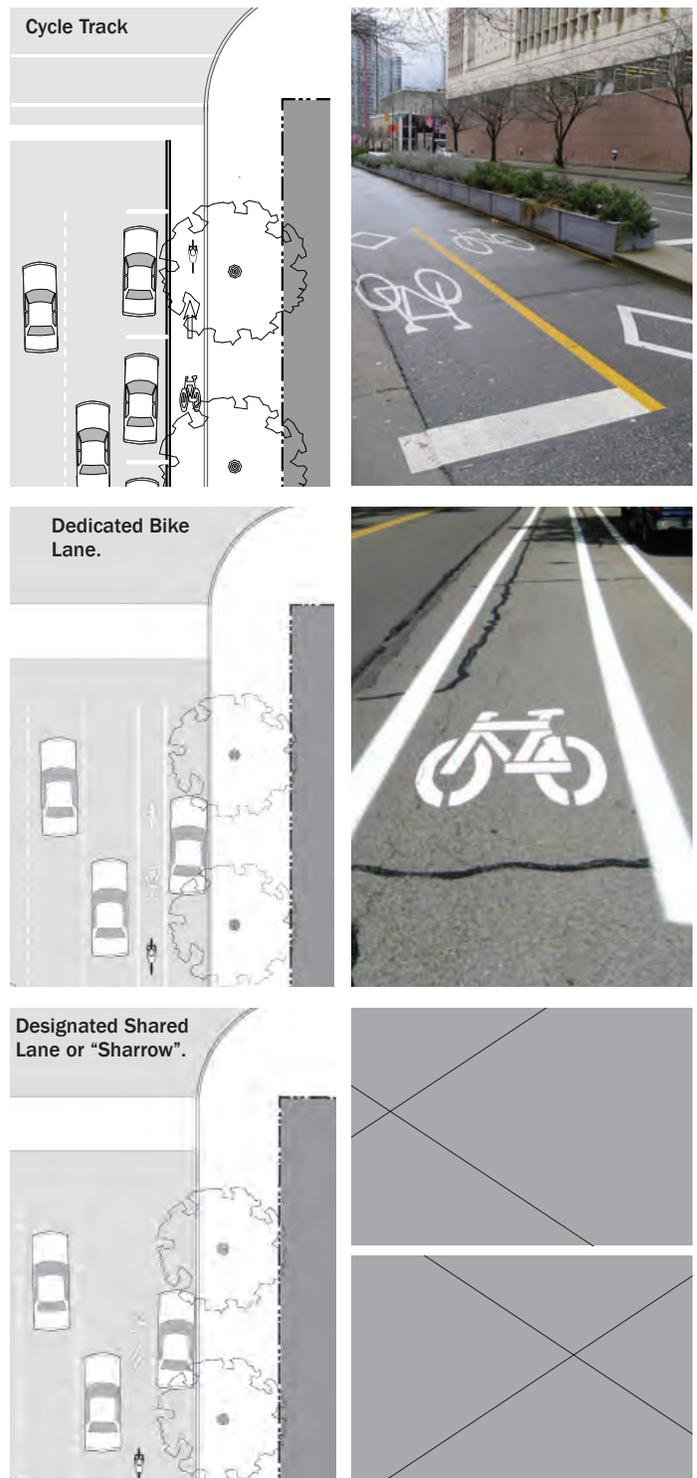


Figure 2.2 (3). On-Street Bicycle Facilities, Shared Lane/Sharrow.

2.0 Street Types

9. Lighting

Street lighting shall be provided in coordination with Idaho Falls Power.

10. Fire Access.

Street configurations have been calculated to provide fire truck access. Where the total width of all travel lanes is narrower than twenty feet (20'), the following shall apply.

- (1) Room to Pass. At one hundred twenty foot (120') increments, a twenty foot (20') opening in the on-street parking or a twenty foot (20') dedicated pull-off space must be provided to allow vehicles to pull over for a fire truck to pass.
 - (a) Driveway or Fire Hydrant Zone. A driveway or fire hydrant zone may be utilized to fulfill the requirement for a fire truck to pass.

2.3 General Street Layout Requirements.

1. General Layout Standards.

The following standards apply to new streets or newly platted rights-of-way. Exceptions may be approved by the Zoning Administrator.

- (1) Street Network. The network of streets shall form an interconnected pattern with multiple intersections. Spacing between intersections shall not exceed maximum dimensions for block length outlined in Chapter 1.0 Place Types.
- (2) Existing Streets. Existing streets shall not be shortened or blocked to prevent continuation of streets between neighborhoods or districts.

2. Disconnected Streets.

Disconnected streets may take the following form:

- (1) Stub Streets. Where adjoining areas are not subdivided, streets in new subdivisions shall be extended to the boundary line of the tract to provide for the future projection of streets into adjacent areas.
 - (a) Where abutting property is not subdivided, stub streets shall be provided at intervals no greater than the maximum block length and width recommended in Chapter 1.0 Place Type, Sections 1.3 - 1.10.
 - (b) Existing stub streets contiguous to a proposed subdivision shall be connected.
- (2) Half Streets. The construction of a half street or a street constructed to serve only one side of right-of-way, shall be prohibited unless otherwise approved by the Planning Commission and City Council (in unusual circumstances that make it essential and where satisfactory assurances are made for dedication if the remaining half of the street is provided).

- (a) No less than one-half (0.5) of the right-of-way of proposed half streets along the periphery of the subdivision shall be dedicated and constructed.
 - (b) Existing half streets contiguous to a proposed subdivision shall be completed including the dedication of the remaining right-of-way and complete construction of the street with the development.
- (3) Cul-de-Sac Streets. Cul-de-sac streets are not permitted in any Place Type except where natural features prohibit the inclusion of a U-shaped street accessing the location. In such situations the following shall apply:
 - (a) The cul-de-sac shall not be more than three-hundred feet (300') in length as measured from the closest intersection, along the centerline.
 - (b) The cul-de-sac shall have a maximum outside turning radius of fifty (50') feet.
 - (c) The narrow Neighborhood Street section shall be applied. The remaining center of the circular area shall be landscaped.
 - (d) A pedestrian sidewalk connection shall be constructed from the cul-de-sac through to the next closest street or sidewalk.

3. Intersections.

- (1) Curb Radii. Unless otherwise authorized by the Zoning Administrator,
 - (a) Small Curb Radii. Intersections should be designed for actual turning radius of the typical design vehicle (in contrast to the turning radius of the largest design vehicle). Small curb radii

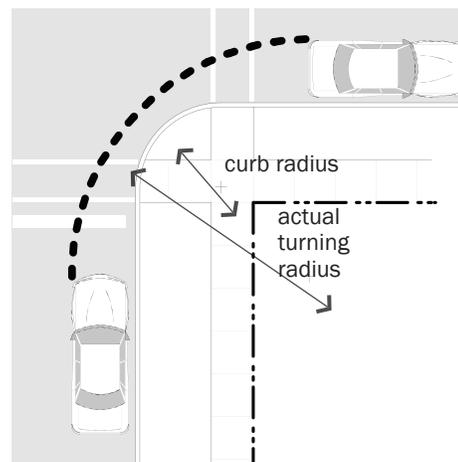


Figure 2.3 (1). Actual Curb Turn Radius with On-Street Parking.

at intersections shorten pedestrian crossing distances and reduce vehicle turning speeds, thereby balancing the ease of travel for both vehicles and pedestrians. Refer to Street Type tables for details.

- (b) Larger Radius. When the typical design vehicle, as defined by the Public Works Department, requires a larger curb radius than the typical design radius within the district and no on-street parking exists, a thirty foot (30') radius may be utilized on the Avenues (or larger) Street Type. Larger radii require approval of the Public Works Department.
- (2) Crosswalks. Crosswalks shall be required at all intersections involving Connectors, Avenues, and Boulevards.
- (a) Dimensions. Crosswalks shall be minimum six feet (6') in width, measured from mid-stripe to mid-stripe, per MUTCD.
 - (b) Markings. Crosswalks shall be appropriately indicated on the finished street surface with painted markings and/or textured or colored pavement.
 - (c) Crossing Distances. To encourage pedestrian activity, typical crosswalks shall not extend more than thirty-eight feet (38') without a landscape median, bulb-outs or other pedestrian refuge. Refer to Figure 2.3 (2).
- (d) Accessibility. Accessible ramps and warning panels, compliant with the American Disabilities Act or any more stringent state requirement, are required where all sidewalks or trails terminate at a crosswalk or curb.
 - (e) Ramp Orientation. Ramps shall be oriented perpendicular to traffic. This requires two ramps per corner at intersecting streets when the geometry allows. If perpendicular ramps cannot fit, a single parallel ramp may be adequate, if approved by the Zoning Administrator.
 - (f) Signalized crossings shall be installed where deemed appropriate by the City Engineer (HAWK lights, mid-block crossing, ect.).
- (3) Bulb-outs. To shorten pedestrian crossing distances, bulb-outs should be utilized at all intersections, unless otherwise determined by the Public Works Department. Refer to Figure 2.3 (3).
- (a) The depth of the bulb-out shall match the on-street parking, either in the width of the parallel space or in the depth of the diagonal space.
 - (b) The radius of the bulb-out shall match the requirements for the intersection.
 - (c) Ant additional sidewalk space created by bulbouts shall be configured to accommodate plantings in ground level wells or raised planters.

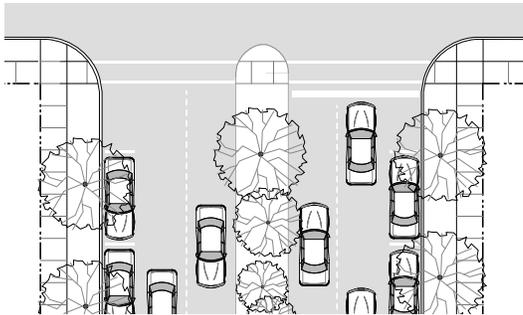


Figure 2.3 (2). Wide Street Crossing with Pedestrian Refuge Median.

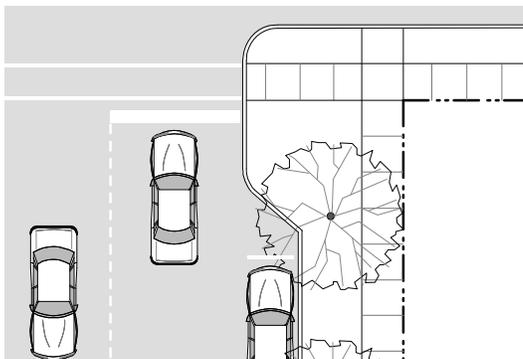


Figure 2.3 (3). Bulb Out.

2.0 Street Types

2.4 Alley.

1. Intent.

The Alley is a very low capacity drive generally located at the rear of parcels or between adjacent units of buildings. From the Alley, access to parking facilities, loading facilities, and service areas (such as refuse container and utilities) is possible without interruption of a Street Type by a curb cut or driveway. Alleys support the goals of creating consistent building frontage and streetscape. Alleys may also be used as pedestrian connections between buildings and are encouraged in new developments. Refer to the typical plan and section in Figure 2.4 (1).

2. General Requirements.

Alleys shall be developed using the standards in Table 2.4 (1). These designs are intended as design standards. Exact features will vary by location, purpose, and adjacent uses.

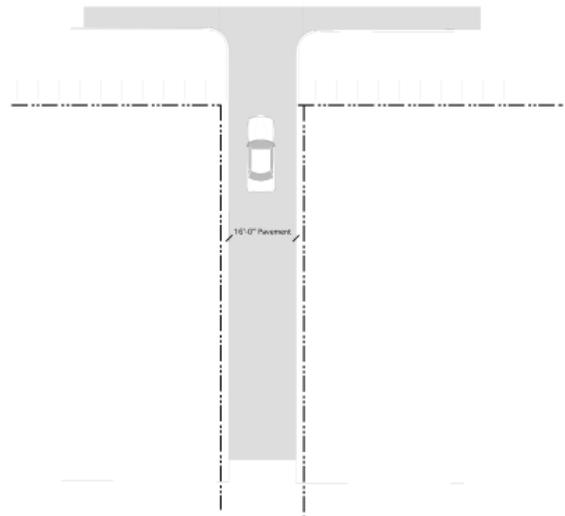
Alley Requirements	
Permitted Districts	All Districts
Permitted Adjacent Building Types	All Building Types
Typical Right-of-Way Width	20'
Vehicular Realm	
Travel Lanes	1 yield lane
Lane Width	16', 12' ¹ for alternative
Allowable Turn Lanes	Not applicable
Corner Curb Radius	No greater than 5'
Corner Sight Triangle	No greater than width of pedestrian realm of cross street ⁴
Parking Lanes	Not applicable
Pavement Width	Minimum 16', Maximum 20' Minimum 10' ¹ , Maximum 12' for alternative
Median	Not applicable
Bicycle Facilities ²	Shared
Pedestrian Realm	
Pedestrian Facilities	Shared; travel lanes are shared among drivers, pedestrians and bicyclists
Street Buffer	None required, 8' for alternative

¹ Minimum pavement width does not include allowance that may be required for placement of sanitation receptacles, which may vary based on site specific conditions.

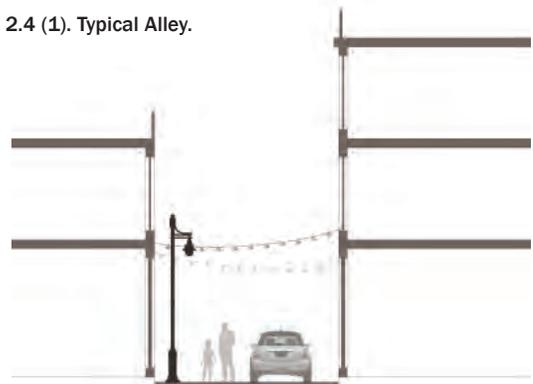
² Reference 2.2 (6) for bicycle facility types and requirements

⁴ Intersection with any cross street

Table 2.4 (1). Alley Requirements.



Plan
Figure 2.4 (1). Typical Alley.



Section
Figure 2.4 (2). Typical Alley.



Section
Figure 2.4 (3). Alternate Alley.



Figure 2.4 (4). Typical Alternative Alley Examples

2.0 Street Types

2.5 Connector Street.

1. Intent.

The Connector Street is a medium capacity street designed for slow speeds with a standard right-of-way. It primarily serves as a through street within the neighborhood and connects Neighborhood Street Types to Avenue Street Types. Refer to the typical plan and section, Figure 2.5 (1).

2. General Requirements.

Connectors shall be developed using the standards in Table 2.5 (1). These designs are intended as design standards. Exact features will

Connector Street Requirements	
Permitted Districts	All Districts
Permitted Adjacent Building Types	All Building Types
Typical Right-of-Way Width	54' to 60'
Vehicular Realm	
Travel Lanes	1 lane in each direction 2 lanes in one direction Alternative A: 1 one-way lane
Lane Width	10'
Allowable Turn Lanes	Right turn only lane permitted in place of parking at intersections; left turn only lane with median alternative. Right lane may be omitted where bulb-outs exist or are installed.
Corner Curb Radius	With on-street parking on both streets, a 5' radius may be utilized. Without on-street parking, a 15' radius is required.
Corner Sight Triangle	30' ⁴ Connector Street and intersecting Connector Street or larger.
Parking Lanes ¹	Parallel on one or both sides of street. Alternative A: Parallel on one side and angle on the other side. Alternative B: Angle parking on one side with cycle track on the other side
Pavement Width	34', 36' for alternative
Median	Permitted with 80' or greater right-of-way.
Bicycle Facilities ²	Shared Alternative: Cycletrack ³
Pedestrian Realm	
Pedestrian Facilities	Minimum 8' wide clear sidewalk on both sides
Street Buffer	Minimum 7' wide planting zone or furnishings zone: adjacent to Residential Districts, Open Space Districts, the planting zone is required

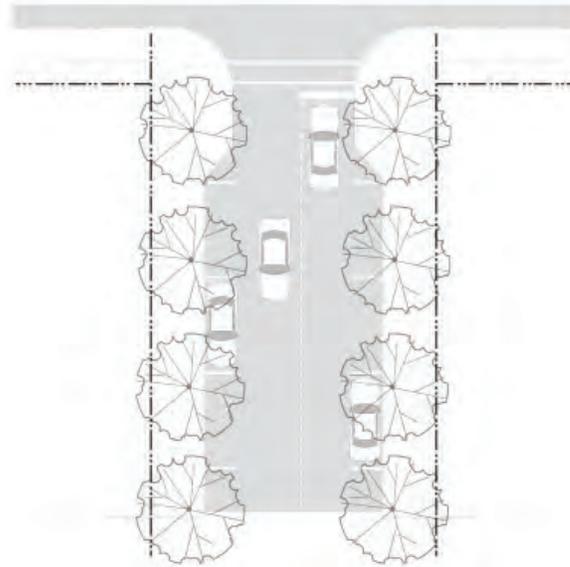
¹ Reference 2.2.5 for on-street parking requirements

² Reference 2.2.6 for bicycle facility types and requirements

³ Cycle Tracks shall be limited to streets identified for regional trail connections and as approved by the Zoning Administrator ²

⁴ As measured along property line

Table 2.5 (1). Connector Requirements.



Plan
Figure 2.5 (1). Typical Connector Street



Section
Figure 2.5 (2). Connector Cross-section.



Section
Figure 2.5 (3). Connector Cross-section Alternative A.



Section
Figure 2.5 (4). Connector Cross-section Alternative B.



Figure 2.5 (5). Typical Connector Street example; intended as reference only

2.0 Street Types

2.6. Avenue.

1. Intent.

The Avenue is a medium to high capacity street typically with wider rights-of-way than and abundant on-street parking. It serves all types of development and provides connections between districts. Refer to the typical plan and section in Figure 2.6 (1).

2. General Requirements.

Avenues shall be developed using the standards in Table 2.6 (1). These are intended as design standards. Exact features will vary by location, purpose, and adjacent uses.

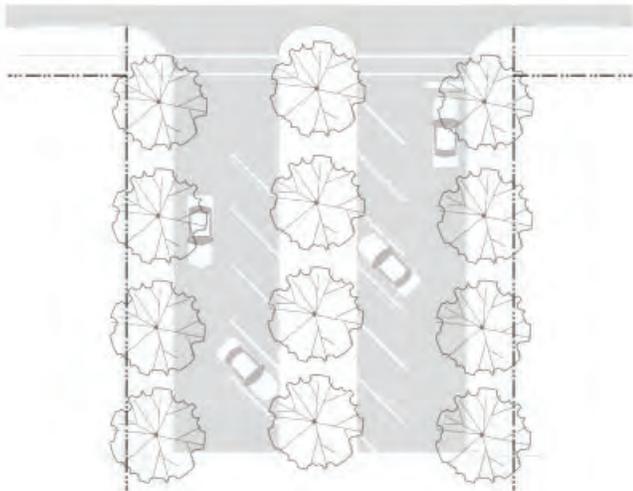


Figure 2.6 (1). Typical Avenue Street



Figure 2.6 (2) Potential Avenue Street example; intended as reference only

Avenue Requirements	
Permitted Districts	All Districts
Permitted Adjacent Building Types	All Building Types
Typical Right-of-Way Width	80-110'
Vehicular Realm	
Travel Lanes	1 or 2 lanes in each direction
Lane Width	10'-11'
Allowable Turn Lanes	Right turn only lane permitted in place of parking at intersections with Connector; left only with median. Right lane may be omitted where bulb-outs exist or are installed.
Corner Curb Radius	With on-street parking on both streets, a 10 foot radius is required. Without on-street parking on either streets, a 25 foot radius is required
Corner Sight Triangles	30' ⁴ Avenue and intersecting Connector Street or larger
Parking Lanes ¹	Parallel required on both sides of street; Angled permitted for alternative. Center parking permitted for alternative as approved by the Zoning Administrator
Pavement Width	75', may include planted median
Median	Required with 80' or greater right-of-way including an additional planting zone of 7' between lanes of opposite direction. Planting zone may reduced to 5' in combination with turn lanes, center parking islands, and pedestrian crossing refuges.
Bicycle Facilities ²	Shared; Alternative: Bike Lane
Pedestrian Realm	
Pedestrian Facilities	Minimum 5' wide clear sidewalk on both sides
Street Buffer	Minimum 9' wide planting zone or furnishings zone. Adjacent to Residential Districts, Open Space Districts, the planting zone is required

¹ Reference 2.2.5 for on-street parking requirements

² Reference 2.2.6 for bicycle facility types and requirements

⁴ As measured along edge of curb s

Table 2.6 (1). Avenue Requirements.



Section
Figure 2.6 (3). Potential Avenue Cross-section Alternative



Section
Figure 2.6 (4). Potential Avenue Cross-section.

2.0 Street Types

Page Intentionally Left Blank

3.0 Subdistricts



3.0 Subdistricts

Page Intentionally Left Blank

3.1. Introduction

The following Subdistricts are created to regulate the location of distinct mixes of building forms and permitted uses within Districts.

1. Core Subdistricts.

The Core Subdistricts support a vibrant District and encourage a mix of retail shops, workplaces, and housing opportunities. The Building Types and scales vary by each Subdistrict to create distinct and recognizable characteristics between each Subdistrict.

(1) Core A Subdistrict: Mixed Use Development

The Core A Subdistrict is a mixed-use, higher intensity development Subdistrict. This Subdistrict will form the geographic center of the Downtown District. Buildings should have active retail storefronts or street level residential entries with glass windows on the main floor. Upper stories of the buildings may be used for working and living. Placement of new buildings should be close to the street. This area emphasizes and promotes walkability and pedestrian accessibility through a “Park Once and Walk” policy. A mix of heights are allowed.

2. General Subdistricts.



(1) General A Subdistrict: Mixed Use Development

General Subdistricts, while still an important part of the fabric of the City, are less defined than the Core and Edge Subdistricts. Land uses and Building Types are typically allowed more broadly and generically than in the Core and Edge Subdistricts and in a variety of scales.

The General A Subdistrict is a mixed-use Subdistrict targeted as a redevelopment area. This area does not have significant historic features but may be adjacent to areas of significant historic value and/or significant contributions to the Downtown District. Redevelopment of parcels in this Subdistrict should include a range of residential densities and commercial placement of buildings in this Subdistrict should define a street wall. Like the Core Subdistricts, walkability is also emphasized through a “Park Once and Walk” policy.



3. Edge Subdistricts.

The purpose of the Edge Subdistricts is to provide a transition between the Core and General Subdistricts and adjacent open space, residential or alternative Place Types. Level of intensity varies between Subdistricts.

(1) Edge A Subdistrict

The Edge A Subdistrict acts primarily as transition area between linear open space amenities (such as the Riverwalk) and Core and General Subdistricts. The Edge Subdistrict offers a variety of retail and mixed-use establishments oriented towards the linear open space and designed to draw people in toward the Core Subdistricts. Housing is encouraged, as the adjacent open space may be an amenity to residents.



3.0 Subdistricts

(2) Edge B Subdistrict

The Edge B Subdistrict acts primarily as a transition between highway corridors and Core and General Subdistricts. This Subdistrict provides a mix of retail and mixed-use establishments oriented to the highway corridor. Somewhat lower development intensity may be appropriate to accommodate increased requirements associated with highway frontage.

(3) Edge C Subdistrict

The Edge C Subdistrict provides an important transition between Core Subdistricts and existing established single unit residential areas. Mixed-use development is lower in intensity. Single-use developments such as townhomes are permitted.



3.2 Place Type Regulating Map.

1. Mapped Subdistricts.

The areas and boundaries of the Subdistricts within the Place Types are established as shown on the map entitled "Place Type and Regulating Map" and are listed in Figure 3.1. The map will be referred to herein as "Regulating Map".

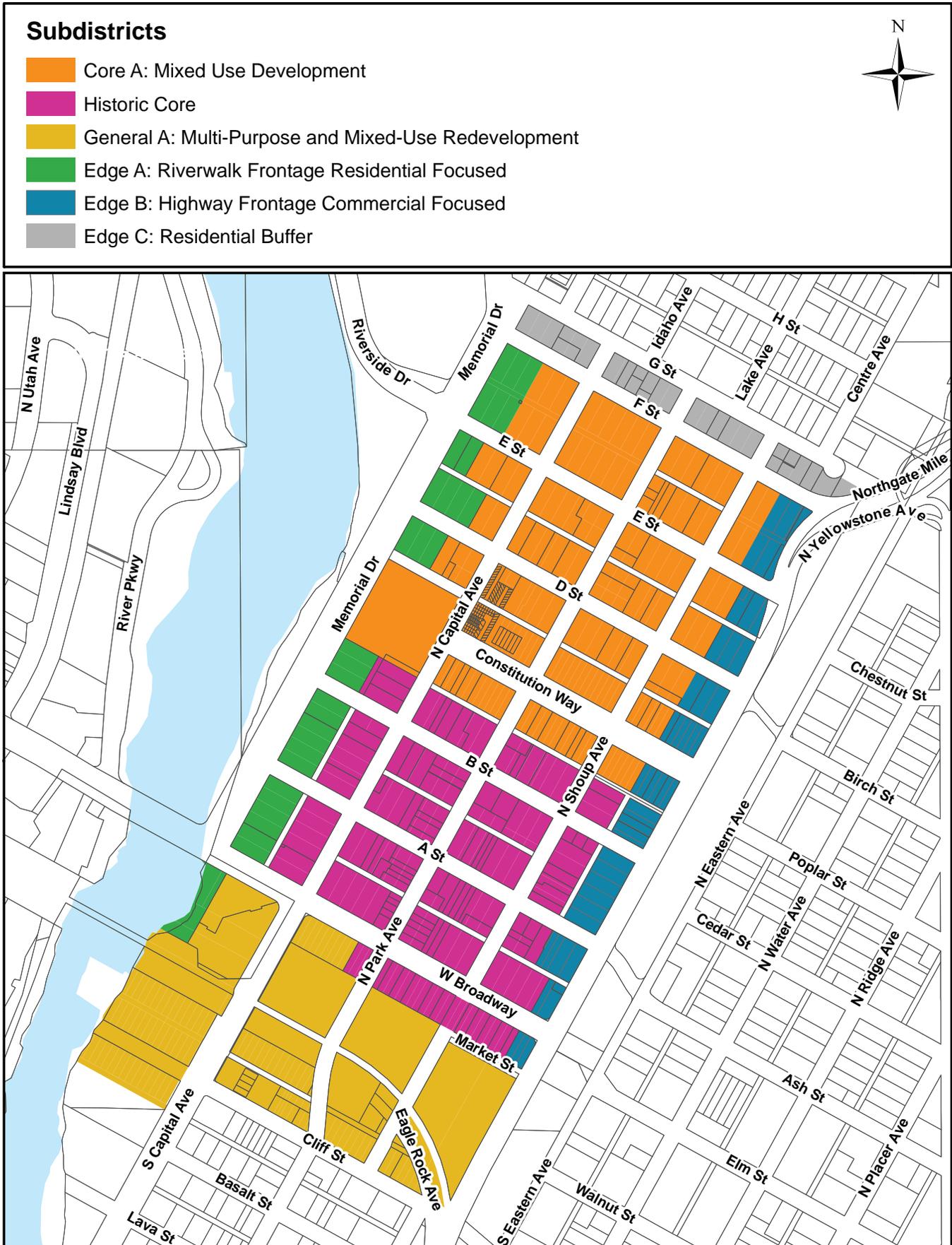
4. Speciality subdistricts.

Specialty Subdistricts define areas that are unique and not likely to be duplicated.

(1). Historic Center

The Historic Center Subdistrict intends to preserve and restore historic buildings located in downtown Idaho Falls. This Subdistrict is the geographical center and the historic core of the Downtown District. Buildings in this Subdistrict should have active storefront uses on the ground level. Upper stories may be utilized for working and living. Similar to Core A, walkability and pedestrian connections are an important component of the Subdistrict. New buildings should be compatible in form to existing buildings.

Figure 3.1 Subdistricts Regulating Map for the Downtown District.



3.0 Subdistricts

Page Intentionally Left Blank

4.0 Uses



4.0 Uses

Page Intentionally Left Blank

4.1 General Requirements.

1. General Provisions.

The following general provisions apply to the uses outlined in this Section.

- (1) A lot may contain more than one use.
- (2) Each use may function as either a principal use or accessory use on a lot, unless otherwise specified.
- (3) Uses are either permitted by right in a Subdistrict, permitted by right with specific development or design parameters, or require a Conditional Use Permit (refer to 10.2.7) in order to be developed.
- (4) Each use shall be located within a permitted Building Type (Refer to Chapter 5.0 Building Types), unless otherwise specified.
 - (a) When a Place Type is adopted, existing uses within the geographic boundaries of the Place Type shall not be required to conform to Subdistrict use regulations of this Chapter.
 - (b) A nonconforming use may be changed to another use within the same Use Category as described in this Chapter, however the use will remain nonconforming.
- (5) Each use may have both indoor and outdoor facilities, unless otherwise specified.

2. Organization.

Uses are grouped into general Use Categories, which may contain lists of additional uses or clusters of uses.

- (1) Unlisted Similar Use. If a use is not listed but is similar in impact and nature to a use permitted within a Subdistrict, the Zoning Administrator may permit the use.
 - (a) The unlisted use will be subject to any development standards applicable to the similar permitted use.
 - (b) If the unlisted use is similar in impact and nature to a use requiring a Conditional Use Permit, the Zoning Administrator may require a Conditional Use Permit for that use.
- (2) Unlisted Use. If a use is not listed and cannot be interpreted as similar in impact and nature to a use within a Subdistrict that is either permitted or requires a Conditional Use Permit, the use is not permitted and may only be approved through an amendment of this Chapter.

3. Use Table.

Table 4.1 (1). Uses by Subdistrict outlines the permitted uses in each Subdistrict. Each use is given one of the following designations for each Subdistrict in which that use is permitted.

- (1) Permitted (●). These uses are permitted by right in the Subdistricts in which they are listed.
- (2) Permitted in Upper Stories Only (☉). These uses are permitted by right in the Subdistricts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located of at least thirty feet (30') from the front facade.
- (3) Permitted with Development Standards (◐). These uses are permitted by right in the Subdistricts in which they are listed, provided that they are developed according to the required development standards. These standards are intended to alleviate any negative impacts associated with the use, making it appropriate in a Subdistrict where it otherwise might not have been appropriate.
- (4) Requires a Conditional Use Permit (○). These uses require administrative review and approval (refer to 10.2.7) in order to occur in the Subdistricts in which they are listed and must follow any applicable development standards associated with the use and must meet the requirements of the Conditional Use Permit.
- (5) Listed uses that are not permitted in the Subdistrict are indicated by a blank space.

4. Building Types.

The uses permitted within the Subdistrict may be further limited by the Building Types permitted. Refer to Chapter 5.0 Building Types.

4.0 Uses

Subdistricts						
Core A	Historic Center	General A	Edge A	Edge B	Edge C	Future Subdistrict

Use Category and Subcategory Table

- KEY
- Permitted
 - ◐ Permitted in Upper Stories Only
 - ◑ Permitted with Development Standards
 - Requires a Conditional Use Permit

	Core A	Historic Center	General A	Edge A	Edge B	Edge C	Future Subdistrict
Residential & Lodging							
Residential	●	◐	●	●	◐	●	
Hotel & Inn	◐	◐	●	●	●	◐	
Residential Care	●	●	●	●	●	◐	
Civic							
Assembly	◐	◐	●	◐	◐		
Transit Station	●	●	●	◐	●		
Hospital & Clinic	●	◐	●	◐	◐		
Library/Museum/Post Office (no distribution)	●	●	●	◐			
Mail Service (distribution)	◐		◐		◐		
Police & Fire	●	●	●		●		
School	○	○	○	○	○	○	
Retail							
Neighborhood Retail	●	●	●	●	●		
General Retail	●	●	●	◐	◐		
Outdoor Sales							
Service							
Neighborhood Service	●	●	●	◐	◐		
General Service	●	●	●	◐	◐		
Eating & Drinking Establishments	●	●	●	●	●		
Vehicle Service			○		○		
Office & Industrial							
Office	◐	◐	●	◐	●	◐	
Craftsman Industrial	◐	◐	◐	◐	◐		
Infrastructure							
Parking Lot	◐	◐	◐		◐		
Parking Structure (Stand Alone)	◐	◐	◐		◐		
Utility & Infrastructure	○	○	○	○	○		
Open Space	◐	◐	◐	◐	◐	●	
Accessory Uses							
Home Occupation	●	●	●	●	●	●	
Outdoor Storage of Goods			○				
Drive Through			◐		◐		

Table 4.1 (1). Uses by District.

4.2. Definition of Uses.

1. Residential and Lodging Uses.

- (1) Residential. One or more dwelling units located within the principal structure of a lot. The units may or may not share a common wall, horizontally or vertically, with the adjacent unit or have individual entrances from the outside.
- (2) Hotel & Inn. A facility offering temporary lodging to the general public consisting of sleeping rooms with or without in-room kitchen facilities. Secondary service uses may also be provided, such as restaurants and meeting rooms. Rooms shall be accessed from the interior of the building. Hotels and Inns do not include Bed and Breakfasts or Boarding Houses except in Subdistricts where development standards (●) are required for the use. In the Subdistricts where a Hotel and Inn is permitted with development standards (●), the facility may be limited to twelve (12) rooms at the discretion of the Zoning Administrator.
- (3) Residential Care. A facility offering temporary or permanent lodging to the general public consisting of an unlimited number of sleeping rooms with or without in-room kitchen facilities and providing assistance with daily activities for residents. Residential care includes such uses as independent and assisted living facilities, nursing homes, residential care homes, and transitional treatment facilities. Secondary service uses may also be provided, such as restaurants and meeting rooms. Rooms shall be accessed from the interior of the building. In the Subdistricts where a residential care facility is permitted with development standards (●), the facility may be limited to twelve (12) rooms at the discretion of the Zoning Administrator.

2. Civic Uses.

A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, and hospitals.

- (1) Assembly. A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Assembly includes such uses as a community center, place of worship, and private clubs and lodges. I
- (2) Transit Station. A covered passenger boarding and alighting facility with a platform(s), which may include a waiting room, ticket office or machines, rest rooms, and concessions.

- (3) Hospital & Clinic. A licensed institution providing medical care and health services. These services may be located in one building or clustered in several buildings and may include laboratories, in- and out-patient facilities, training facilities, medical offices, staff residences, food service, pharmacies, and gift shops.
- (3) Library/Museum. A facility open to the general public which includes educational, cultural, artistic, or historic information, resources, and exhibits. May also include food service and a gift shop.
- (4) Police and Fire. A facility providing public safety and emergency services. Training facilities, locker rooms, and limited overnight accommodations may also be included. Police and fire facilities require approval of a Conditional Use Permit. The facilities shall be housed in a permitted building, but shall have the following additional allowances:
 - (a) Garage doors are permitted on the front or rear facade.
 - (b) Exemption from maximum driveway width requirements.
- (5) Mail Service. A publicly accessed facility for the selling of supplies and mail related products and the small scale collection and distribution of mail and packages. Large-scale postal sorting and distribution is not permitted.
- (6) School. An education facility with classrooms and offices, that may also include associated indoor facilities such as ball courts, gymnasium, theater, and food service.

3. Retail Uses.

A category of uses involving the sale of goods or merchandise to the general public for personal or household consumption.

- (1) Neighborhood Retail. A use in this category occupies a space of less than twelve thousand square feet (12,000 ft²). Neighborhood retail includes such uses as those listed in Table 4.2 (1). Typical Retail Uses.
- (2) General Retail. A use in this category includes all Neighborhood Retail uses occupying a space of greater than twelve thousand square feet (12,000 ft²) and such uses as those listed in Table 4.2 (1). Typical Retail Uses.
- (3) Outdoor Sales Lot. A use involving the sale of goods or merchandise to businesses and/or the general public, where the majority of the goods are stored or displayed outdoors, although there is typically an associated building. Outdoor sales lots include such uses as the sale and rental of automobiles, trucks, trailers, boats, and recreational vehicles; and the sale of building materials, landscape materials, and garden supplies. In the districts where an outdoor sales lot is permitted by Conditional Use Permit (○), the following applies:
 - (a) Not permitted on corner parcels.
 - (b) Limited to lots fronting on Arterial Streets.
 - (c) Includes permanent construction of a building utilizing one of the permitted Building Types in the district.

4.0 Uses

Neighborhood Retail 4. General Retail

Alcohol & Liquor Sales	All Neighborhood Retail
Antique Shop	
Apparel & Accessory Store	Appliance & Electronic Sales & Service
Art & Education Supplies	Automotive Parts Supply (no service)
Bakery, Retail	Computer Software Sales & Leasing
Bicycle Sales & Repair	Department Store
Book, Magazine, & Newspaper Store	Gun Shop
Building Materials, Hardware, and Garden Supply	Home Furnishings & Accessories Sales & Rentals
Camera & Photo Supply Store	Medical Supply Store & Rental
China & Glassware Shop	Motorcycle & Motor Scooter Sales
Convenience Store	Heating, Air Conditioning & Plumbing Supplies, Sales, & Service
Drug Store/Pharmacy	Cabinet Supply (display and sales only)
Fabric & Craft Store	Machine Sales and Rental
Florist	Agriculture Equipment and Supply
Gift, Novelty, & Souvenir Shop	Electrical Supplies
Grocery Store	Merchandise Vending Machine Operators
Hardware Store	Medical Supply Store & Sales
Hobby Shop	
Jewelry Sales & Repair	
Luggage & Leather Goods	
Music Store	
Musical Instrument Repair & Sales	
Office Supply	
Optical Goods	
Paint & Wallpaper	
Party Supply Shop	
Pawn Shop	
Pet & Pet Supply	
Smoke Shop	
Specialty Food Market (Butcher, Candy, Fish Market, Produce, etc.)	
Sporting Goods Sales & Rental	
Stationary & Paper Store	
Toy Shop	
Video/Game Sales & Rental	
Wine & Liquor Shop	

Table 4.2 (1). Typical Retail Uses.

Service.

A category of uses that provide patrons services and limited retail products related to those services. Visibility and accessibility are important to these uses, as most patrons do not utilize scheduled appointments.

- (1) Neighborhood Service. A use in this category occupies a space of less than twelve thousand square feet (12,000 ft²). Neighborhood service includes such uses as those listed in Table 4.2 (2).
- (2) General Service. A use in this category includes all Neighborhood Service uses occupying a space of greater than twelve thousand square feet (12,000 ft²) and such uses as those listed in Table 4.2 (2).

5. Vehicle Service.

A business involving the servicing of vehicles and/or the distribution of fuel. A convenience store may also be included as a secondary use, as well as the sale of propane and kerosene. Vehicle service includes such uses as automotive filling stations, vehicle repair, car wash facilities, and tire sales and mounting. In the Subdistricts where vehicle service is permitted with development standards (●), the following apply:

- (1) Use Limitation. Repair and wash facilities for semi-trucks, recreational vehicles, boats, and other oversized vehicles are not permitted.
- (2) Service Bays. Vehicular service bays, including garages and car wash bays, shall not be located on the front facade, unless otherwise permitted by the Building Type.
- (3) Outdoor Storage. Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if:
 - (a) The vehicles are not stored for more than two days.
 - (b) The storage area is located in the rear yard screened from view of the right-of-way.

Neighborhood Service General Service

Arcade	All Neighborhood Services
Bank or other Financial Service	
Barber Shop, Beauty Salon, & Spa	Animal Boarding (interior only)
Billiard Hall	Aquatic Facilities
Catering	Batting Cages
Check Cashing	Bowling Alley
Day Care, Adult or Child	Concert Hall
Dry Cleaning & Laundry	Exterminating & Disinfecting Service
Emergency Care Clinic	Funeral Home
Fitness, Dance Studio, & Gym	Miniature Golf Course
Framing	Recreation, Commercial Indoor
Home Furniture & Equipment	Repair of Small Goods & Electronics
Repair	Shooting & Archery Ranges (indoor only)
Locksmith	Skating Rink
Mailing Services	Tattoo/Piercing Parlor
Microbrewery	
Pet Grooming	
Photocopying & Printing	
Photography Studio & Supplies (on-site processing permitted)	
Restaurants (refer to state law for alcoholic beverage requests)	
Shoe Repair	
Tailor & Seamstress	
Tanning Salon	
Tattoo/Piercing Parlor	
Theater	
Training Center	
Travel Agency & Tour Operator	
Veterinarian	

Table 4.2 (2). Typical Service Uses.

- (c) The storage area is screened using the side and rear yard buffer outlined in Chapter 7.0 Landscape, regardless of the adjacent land uses.
- (4) Outdoor Activities.
 - (a) All repairs or washing activities must occur inside a structure.
 - (b) Vacuuming activities may occur in open air, but must be located in the side or rear yards, screened from the right-of-way.

6. Office Uses.

A category of uses for businesses that involve the transaction of affairs of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times. The businesses do not typically rely on walk-in customers. Office uses include those listed in Table 4.2 (3) Typical Office Uses.

- (1) For home occupations refer to the requirements of the City Zoning Ordinance.

7. Craftsman Industrial.

A use involving small scale manufacturing, production, assembly, and/or repair with little to no noxious by-products that includes a showroom

Office

Architecture/Engineering/Design	Real Estate
Building Contractor (office only)	Recording & Sound Studio
Business Consulting	Research & Development
Charitable Institutions	Research Agency
Computer Programming & Support	Surveying
Detective Services	
Educational Services (tutor & testing)	
Employment Agency	
Financial & Insurance	
Government Offices	
Legal Services	
Management Services	
Physical Therapy/Physical Rehabilitation	
Medical & Dental with Laboratory	
PR & Advertising	
Property Development	
Radio & TV Studio	

Table 4.2 (3). Typical Office Uses.

or small retail outlet. Craftsman Industrial includes such uses as those found in Table 4.2 (4) Typical Craftsman Industrial Uses. This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited. The maximum overall gross floor area is limited to twenty thousand square feet (20,000 ft²), unless otherwise noted. In the districts where a Craftsman Industrial use is permitted with development standards (C), the following apply:

- (1) Showroom. A minimum twenty percent (20%) of gross floor area shall be dedicated to a showroom located at the front of the building adjacent to the right-of-way.
- (2) Outdoor Activities. Outdoor activities and storage of goods are not permitted.

Craftsman Industrial

Apparel & Finished Fabric Products
Bakery & Confections
Beverages, including Beer, Wine, Liquor, Soft Drinks, Coffee
Botanical Products
Canning & Preserving Food
Commercial Scale Copying & Printing
Construction Special Trade Contractors
Cut Stone & Cast Stone
Dairy Products
Electronics Assembly
Engraving
Electrical Fixtures
Fabricated Metal Products
Film Making
Furniture & Fixtures
Glass
Household Textiles
Ice
Jewelry, Watches, Clocks, & Silverware
Leather Products
Meat & Fish Products, no Processing
Musical Instruments & Parts
Pasta
Pottery, Ceramics, & Related Products
Printing, Publishing & Allied Industries
Shoes & Boots
Signs & Advertising
Small Goods Manufacturing
Smithing
Taxidermy
Textile, Fabric, Cloth
Toys & Athletic Goods
Upholstery
Woodworking

Table 4.2 (4). Typical Craftsman Industrial Uses.

4.0 Uses

8. Parking Lot.

A lot that does not contain a permitted Building Type or Open Space Type and is solely used for the parking of vehicles. In the Subdistricts where a parking lot is permitted with development standards (●), the following apply:

- (1) Corner Lots. A corner lot shall not be used as a parking lot.
- (2) Adjacent Parking Lots. Two (2) or more parking lots shall not be located directly adjacent to one another.
- (3) Single Unit Residential. Parking lot cannot be associated with a single unit residential use.
- (4) Distance. A parking lot must be within one thousand three hundred feet (1,300') of the principal entrance to the associated use unless:
 - (a) At least seventy five percent (75%) of the spaces are dedicated for public use.
 - (b) An approved parking agreement is recorded (refer to Chapter 8.0 Parking).
- (5) Pedestrian Access. A parking lot be connected to the associated use by a dedicated, public pedestrian pathway.
- (6) Commercial Vehicles. Parking lots for commercial vehicles are not permitted in the Downtown District.

9. Parking Structure.

A parking structure on a lot that does not contain a permitted Building Type and is solely used for the parking of vehicles. In the Subdistricts where a parking structure is permitted with development standards (●), the following apply:

- (1) Adjacent Parking Structures. Two (2) or more parking structures shall not be located directly adjacent to one another.
- (2) Distance. A parking structure must be within one thousand three hundred feet (1,300') of the principal entrance to an associated use unless:
 - (a) At least seventy five percent (75%) of the spaces are dedicated for public use.
 - (b) An approved parking agreement is in recorded (refer to Chapter 8.0 Parking).
- (5) Pedestrian Access. A parking structure must be connected to an associated use by a dedicated, public pedestrian pathway.
- (6) Commercial Vehicles. Parking structures for commercial vehicles are not permitted in the Downtown District.

10. Utility and Infrastructure.

A lot that is primarily utilized for the City's infrastructure needs. Utility and Infrastructure includes such uses as electric or gas

services, sewage treatment, water treatment and storage, and energy conversion systems. In all Subdistricts, utilities and infrastructure require a Conditional Use Permit (○).

11. Open Space.

A use of land for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, or community gardens. Refer to Chapter 6.0 Open Space Types for permitted forms of open space. Open Space uses may also be utilized to host temporary private or community events, such as a farmer's market or art fair. In the Subdistricts where Open Space is permitted with development standards (●), the following apply:

- (1) Parking. Parking lots are not permitted in Open Space in any district unless otherwise specified by the Open Space Type.
- (2) Stormwater Accommodations. Open Space that incorporates stormwater management on a parcel or District scale is encouraged.
 - (a) Stormwater facilities shall be designed to accommodate additional uses, such as an amphitheater or a sports field.
 - (b) Stormwater facilities shall be designed not to be fenced and shall not impede public use of the land they occupy.
- (3) Open Space may include small scale food and beverage service, no more than two hundred square feet (200 ft²) in space, located in a kiosk, with no service access.
- (4) Buildings located directly adjacent to an Open Space use shall treat facades facing this use with street facade requirements, see Chapter 5.0 Building Types.

12. Accessory Uses.

A category of uses that are not permitted to serve as the principal use on a lot.

- (1) Home Occupation. An occupational use that is subordinate to the principal use as a residence and does not require any alteration to the exterior of a building.
- (2) Parking Lot. An uncovered paved surface used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking lot locations are regulated by Building Type. Refer to 5.0 Building Types.
- (3) Parking Structure. A structure used solely for the parking of vehicles, intended for use by the occupants in an adjacent building on the lot. Parking Structures within the buildings are regulated per Building Type. Refer to 5.0 Building Type. Separate structure locations are also regulated by Building Type, but shall also meet all of the requirements of 5.2.9. Parking Structure.
- (4) Outdoor Storage of Goods. Permanent outdoor storage of goods not typically housed or sold indoors, such as large scale

materials and building and landscape supplies. In the Subdistricts where outdoor storage of goods is permitted with development standards (P²), the following development standards apply:

- (a) Outdoor storage areas shall be located in the rear or side yard of the lot.
- (b) Loose, unpackaged materials shall not be stacked higher than six feet (6').
- (c) Loose, unpackaged materials shall at a minimum be stored in a three-sided shelter and shall be covered.
- (d) Materials shall be set back a minimum of five feet (5') from any lot line.
- (e) All outdoor storage areas shall be screened from view of adjacent parcels and vehicular rights-of-way using the Side and Rear Buffer Requirements. Refer to Chapter 7.0 Landscape Requirements.

4.0 Uses

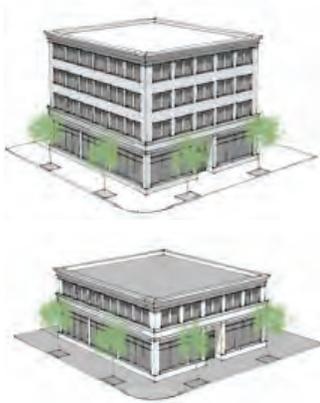
Page Intentionally Left Blank

5.0 Building Types



5.0 Buildings

Storefront Building



Townhome Building



General Stoop Building



Yard Building



Mid Scale Shop Building



Civic Building



Figure 5.1 (1). Sample Illustrations of the Building Types

5.1 Introduction to Building Type Standards

1. Intent

The intent of the Buildings Type standards is to facilitate a well defined and attractive urban form and street wall that creates vibrant districts in the City.

2. Introduction

The Building Types detailed in this Chapter outline the required building forms for new construction and renovated structures within the Subdistricts defined in Chapter 3.0 Subdistricts.

3. General Requirements

- (1) General Compliance. Application of this Section to existing uses shall occur with the following developments.
 - (a). Subdistricts. Each Building Type shall be constructed only within its designated Subdistricts. Refer to Table 5.1 Permitted Building Types by Subdistricts.
 - (b). Nonconforming Buildings. When a Place Type is adopted, existing nonconforming buildings within the District or Place Type shall not be required to conform to Building Type or Subdistrict use regulations of this Chapter, except as noted otherwise.
- (c) Tenant Improvements. Tenant improvement remodeling of a nonconforming building is allowed.
- (d) Facade Enhancements. Facade enhancements of a nonconforming building (by Subdistrict and by Building Type) is allowed. The Zoning Administrator may require conformity with Street Facade Requirements, as described in Section 4 of the Building Type Table. Structures with current National Register of Historic Places designation are not required to comply with these standards.
- (e). Change In Occupancy. Building changes that constitute a change in occupancy as defined by the International Building Code requires adherence to the regulations of this Chapter.
- (f) Uses. Each Building Type can house a variety of uses depending on the Subdistrict in which it is located. Some Building Types have additional limitations on permitted uses. Refer to Chapter 4.0 Uses for permitted uses.
- (g) No Other Building Types. All buildings constructed must meet the requirements of one of the Building Types permitted within the Subdistrict of the lot.
- (h) Permanent Structures. All buildings shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.

Building Types by Subdistricts							
	Subdistricts						
	Core A	Historic Center	General	Edge A	Edge B	Edge C	Future Subdistrict
Building Types	Storefront	•	•	•	•	•	
	General Stoop	•		•	•		
	Mid Scale Shop			•		•	
	Townhome Building	•		•	•		•
	Yard Building						•
	Civic Building	•	•	•		•	

• = Permitted

Table 5.1 Generally permitted (included permitted with design standards) Building Types by Subdistrict. Refer to Chapter 4.0 Uses for additional information by use category.

5.0 Buildings

4. Accessory Structures.

- (1). Detached accessory structures are permitted per each Building Type and shall comply with all setbacks except the following:
 - (a) Detached accessory structures are only permitted to be located behind the principal structure in the rear yard.
 - (b) Detached accessory structures shall not exceed the height of the principal structure.
 - (c) Accessory structures shall use the same or similar quality materials as the primary building.
 - (d) Areas between the building wall and the right-of-way (front build to zone) not set aside for active use must be landscaped. Fifty percent (50%) of landscaping shall consist of live plant material at maturity. Percentage of area covered by plant material shall be measured as if plants have reached their full size of maturity.

5.2 Explanation of Building Type Table Standards

The following sections explain and further define each of the standards outlined on the tables for each Building Type Table, as found in Sections 5.3 through 5.8 of this Chapter.

1. Building Siting

- (1) Multiple Principal Buildings. The allowance of more than one principal buildings on a lot.
- (2) Front Property Line Coverage. The minimum percentage of street wall or building facade required along the street. To measure front property line coverage the width of the principal structure(s) (within the front build-to zone) shall be divided by the width of the front build-to zone. Refer to Figure 5.2 (1) Measuring Front Property Line Coverage.
 - (a) For certain Buildings Types this calculation is adjusted to allow the development of a courtyard along the front property line.
 - (b) Some Building Types allow side yard parking to be exempted from the front lot line coverage calculation. In such cases the width of up to one (1) double loaded aisle of parking (refer to Chapter 8.0 Parking), including adjacent sidewalks and landscaping, may be exempted, to a maximum of sixty-five feet (65').
- (3) Occupation of Corner. The occupation of the intersection of the front and corner build-to zones with a principal structure.
- (4) Front Build-to Zone. The build-to zone or setback parallel to the front property line. Building components such as awnings or signage are permitted to encroach into the build-to zone
 - (a) All build-to zone and setback areas not covered by a building must contain either landscape, patio space, or sidewalk space.
- (5) Corner Build-to Zone. The build-to zone or setback parallel to the corner property line.
 - (a) All corner build-to zones and setback areas not covered by a building must contain either landscape, patio space, or sidewalk space.
- (6) Minimum Side Yard Setback. The minimum required setback along a side property line.
- (7) Minimum Rear Yard Setback. The minimum required setback along a rear property line.
- (8) Minimum and Maximum Lot or Building Width. The minimum or maximum building or unit width measured at or parallel to the front property line depending on the Building Type, may also include the minimum and maximum width of a lot. all.
- (9) Maximum Impervious Coverage. The maximum percentage of a lot permitted to be covered by principal structures, accessory structures, pavement, and other impervious surfaces. Refer to Figure 5.2 (2) Maximum Impervious and Semi-Impervious Coverage.
- (10) Additional Semi-Pervious Coverage. The additional percentage of a lot beyond the Maximum Impervious Coverage, which may be surfaced in a semi-pervious material, such as a green roof or pavers.

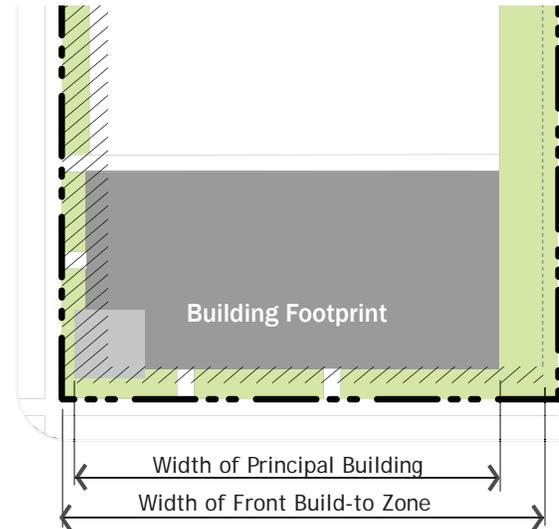


Figure 5.2 (1) Measuring Front Property Line Coverage

- (11) Parking and Loading Location. The yard in which a surface parking lot, detached garage, attached garage door access, loading and unloading, and associated drive is permitted.
- (12) Vehicular Access. The permitted means of vehicular ingress and egress to the lot.
 - (a) Alleys, when present, shall always be the primary means of access.

- (b) When alleys are not present, a driveway may be permitted per Building Type but, shall not be located off a Primary Street if an alternative is available.

2. Height

- (1) Minimum Overall Height. The minimum overall height for a building shall be located within the build-to zone. Stories above the required minimum height may be stepped back from the facade.
- (2) Maximum Overall Height. The sum of a building's total number of stories.
 - (a) Half stories are located either completely within the roof structure with street-facing windows or in a visible basement exposed a maximum of one half story above grade.
 - (b) A building incorporating both a half story within the roof and a visible basement shall count the height of the two (2) half stories as one (1) full story.
 - (c) Some Building Types require a building facade to step back as its height increases. If required, the upper stories of any building facade with street frontage shall be setback a designated amount beyond the building facade of the lower stories.
- (3) Ground Story and Upper Story Minimum and Maximum Height. Each frontage type includes a permitted range of height in feet for each story. (Refer to Figure 5.2 (3) Measuring Height).
 - (a) Floor height is measured in feet between the floor of a story to the floor of the story above it.
 - (b) Floor height requirements apply only to street facing facades.
 - (c) For single-story buildings and the uppermost story of a multiple-story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling.
- (4) Single-Unit Dwelling Zones Setbacks. In order to assure compatibility of new construction with adjacent single-unit

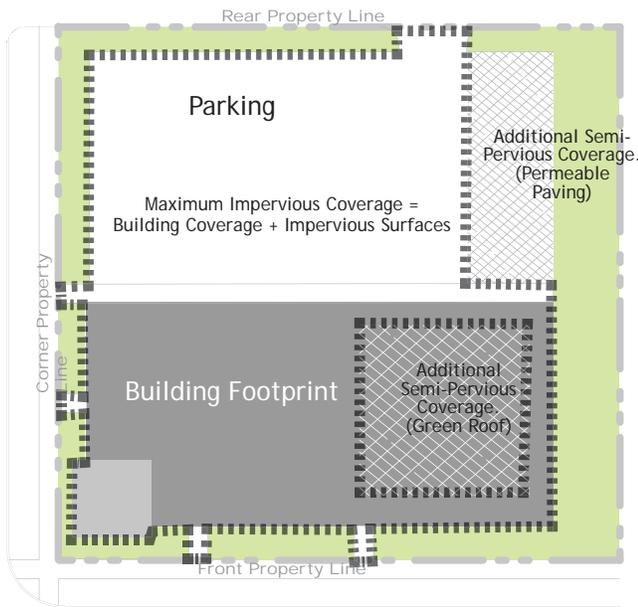


Figure 5.2 (2) Maximum Impervious and Additional Semi-Pervious Coverage

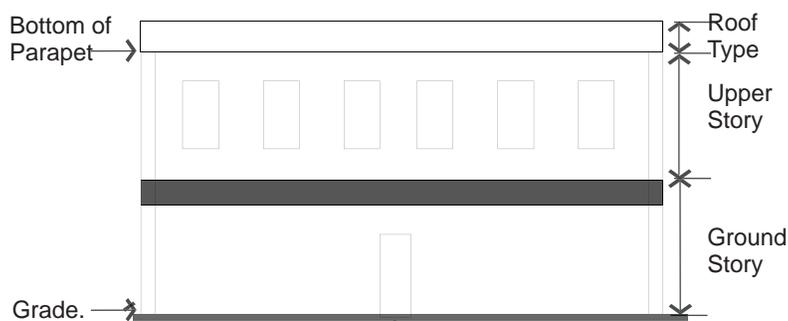
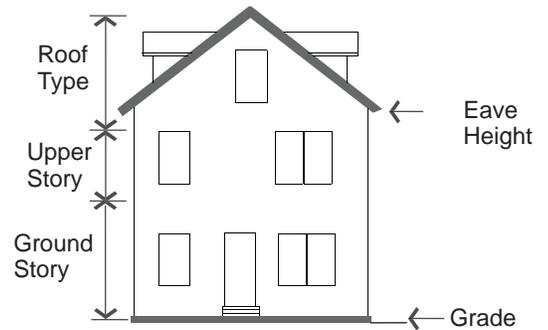


Figure 5.2 (3) Measuring Height



5.0 Buildings

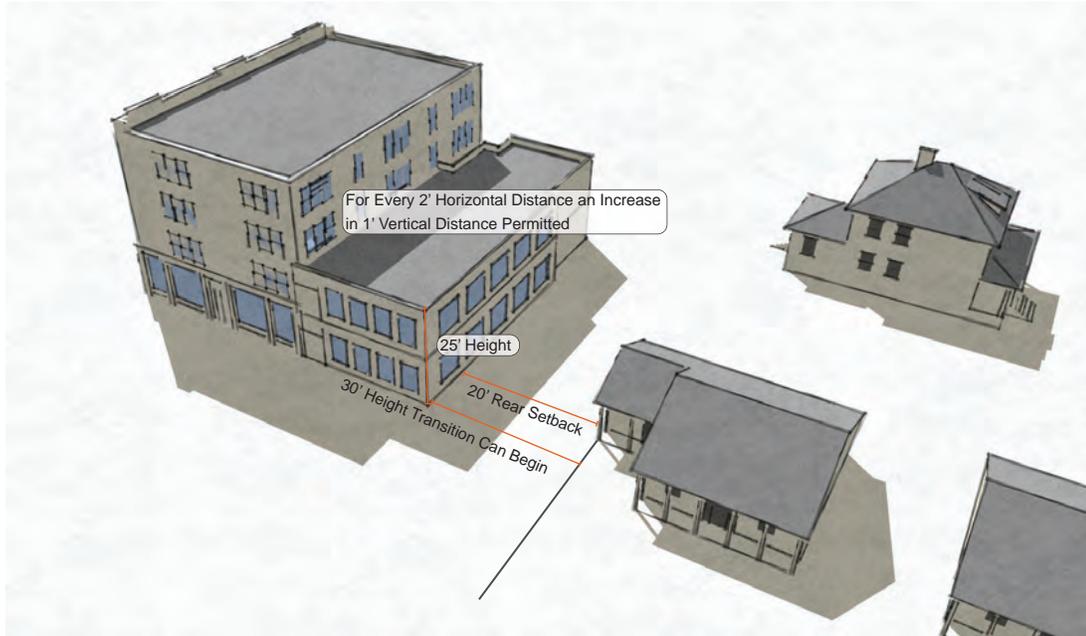


Figure 5.2 (4) Single Family Zones Setbacks

dwelling zones, additional setbacks and graduated setback are required. See Figure 5.2 (4).

- (a) Transitions from Single-Unit Dwelling Homes: A twenty foot (20') setback is required from the property line adjacent to a single-unit dwelling detached home. At twenty feet (20'), a maximum twenty five foot (25') building height is permitted in between the property line and thirty feet (30'). After thirty feet (30'), every two (2') feet in additional horizontal distance from the property line permits one foot (1') of additional vertical building height

3. Uses

- (1) Ground and Upper Story. The uses or category of uses which may occupy the ground and/or upper story of a building.
- (2) Parking Within Building. The area(s) of a building in which parking is permitted within the structure.
- (3) Required Occupiable Space. The area(s) of a building that shall be designed as occupiable space, defined as interior building space which may be regularly occupied by building users. It does not include storage areas, utility space, or parking.

4. Facade Requirements

Street Facade Requirements apply to facades facing a public or private right-of-way.

- (1) Minimum Ground Story and Upper Floor Transparency. The minimum amount of transparency required on street facades with street frontage. Refer to Figure 5.2 (5) Measuring Transparency per Facade.
 - (a) Transparency. Any glass in windows and/or doors, including any mullions, with seventy five to ninety percent (75%-90%) light transmission, and with low reflectance.
 - (b) Measuring Transparency. A general Minimum Transparency requirement shall be measured from floor to floor of each story.
 - (c) Ground Story Transparency. The minimum transparency required on the ground floor of a building when defined separately from the overall minimum transparency. Ground floor transparency shall be measured between eighteen inches (18") and twelve feet (12') from the average grade at the base of the front facade.
- (2) Blank Wall Limitations. A restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall both be met for each story:
 - (a) No rectangular area greater than thirty percent (30%) of a story's facade, as measured from floor to floor, may be windowless; and
 - (b) No horizontal segment of a story's facade greater than fifteen feet (15') in width may be windowless.
- (3) Entrance Type. The Entrance Type(s) permitted for the entrance(s) of a given Building Type. A mix of permitted Entrance Types may

be utilized. Refer to Section 5.9 Entrance Types of this Chapter for definition of and additional requirements for each Entrance Type.

- (4) Principal Entrance Location. The facade on which the primary building entrance is to be located.
- (5) Required Number of Street Entrances. The minimum number of and maximum spacing between entrances on the ground floor building facade with street frontage.
- (6) Vertical Facade Divisions. The use of a vertically oriented expression line or form to divide the facade into increments no greater than the dimension shown, as measured along the base of the facade. Elements may include a column, pilaster, or other continuous vertical ornamentation a minimum of one and a half inch depth.
- (7) Horizontal Facade Divisions. The use of a horizontally oriented expression line or form to divide portions of the facade into horizontal divisions. Elements may include a cornice, belt course, molding, string courses, or other continuous horizontal ornamentation a minimum of one and a half inch (1.5") depth.

- (8) Parking structures. Parking structures visible from street frontages shall be held to the same standards of facade appearance as other Building Types in that Subdistrict.

5. Roof Type

- (1) Permitted Roof Type. The roof type(s) permitted for each Building Type. Refer to Section 5.10 Roof Types for more specific requirements.
- (2) Tower. A vertical building extension that may be permitted in conjunction with another roof type on certain Building Types. Refer to Section 5.10 Roof Types.

6. Loading

- (1) Screening. Loading areas, trash storage, and mechanical equipment and meters shall be enclosed within structures and hidden from view of the public realm. See Figure 5.2 (7).

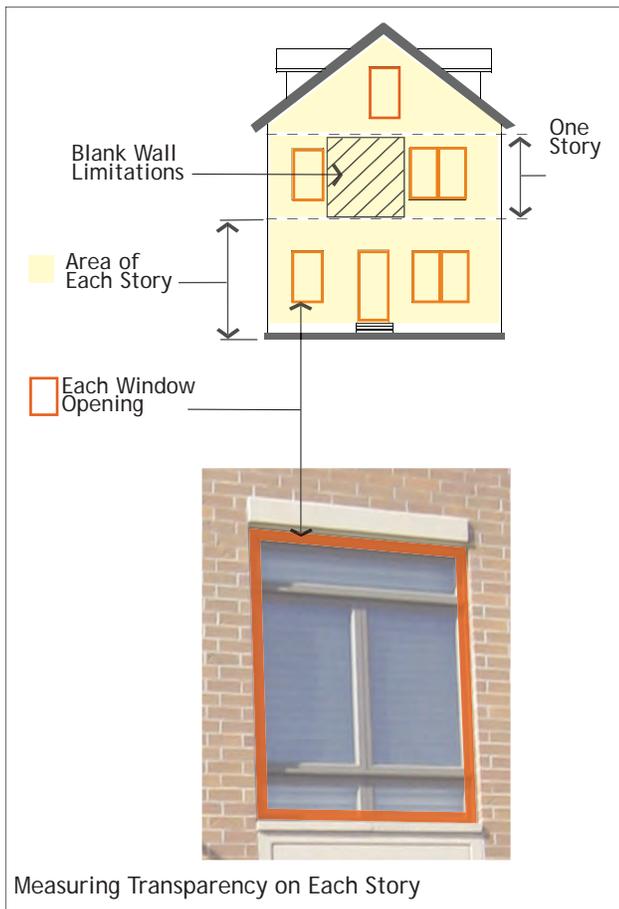


Figure 5.2 (5) Measuring Transparency

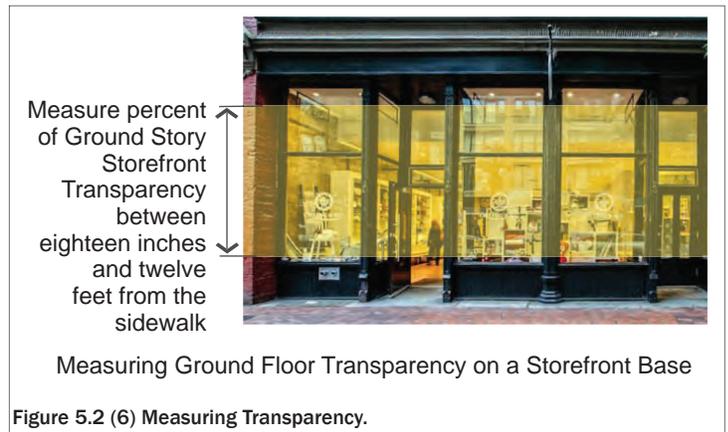


Figure 5.2 (6) Measuring Transparency.



Figure 5.2 (7) Screened loading area

5.0 Buildings



5.3 Storefront Building

1. Description and Intent

The Storefront Building is intended for use as a mixed use building located close to the front property line with parking typically in the rear or side of the lot.

The key facade element of this Building Type requires a ground floor front facade, with large amounts of glass and regularly spaced entrances. This Building Type is encouraged near intersections.

This Building Type is available in a variety of intensities, depending on the Subdistrict within which it is located. For example, minimum and maximum heights are highest in the Core A Subdistrict and lowest in the Edge A Subdistrict.

2. Regulations

Regulations for the Storefront Building Type are defined in the adjacent table.

Notes

¹ Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

² Above the second story, the upper stories of any building facade with street frontage shall have a step back from the lower stories that is a minimum of six feet.

³ If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

⁴ Additional setback distance is permitted at the discretion of the zoning administrator and his or her designee if utilized as public space, outdoor dining, and/or outdoor seating.

* Subject to review for compliance with line of sight requirements.

	Permitted Subdistricts					
	Core A	Historic Center	General A	Edge A	Edge B	Edge C
Storefront Building Type Table						
1 Building Siting* Refer to Figure 5.3(1)						
Multiple Principal Buildings	not permitted	not permitted	permitted	permitted	not permitted	permitted
a Front Property Line Coverage	90%	90%	70% ¹	80%	70% ¹	75%
Occupation of Corner	required	required	permitted	permitted	permitted	permitted
b Front Build-to Zone	0' to 5' ⁴	0' to 5' ⁴	0' to 10' ⁴	0' to 5' ⁴	0' to 15' ⁴	0' to 5'
c Corner Build-to Zone	0' to 5'	0' to 5'	0' to 10'	0' to 5'	0' to 15'	0' to 5'
d Minimum Side Yard Setback	0'	0'	0'	0'	0'	0'
e Minimum Rear Yard Setback	5'	5'	10'	5'	5'	5'
f Minimum Lot Width	none	none	none	none	none	none
Maximum Lot Width	none	none	none	none	none	none
Maximum Impervious Coverage	90%	90%	75%	90%	75%	75%
Additional Semi-Pervious Coverage	10%	10%	25%	10%	20%	20%
g Parking and Loading Location	rear yard	rear yard	rear and side yard ¹			
h Vehicular Access	alley, lane, access lane: if none exists, 1 driveway is permitted per non-primary street, or as approved by the Zoning Administrator or designee					
2 Height Refer to Figure 5.3(2)						
i Minimum Overall Height	2 story	2 story	2 story	2 story	2 story	2 story
j Maximum Overall Height	6 stories	4 stories ²	5 stories ²	5 stories ²	5 stories ²	3 stories ²
k Ground Story: Minimum Height	14'	14'	14'	14'	14'	14'
Maximum Height	20' ³	18' ³	28' ³	20' ³	28' ³	20' ³
l Upper Stories: Minimum Height	9'	9'	9'	9'	9'	9'
Maximum Height	14'	14'	14'	14'	14'	14'
3 Uses Refer to Figure 5.3(2). Refer to Chapter 4 Uses for permitted uses.						
m Ground Story	retail, service, office					
n Upper Story	any permitted use			residential, office, service	any permitted use	
o Parking within Building	permitted fully in any basement and in rear of all stories					
p Required Occupiable Space	30' deep on all full stories from the front facade					
4 Street Facade Requirements Refer to Figure 5.3(3)						
q Minimum Ground Story Transparency: Transparency requirements apply to street frontages AND frontages to side parking	75%	75%	65% front and corner-side	75%	65% front and corner-side	75%
r Minimum Transparency per each Story	30%	25%	15%	30%	20%	30%
s Blank Wall Limitations	required per story, refer to Section 5.2.4 (2)					
Front Facade Entrance Type	storefront, arcade					
t Principal Entrance Location	front or corner facade					
Required Number of Street Entrances	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 100' of front facade	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 75' of front facade
Vertical Facade Divisions	every 30' of facade width	every 25' of facade width	every 50' of facade width	every 25' of facade width	every 25' of facade width	every 25' of facade width
Horizontal Facade Divisions	required within 3' of the top of the ground story					
5 Roof Type Requirements Refer to Figure 5.3(3)						
u Permitted Roof Types	parapet, flat, pitched	parapet, flat	parapet, flat, pitched	parapet, flat, pitched	parapet, flat, pitched	parapet, flat, pitched
Tower	permitted, excluded from maximum story					not permitted

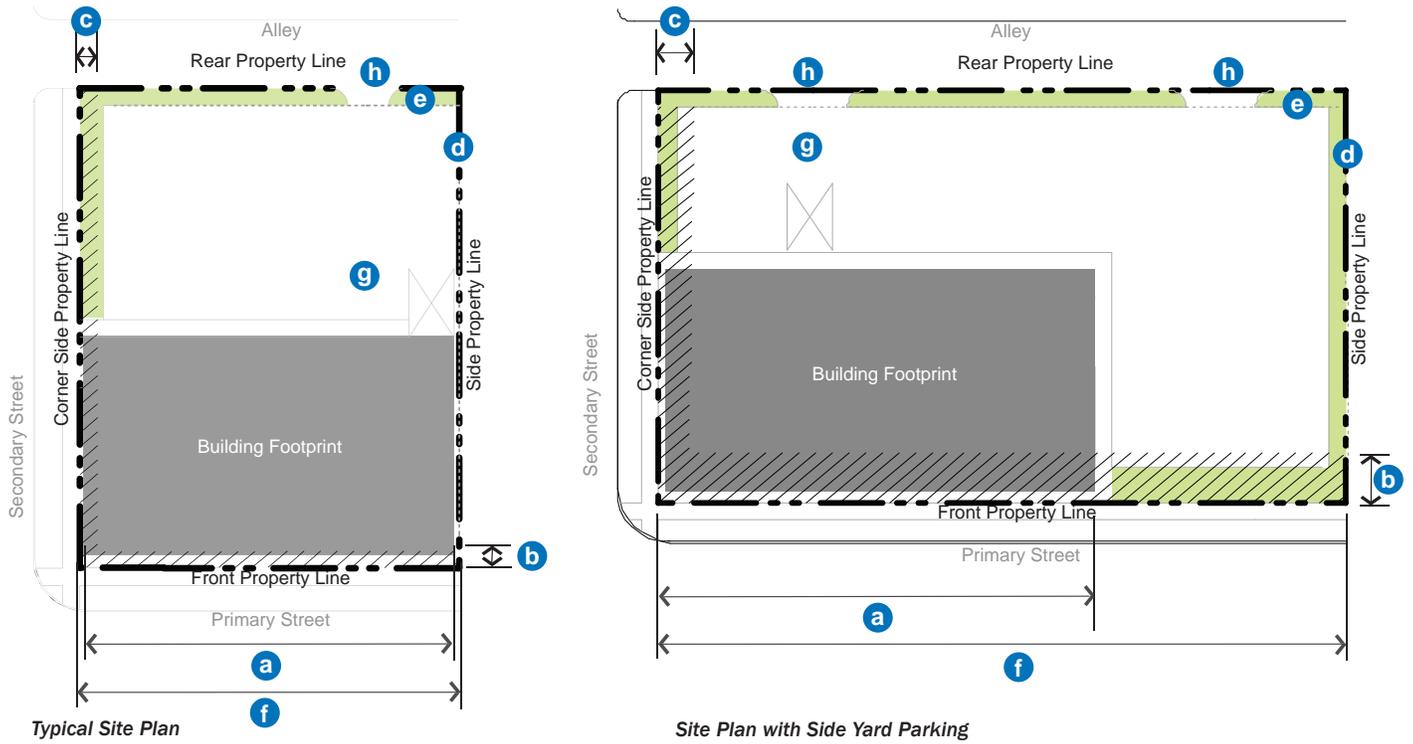


Figure 5.3 (1) Storefront Building: Building Siting.

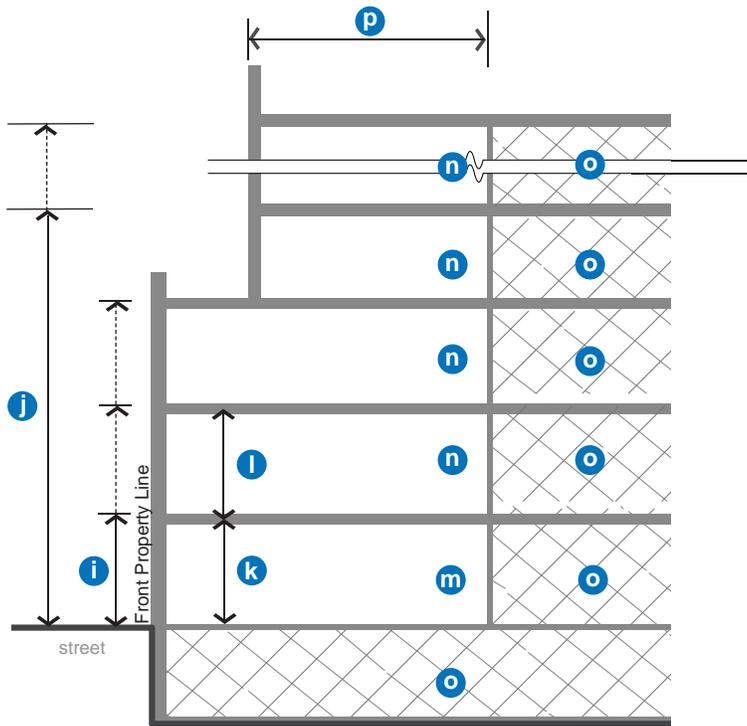


Figure 5.3 (2) Storefront Building: Height and Use Requirements

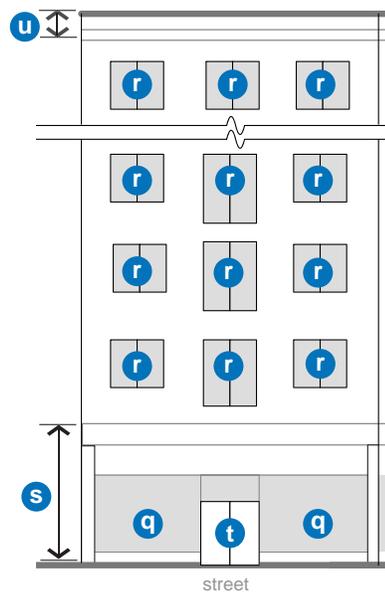


Figure 5.3 (3) Storefront Building: Street Facade Requirements

5.0 Buildings

5.4 General Stoop Building

1 Description and Intent

The General Stoop Building Type permits a range of building facades and can accommodate mixed uses or can be used strictly for residential. Similar to a “Main Street” type building, the General Stoop Building Type is intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, one double loaded aisle of parking is permitted in the interior or the side yard at the front property line. The minimum and maximum heights of this Building Type depend on the Subdistrict within which it is located.

Ground floor residential units should engage the street with pedestrian-welcoming frontages and direct access to the sidewalk. Ground floor residential units should relate to the street environment, but maintain a sense of ownership and a delineation of the transition from public to private. A step up or a step down is recommended.

2. Regulations

Regulations for the General Stoop Building Type are defined in the adjacent table.

Notes

¹ A courtyard covering up to 35% of the front facade is permitted and may contribute to the Front Lot Line Coverage requirement.

² Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

³ Upper stories above the second story on any building facade with street frontage shall have a step back from the lower stories that is a minimum of six feet.

* Subject to review for compliance with line of sight requirements.



Permitted Subdistricts			
Core A	General A	Edge A	Edge C

General Stoop Building Type Table

1 Building Siting* Refer to Figure 5.4 (1)				
Multiple Principal Buildings	not permitted	not permitted	permitted	permitted
a Front Property Line Coverage	90%	75% ¹	80% ¹	75%
Occupation of Corner	required	required	permitted	permitted
b Front Build-to Zone	0' to 5'	0' to 10'	0' to 5'	0' to 5'
c Corner Build-to Zone	0' to 5'	0' to 10'	0' to 5'	0' to 5'
d Minimum Side Yard Setback	0'	5'	0'	0'
e Minimum Rear Yard Setback	5'	5'	5'	5'
f Minimum Lot Width	none	none	none	none
Maximum Lot Width	none	none	none	none
Maximum Impervious Coverage	90%	80%	90%	75%
Additional Semi-Pervious Coverage	10%	20%	10%	20%
g Parking and Loading Location	rear yard	rear yard	rear and side yard ²	rear and side yard ¹
h Vehicular Access	alley, lane, access lane (if none exists, 1 driveway is permitted per non-primary street, or as approved by the Zoning Administrator or designee)			
2 Height Refer to Figure 5.4 (2)				
i Minimum Overall Height	2 story	2 story	2 story	2 story
j Maximum Overall Height	6 stories ³	6 stories ³	6 stories ³	3 stories ²
k Ground Story: Minimum Height	14'	14'	14'	14'
Maximum Height	28'	20'	20'	20' ³
l Upper Stories: Minimum Height	9'	9'	9'	9'
Maximum Height	14'	14'	14'	14'
3 Uses Refer to Figure 5.4 (2). Refer to Chapter 4 Uses for permitted uses.				
m Ground Story	any permitted use	any permitted use	retail, office, residential, service	retail, office, residential, service
n Upper Story	any permitted use	any permitted use	residential	residential
o Parking within Building	permitted fully in any basement and in rear of all stories			
p Required Occupiable Space	30' deep on all full stories from the front facade			
4 Street Facade Requirements Refer to Figure 5.4 (3)				
q Minimum Ground Story Transparency	75%	65% front and corner-side	75%	75%
Transparency requirements apply to street frontages AND frontages to side and rear parking				
r Minimum Transparency per each Story	30%	25%	30%	30%
s Blank Wall Limitations	required per story, refer to Section 5.2.4 (2)			
Front Facade Entrance Type	stoop, porch, storefront	stoop, porch, storefront	stoop, porch	stoop, porch
t Principal Entrance Location	front facade	front facade	front or corner facade	front or corner facade
Required Number of Street Entrances	1 per each 75' of front facade, 1 per residential ground story unit			
Vertical Facade Divisions	every 30' of facade width			
Horizontal Facade Divisions	required within 3' of the top of the ground story			
5 Roof Type Requirements Refer to Figure 5.4 (3)				
u Permitted Roof Types	parapet, flat	parapet, pitched		
v Tower	permitted, excluded from maximum story			not permitted

5.0 Buildings

5.5 Mid Scale Shop Building

1. Description and Intent

The Mid Scale Shop Building Type permits a larger building footprint for a single use building with a ground floor storefront facade. The minimum sized building footprint of the Mid Scale Shop is forty thousand square feet (40,000 ft²). If a building is to have a smaller footprint then it will not be considered or approved as a Mid Scale Shop.

This Building Type is still intended to be built close to the front and corner property lines allowing easy access to pedestrians and transit riders. Parking may be permitted in the rear of the lot, internally in the building, or one double loaded aisle of parking is permitted in the interior or the side yard at the front property line.

Materials and facade articulation should ensure these structures contribute positively to the public realm and the aesthetic goals of the Downtown District.

2. Regulations

Regulations for the Mid Scale Shop Building Type are defined in the adjacent table.

Notes

¹ Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

² If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

* Subject to review for compliance with line of sight requirements.



Permitted Subdistricts

General A Edge B

Mid Scale Shop Building Type Table

1 Building Siting* Refer to Figure 5.5 (1)

Multiple Principal Buildings	not permitted	not permitted
a Front Property Line Coverage	85% ¹	
Occupation of Corner	Required	
b Front Build-to Zone	0' to 15'	0' to 5'
c Corner Build-to Zone	0' to 10'	0' to 5'
d Minimum Side Yard Setback	5'	
e Minimum Rear Yard Setback	5'	
f Minimum Lot Width	150'	
Maximum Lot Width	none	
Maximum Impervious Coverage	75%	
Additional Semi-Pervious Coverage	20%	
g Parking and Loading Location	rear and side yard	
h Vehicular Access	alley, lane, access lane (if none exists, 1 driveway is permitted per non-primary street, or as approved by the Zoning Administrator or designee)	

2 Height Refer to Figure 5.5 (2)

i Minimum Overall Height	1 story
j Maximum Overall Height	3 stories
k Ground Story: Minimum Height	14'
Maximum Height	28' ²
l Upper Stories: Minimum Height	9'
Maximum Height	14'

3 Uses Refer to Figure 5.5 (2). Refer to Chapter 4 Uses for permitted uses.

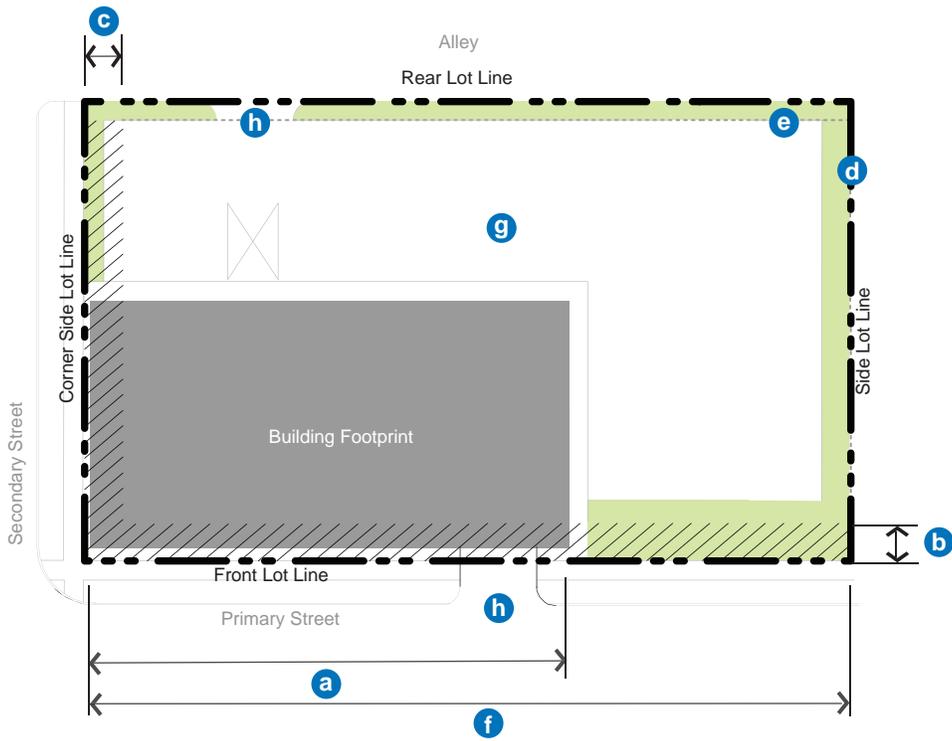
m Ground Story	retail, service, office, craftsman industrial
n Upper Story	same as ground story
o Parking within Building	permitted fully in any basement and in rear of all stories
p Required Occupiable Space	40' deep on all full stories from the front facade

4 Street Facade Requirements Refer to Figure 5.5 (3)

q Minimum Ground Story Transparency	65%
Transparency requirements apply to street frontages AND frontages to side and rear parking	
r Minimum Transparency per each Story	35%
Blank Wall Limitations	required per story, refer to Section 5.2.4 (2)
s Front Facade Entrance Type	storefront, arcade
t Principal Entrance Location	front or corner facade
Required Number of Street Entrances	1 per each 100' of front facade
Vertical Facade Divisions	every 50' of facade width
Horizontal Facade Divisions	required within 3' of the top of the ground story

5 Roof Type Requirements Refer to Figure 5.5 (3)

u Permitted Roof Types	parapet, flat, pitched
Tower	permitted, excluded from maximum story



Typical Site Plan

Figure 5.5 (1) Mid Scale Shop Building: Building Siting

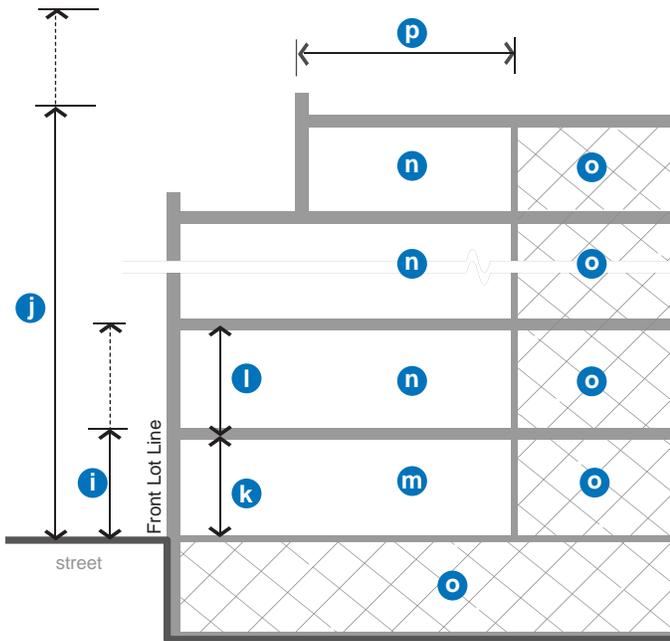


Figure 5.5 (2) Mid Scale Shop Building: Height and Use Requirements

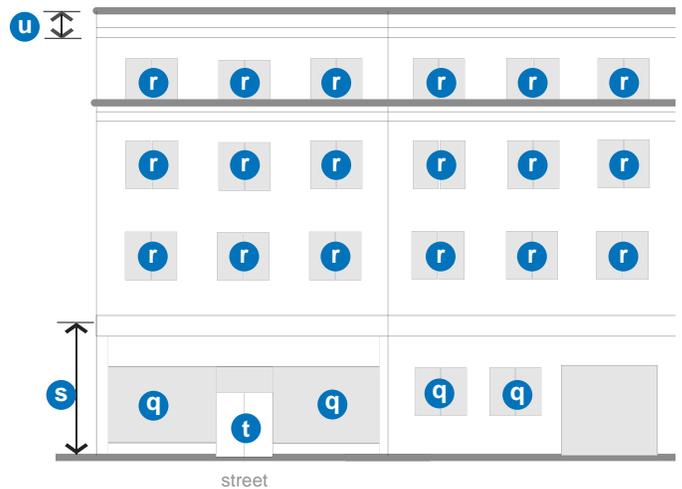


Figure 5.5 (3) Mid Scale Shop Building: Street Facade Requirements

5.0 Buildings



5.6 Townhome Building

1. Description and Intent

The Townhome Building Type is typically comprised of multiple vertical units, each with its own entrance to the street. This Building Type may be organized as townhouses or rowhouses, or it could also incorporate live/work units where permitted.

Parking is required to be located in the rear yard and may be incorporated either into a detached garage or in an attached garaged accessed from the rear of the building. However, when the garage is located within the building, a minimum level of living space is required on the front facade to ensure that the street facade is active.

2. Regulations

Regulations for the Townhome Building Type are defined in the adjacent table.

Notes:

¹ For the purposes of the Townhome Building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot with the minimum required space between them. However, each building shall meet all requirements of the Building Type unless otherwise noted.

² Each building (or series of townhome units) shall meet the front property line coverage requirement, except one of every five townhome units may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on three sides by units.

³ When the storefront entrance type is utilized, the maximum ground story transparency for the unit is 55% as measured between two feet and eight feet above grade.

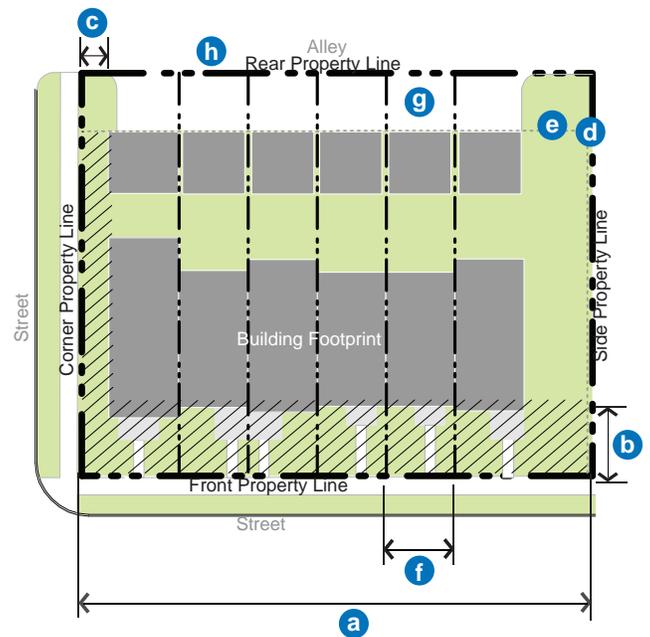
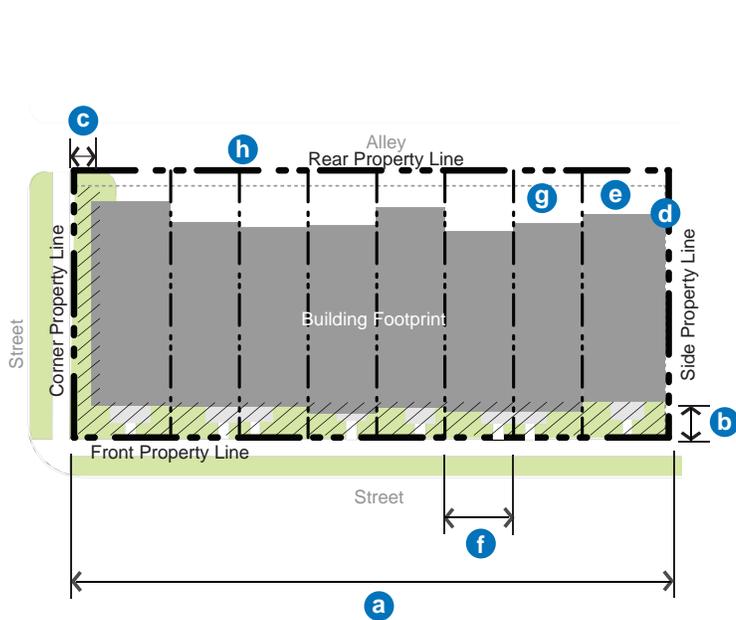
⁴ The storefront entrance type is permitted only on corners or buildings that are designated for live/work units.

⁵ For Live/Work units only, otherwise ground story shall be residential.

⁶ Three stories will be allowed only if it is located at least 100 feet from single story residential buildings. This will be measured from the property line of the single story building to the nearest wall of the three story building.

* Subject to review for compliance with line of sight requirements.

	Permitted Subdistricts			
	Core A	General A	Edge A	Edge C
Townhome Building Type Table				
1 Building Siting* Refer to Figure 5.6 (1)				
Multiple Principal Buildings	permitted ¹	permitted ¹	permitted ¹	permitted ¹
a Front Property Line Coverage	75% ²	65% ²	75% ²	75% ²
Occupation of Corner	required	required	required	required
b Front Build-to Zone	5' to 10'	5' to 15' ⁴	5' to 10'	5' to 15' ⁴
c Corner Build-to Zone	5' to 10'	5' to 15'	5' to 10'	5' to 15'
d Minimum Side Yard Setback	0' per unit, 10' between buildings	0' per unit, 15' between buildings	0' per unit, 10' between buildings	0' per unit, 15' between buildings
e Minimum Rear Yard Setback	5'	10'	5'	10'
f Minimum Unit Width Maximum Building Width	18' per unit maximum of 10 units per building	22' per unit maximum of 12 units per building	18' per unit maximum of 10 units per building	18' per unit maximum of 10 units per building
Maximum Impervious Coverage Additional Semi-Pervious Coverage	90% 10%	80% 20%	90% 10%	70% 20%
g Parking and Loading Location	rear yard	rear and side yard ¹	rear yard	rear yard
h Vehicular Access	alley or one driveway per building per street frontage (not per unit)			
2 Height Refer to Figure 5.6 (2)				
i Minimum Overall Height	2 stories	2 stories	2 stories	1.5 stories
j Maximum Overall Height	3 stories	3 stories	3 stories	3 stories ⁶
k All Stories: Minimum Height Maximum Height			9' 14'	
3 Uses Refer to Figure 5.6 (2). Refer to Chapter 4 Uses for permitted uses.				
m Ground Story	residential, service, office, limited craftsman industrial ⁵	residential, service, office, limited craftsman industrial ⁵	residential	residential
n Upper Story	residential only			
o Parking within Building	permitted fully in any basement and in rear of first story			
p Required Occupiable Space	30' deep on all full stories from the front facade			
4 Street Facade Requirements Refer to Figure 5.6 (3)				
q Minimum Ground Story Transparency Transparency requirements apply to street frontages AND frontages for live/work parking.	75%	65% front and corner-side	75%	65% front and corner-side
r Minimum Transparency per each Story	25%	20%	25%	25%
Blank Wall Limitations	required per story, refer to Section 5.2.4 (2)			
s Front Facade Entrance Type	stoop, porch, arcade, storefront ^{3,4}			
t Principal Entrance Location	front or corner facade			
Vertical Facade Divisions	equal to unit width			
Horizontal Facade Divisions	required within 3' of the top of the ground story			
5 Roof Type Requirements Refer to Figure 5.6 (3)				
u Permitted Roof Types	parapet, pitched, flat			
Tower	not permitted			



Site Plan with Rear Access Attached Garage

Site Plan with Rear Yard and Detached Garage

Figure 5.6 (1) Townhome Building: Building Siting

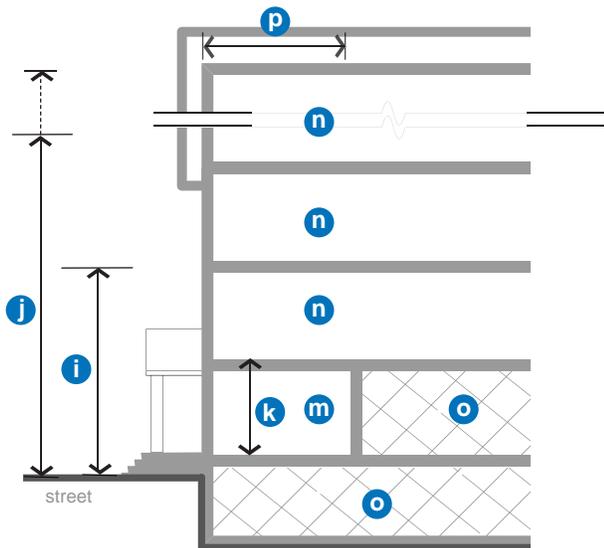


Figure 5.6 (2) Townhome Building: Height and Use Requirements

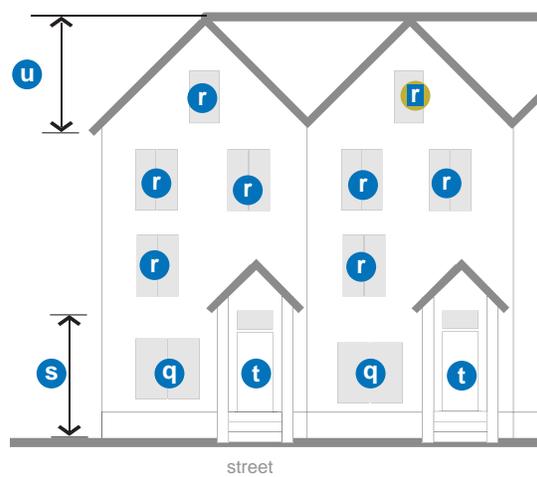


Figure 5.6 (3) Townhome Building: Street Facade Requirements

5.0 Buildings

5.7 Yard Building

1. Description and Intent

The Yard Building Type is a residential building, incorporating a landscaped yard surrounding all sides of the building. Parking and garages are limited to the rear yard with preferred access from an alley.

The Yard Building Type can be utilized in newly developing locations to create somewhat denser traditional neighborhoods, or as a buffer to existing neighborhoods.

A Pocket Court configuration is permitted with this Building Type. This configuration places a group of buildings in a “U” shape, with a shared greenspace or courtyard surrounded by the building frontages. Typically these units do not have a built-in garage. See examples below.



Pocket Court Example

2. Regulations

Regulations for the Yard Building Type are defined in the adjacent table.

Notes

- ¹ Each building shall meet all requirements of the Building Type.
- ² When multiple buildings are located on a single lot, each building shall meet the front property line coverage requirement, except one of every three buildings may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on three sides by units.
- ³ Rear yard setback for detached garages on alleys is three feet.
- ⁴ Garages shall not extend forward of the front face of the primary structure. A garage door is visible from the public street should blend with the façade and architectural elements of the structure. Driveway curb-cuts shall be sized for a single-car width, ten feet (10') maximum and the driveway width shall not increase until the driveway extends beyond the front setback.



Permitted Districts
Edge C

Yard Building Type Table	
1 Building Siting Refer to Figure 5.7 (1)	
Multiple Principal Buildings	permitted ¹
a Front Property Line Coverage	65% ²
Occupation of Corner	required
b Front Setback	10'
c Corner Setback	8'
d Minimum Side Yard Setback	5'
e Minimum Rear Yard Setback	15' ³
f Minimum Lot Width	30'
Maximum Lot Width	50'
Maximum Impervious Coverage	70%
Additional Semi-Pervious Coverage	25%
g Parking	rear and side yard
h Vehicular Access	from alley (if no alley exists, 1 driveway per street frontage ⁴)
2 Height Refer to Figure 5.7 (2)	
i Minimum Overall Height	1.5 story
j Maximum Overall Height	2 stories
k All Stories: Minimum Height	9'
Maximum Height	14'
3 Uses Refer to Figure 5.7 (2) Refer to Chapter 4 Uses for permitted uses.	
m All Stories	residential
n Parking within Building	permitted in rear of ground story
p Required Occupiable Space	30' deep on all full stories from the front facade
4 Street Facade Requirements Refer to Figure 5.7 (3)	
r Minimum Transparency per each Story	20%
Blank Wall Limitations	required per story, refer to Section 5.2.4 (2)
s Front Facade Entrance Type	stoop, porch
t Principal Entrance Location per unit	front, corner, or corner side facade
5 Roof Type Requirements Refer to Figure 5.7 (3)	
u Permitted Roof Types	parapet, pitched, flat

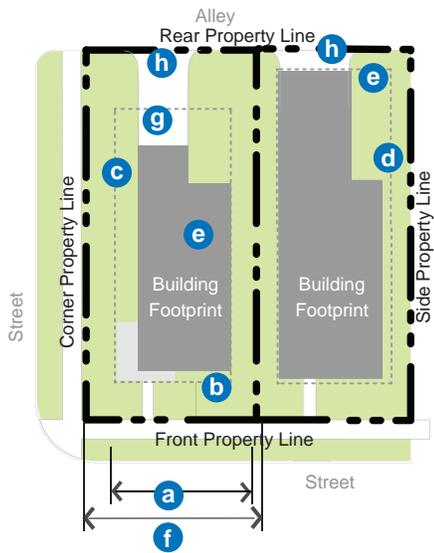


Figure 5.7 (1) Yard Building: Building Siting

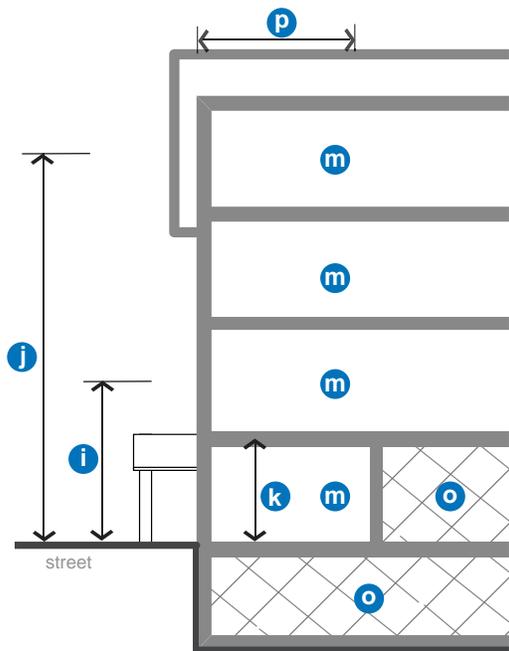


Figure 5.7 (2) Yard Building: Height and Use Requirements

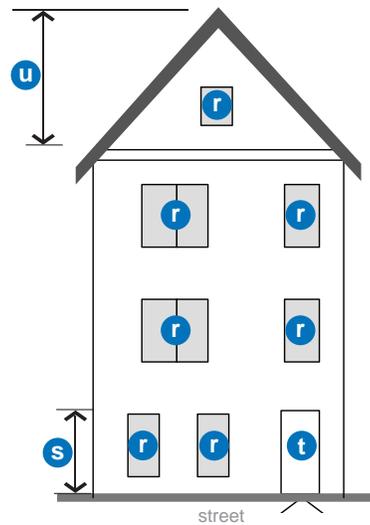


Figure 5.7 (3) Yard Building: Street Facade Requirements

5.0 Buildings

5.8 Civic Building

1. Description and Intent

The Civic Building Type is the most flexible Building Type intended only for civic and institutional types of uses. These buildings are distinctive and could be designed as iconic structures. In contrast to other Building Types, a minimum setback line is required instead of a build to zone, though this setback is required to be landscaped. Parking is limited to the rear in most cases.

The minimum and maximum heights of this Building Type depend on the district within which it is located.

2. Regulations

Regulations for the Civic Building Type are defined in the adjacent table.



	Permitted Subdistricts				
	Core A	Historic Core	General A	Edge A	Edge B
Civic Building Type Table					
1 Building Siting* Refer to Figure 5.8 (1)					
Multiple Principal Buildings	permitted			not permitted	
a Front Property Line Coverage	90%	80% ¹	70% ¹	70% ¹	70% ¹
Occupation of Corner	required	required	permitted	permitted	permitted
b Front Build-to Zone	0' to 10' ²	0' to 10' ²	10' to 20' ²	0' to 10' ²	0' to 15' ³
c Corner Build-to Zone	0' to 5'	0' to 10'	0' to 15'	0' to 5'	0' to 15'
d Minimum Side Yard Setback	5'	5'	5'	5'	5'
e Minimum Rear Yard Setback	5'	10'	20'	5'	5'
f Minimum Lot Width	none	none	none	none	none
Maximum Lot Width	none	none	none	none	none
Maximum Impervious Coverage	75%	75%	65%	75%	75%
Additional Semi-Pervious Coverage	25%	20%	20%	25%	25%
g Parking and Loading Location	rear	rear	rear and side yard ²	rear	rear
h Vehicular Access	alley, lane, access lane (if none exists, 1 driveway is permitted per non-primary street, or as approved by the Zoning Administrator or designee)				
2 Height Refer to Figure 5.8 (2)					
i Minimum Overall Height	2 story				
j Maximum Overall Height	4 stories	4 stories	4 stories	4 stories	4 stories
k Ground Story: Minimum Height	14' ³	14' ³	14' ³	14' ³	14' ³
Maximum Height	28'	28'	28'	28'	28'
l Upper Stories: Minimum Height	10'	10'	10'	10'	10'
Maximum Height	14'	14'	14'	14'	14'
3 Uses Refer to Figure 5.8 (2) Refer to Chapter 4 Uses for permitted uses.					
m Ground Story	civic and commercial uses				
n Upper Story	civic and commercial uses				
o Parking within Building	permitted fully in any basement and in rear of upper stories				
p Required Occupiable Space	30' deep on all full stories from the front facade				
4 Street Facade Requirements Refer to Figure 5.8 (3)					
q Minimum Ground Story Transparency	55%	55%	50%	55%	55%
Transparency requirements apply to street frontages AND parking lot frontages					
r Minimum Transparency per each Story	30%	25%	20%	30%	25%
Blank Wall Limitations	required per story, refer to Section 5.2.4 (2)				
s Front Facade Entrance Type	arcade, storefront, stoop				
t Principal Entrance Location	front or corner facade				
Required Number of Street Entrances	1 per each 100' of front facade				
Vertical Facade Divisions	not required				
Horizontal Facade Divisions	not required				
5 Roof Type Requirements Refer to Figure 5.8 (3)					
u Permitted Roof Types	parapet, flat, pitched				
v Tower	parapet, flat, pitched				

Notes

¹ Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

² Additional setback distance is permitted if utilized as public space, outdoor dining, and/or outdoor seating.

³ If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

* Subject to review for compliance with line of sight requirements.

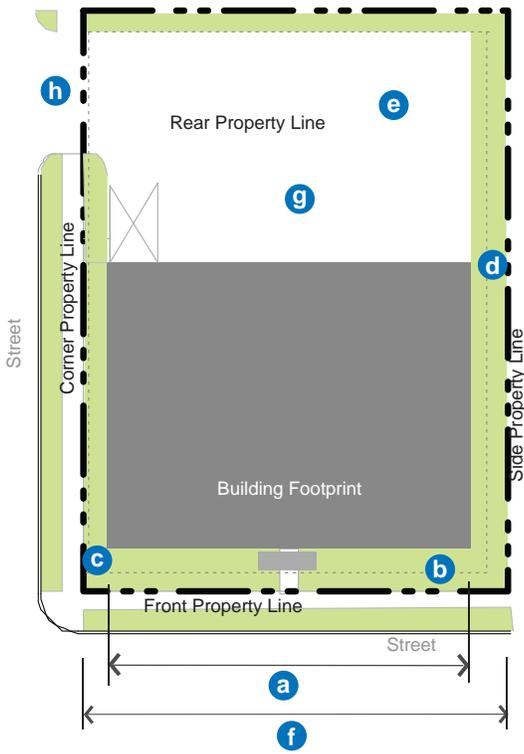


Figure 5.8 (1) Civic Building: Building Siting

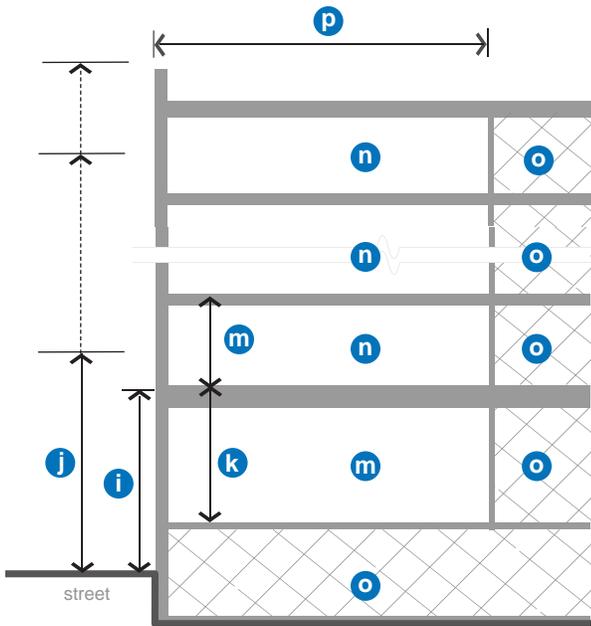


Figure 5.8 (2) Civic Building: Height and Use Requirements

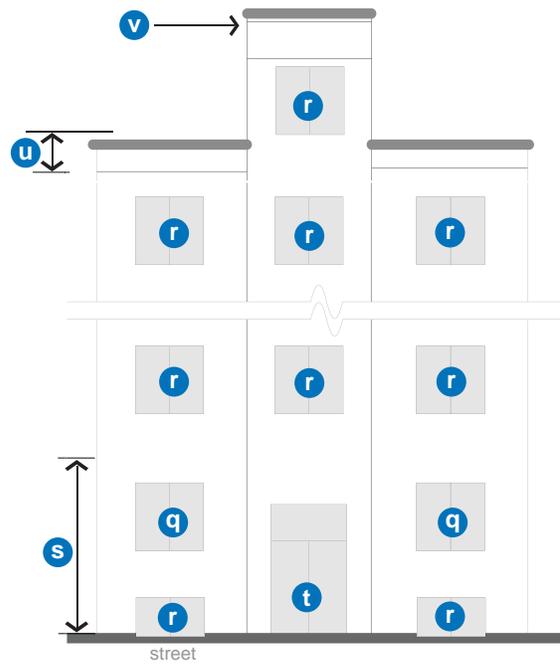


Figure 5.8 (3) Civic Building: Street Facade Requirements

5.0 Buildings

5.9 Entrance Types

Entrance Type standards apply to the ground story and visible basement of front facades of all Building Types as defined in this Chapter. Refer to the Building Type Table Requirements.

1. General.

The following provisions apply to all entrance types.

- (1) Intent. To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each Building Type standard (refer to Building Types Tables).
- (2) Applicability. The entire ground story street-facing facade(s) of all buildings shall meet the requirements of at least one of the permitted Entrance Types, unless otherwise stated.
- (3) Measuring Transparency. Refer to Section 5.2.4 Explanation of Building Type Table Standards, for information on measuring building transparency.
- (4) Visible Basements. Visible basements, permitted by Entrance Type, are optional. The visible basement shall be a maximum of one-half the height of the tallest story.

2. Storefront Entrance Type.

(Refer to Figure 5.9 (1)). The Storefront Entrance Type is a highly transparent ground story treatment designed to serve primarily as the display area and primary entrance for retail or service uses.

- (1) Transparency. Minimum transparency is required per Building Type.
- (2) Elevation. The storefront elevation shall be between zero (0) and one (1) foot above sidewalk.
- (3) Visible Basement. A visible basement is not permitted.
- (4) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.

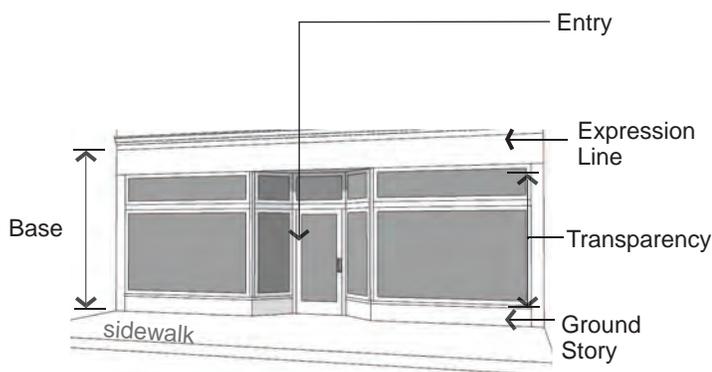


Figure 5.9 (1) Storefront Entrance Type

- (5) Entrance. All entries shall be recessed from the front facade closest to the street.
 - (a) Recessed entries shall be a minimum of three feet (3') and a maximum of eight feet (8') deep, measured from the portion of the front facade closest to the street.
 - (b) When the recess falls behind the front build-to zone, the recess shall be no wider than eight feet (8').

3. Arcade Entrance Type.

(Refer to Figure 5.9 (2). An Arcade Entrance Type is a covered pedestrian walkway within the recess of a ground story. An Arcade Entrance Type may be adapted for a Yard Building Type.

- (1) Arcade. An open-air public walkway is required from the face of the building recessed into the building a minimum of eight feet (8') and a maximum of fifteen feet (15').
- (2) Build-to Zone. When the Arcade Entrance Type is utilized, the outside face of the arcade shall be considered the front facade, located within the required build-to zone.
- (3) Recessed or Interior Facade. The Storefront Entrance Type is required on the recessed ground story facade.
- (4) Column Spacing. Columns shall be spaced between ten feet (10') and twelve feet (12') on center.
- (5) Column Width. Columns shall be a minimum of one foot eight inches (1'-8") and a maximum two feet four inches (2'-4") in width.
- (6) Arcade Opening. Opening shall not be flush with interior arcade ceiling and may be arched or straight.
- (7) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.
- (8) Visible Basement. A visible basement is not permitted.

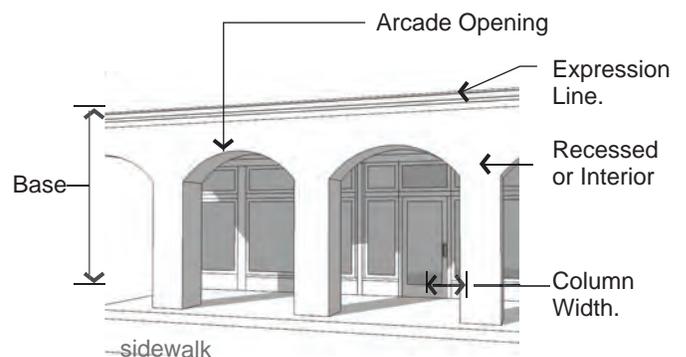


Figure 5.9 (2) Arcade Entrance Type

4. Stoop Entrance Type.

(Refer to Figure 5.9 (3)). A stoop is an unroofed, open platform.

- (1) Transparency. Minimum transparency is required per Building Type.
- (2) Stoop Size. Stoops shall be a minimum of three feet (3') deep and six feet (6') wide.
- (3) Elevation. The stoop elevation shall be located a maximum of two feet six inches (2'-6") above the sidewalk without visible basement and a maximum of four feet six inches (4'-6") above the sidewalk with a visible basement.
- (4) Visible Basement. A visible basement is permitted and shall be separated from the ground story by an expression line.
- (5) Entrance. All entries shall be located off a stoop.

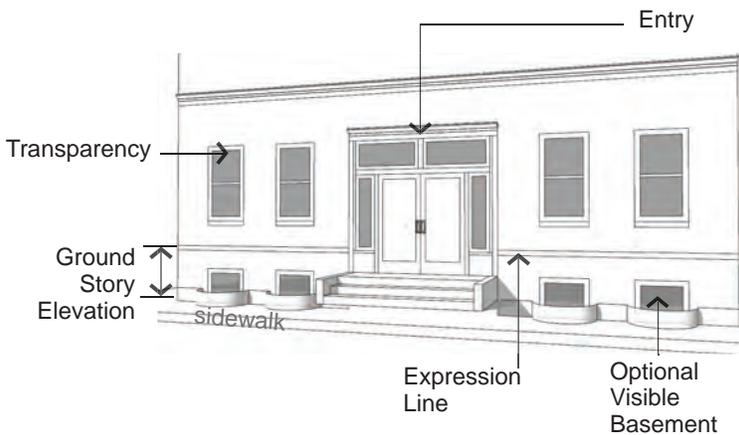


Figure 5.9 (3) Stoop Entrance Type

5. Porch Entrance Type.

(Refer to Figure 5.9 (4)). A porch is a raised, roofed platform that may or may not be enclosed on all sides. If enclosed, the space shall not be climate controlled.

- (1) Transparency. Minimum transparency is required per Building Type.
- (2) Porch Size. The porch shall be a minimum of five feet (5') deep and eight feet (8') wide.
- (3) Visible Basement. A visible basement is permitted.
- (4) Elevation. The porch elevation shall be located a maximum of two feet six inches (2'-6") above the sidewalk without a visible basement and a maximum of four feet six inches (4'-6") above the sidewalk with a visible basement.
- (5) Height. A porch may be two (2) stories to provide a balcony on the second floor.
- (6) Entrance. If a porch is provided, all entries shall be located through a porch.

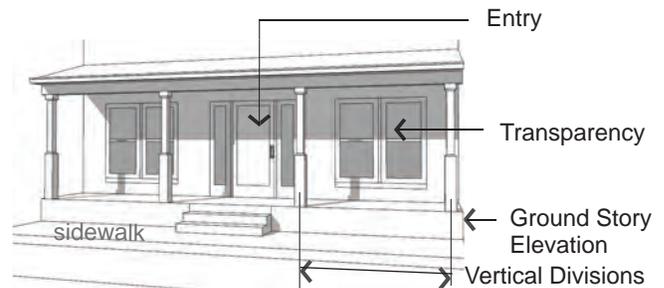


Figure 5.9 (4) Porch Entrance Type

5.0 Buildings

5.10 Roof Types

Roof Type standards apply to the roof and cap of all Building Types as defined in this Chapter. Refer to the Building Type Table Requirements.

1. General Provisions.

The following provisions apply to all roof types.

- (2) **Applicability.** All buildings shall meet the requirements of one of the Roof Types permitted for the Building Type.
- (3) **Measuring Height.** Refer to Section 5.2.2 Explanation of Building Type Table Standards for information on measuring building height.
- (4) **Other Roof Types.** For other Roof Types or building caps not listed as a specific type a request may be made to the Zoning Administrator or designee with the following requirements:
 - (a) The Roof Type shall not create additional occupiable space beyond that permitted by the Building Type.
 - (b) The shape of the Roof Type shall be significantly different from those defined in this Section (i.e. a dome, spire, vault).

2. Parapet Roof Type.

(Refer to Figure 5.10 (1), Parapet Roof Type). A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or low pitched roof and also serves to limit the view of roof-top mechanical systems from the street.

- (1) **Parapet Height.** Height is measured from the top of the upper story to the top of the parapet.
 - (a) Minimum height is two feet (2') with a maximum height of six feet (6').

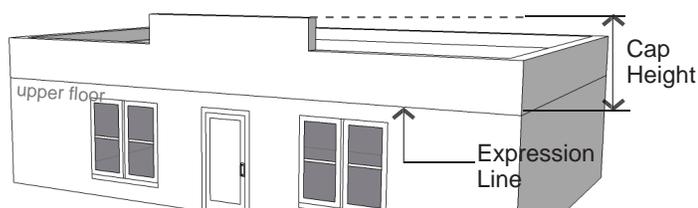


Figure 5.10 (1) Parapet Roof Type

- (b) The parapet shall be high enough to screen the roof and any roof appurtenances from view of the street(s).
- (2) **Horizontal Expression Lines.** An expression line shall define the parapet from the upper stories of the building and shall also define the top of the cap.
- (3) **Occupiable Space.** Occupiable space shall not be incorporated behind this roof type.

3 Flat Roof Type.

(Refer to Figure 5.10 (2) Flat Roof Type). This Roof Type has a flat roof with overhanging eaves.

- (1) **Configuration.** Roofs with no visible slope are acceptable. Eaves are required on all street facing facades.
- (2) **Eave Depth.** Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least fourteen inches (14"). The eave may not overhang the property line into the public right of way, unless approved by the Zoning Administrator.
- (3) **Eave Thickness.** Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of eight inches (8") thick.
- (4) **Interrupting Vertical Walls.** Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
 - (a) No more than one-half of the front facade can consist of an interrupting vertical wall.



Figure 5.10 (2) Flat Roof Type

4. Towers.

(Refer to Figure 5.10 (3)). A tower is a rectilinear or cylindrical, vertical element, that must be used with other Roof Types.

- (1) Quantity. All Building Types, with the exception of the Civic Building, are limited to one (1) tower per building.
- (2) Tower Height. Maximum height shall be the equivalent of the height of one upper floor of the building to which the tower is applied as measured from the top of the parapet or eave to the top of the tower.
- (3) Tower Width. Maximum width along all facades is one-third (1/3) the width of the front facade or thirty feet (30'), whichever is less.
- (4) Horizontal Expression Lines. An expression line shall define the tower from the upper stories.
- (5) Occupiable Space. Towers may be occupied by the same uses allowed in upper stories of the Building Type to which it is applied.
- (6) Applicability. Towers may be combined with all other Roof Types.
- (7) Tower Cap. The tower may be capped by the parapet, pitched, low pitched, or flat roof Roof Types, or a spire may cap the tower.
 - (a) Vertical walls shall extend no more than four feet (4') above the top of the eave of the tower.
- (8) Occupiable Space. Occupiable space shall not be incorporated behind this roof type.

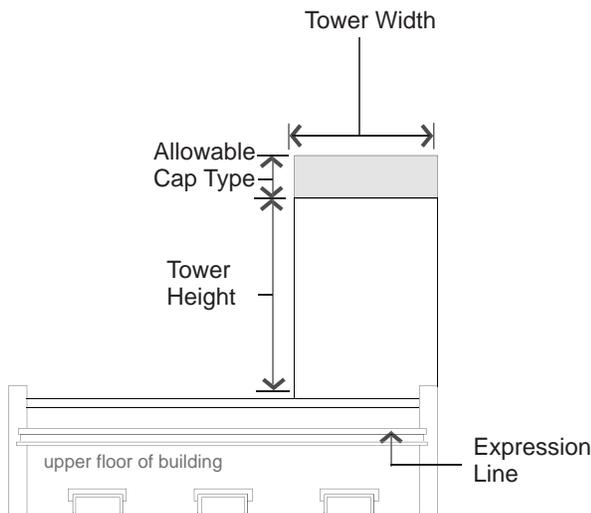


Figure 5.10 (3) Tower

5. Pitched Roof Type.

(Refer to Figure 5.34, Pitched Roof Type). This Roof Type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run.

- (1) Pitch Measure. The roof may not be sloped less than a rise:run of 4:12 or more than 16:12.
 - (a) Slopes less than 4:12 are permitted to occur on second story or higher roofs. (Refer to Figure 5.10 (4) - Low Pitched Roof).
- (2) Configurations.
 - (a) Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
 - (b) Butterfly roofs (inverted gable roof) are permitted with a maximum height of eight feet (8'), inclusive of overhang.
 - (c) Gambrel and mansard roofs are not permitted.
- (3) Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every one hundred feet (100') of roof when the main ridge line runs parallel to the front lot line. (Refer to Figure 5.10 (5). Parallel Ridge Line).
- (4) Roof Height. Roofs without occupiable space and/or dormers shall have a maximum height on street-facing facades equal to the maximum floor height permitted for the Building Type.
- (5) Occupiable Space. Occupiable space may be incorporated behind this Roof Type.

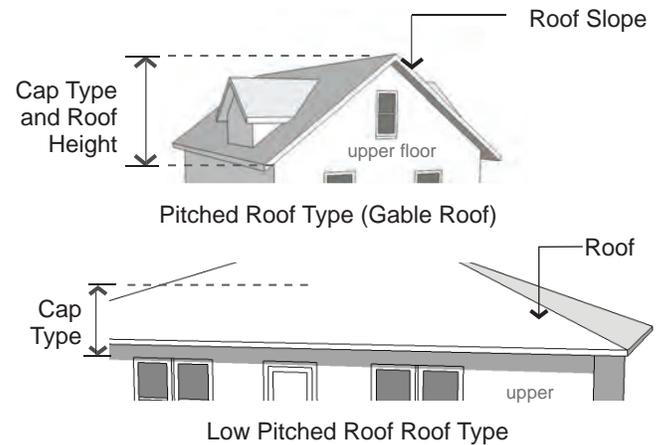


Figure 5.10 (4) Pitched Roof Type



Figure 5.10 (5) Parallel Ridge Line

5.0 Buildings

5.11 Additional Design Requirements

The following outlines the Downtown District design guidelines that affect a building's appearance and District's cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, protect the character of the community and create a sense of place.

1. Materials and Color

- (1) **Primary Facade Materials.** Eighty percent (80%) of each facade shall be constructed of primary materials. For facades over one hundred square feet (100 ft²), more than one material shall be used to meet the eighty percent (80%) requirement.
 - (a) Permitted primary building materials include high quality natural materials such as: stone, brick, wood lap siding, fiber cement board lapped, shingled, panel siding, or glass. Other high quality synthetic materials may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 5.11 (1).

- (2) **Secondary Facade Materials.** Secondary materials are limited to details and accents and include gypsum reinforced fiber concrete for trim and cornice elements, metal for beams, lintels, trim, and ornamentation, and exterior architectural metal panels and cladding.
 - (a) Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.
- (3) **Roof Materials.** Acceptable roof materials include three hundred pound (300lb) or more, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. Engineered wood or slate may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 5.11 (2).
- (4) **Appropriate Grade of Materials.** Commercial quality doors, windows, and hardware shall be used on all Building Types with the exception of the Townhome Building and the Yard Building. Refer to Figure 5.11 (3)



Primary Materials: Brick



Primary Materials: Stone



Primary Materials: Synthetic Panel and Siding



Primary Materials: Glass



Primary Materials: Painted Wood



Roof Materials: Asphalt Composite Shingles



Roof Materials: Ceramic Tile

Figure 5.11 (1) Primary Materials

Figure 5.11 (2) Roof Materials.

2. Windows, Awnings, and Shutters

- (1) Windows. All upper story windows on all historic, residential, and mixed use buildings shall be recessed, double hung.
- (2) Awnings. All awnings shall be canvas or metal. Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated. Alternative materials may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 5.11 (4).
- (3) Shutters. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood. "Engineered" wood may be approved during the site plan process with an approved sample and examples of successful, high quality local installations.



Permitted Awnings: Metal



Permitted: Commercial Grade Doors and Windows on Commercial



Permitted Awnings: Canvas



Prohibited: Residential Grade Doors on Commercial Buildings.



Prohibited Awnings: Plastic

Figure 5.11 (3) Commercial Grade Doors and Windows

Figure 5.11 (4) Awnings

5.0 Buildings

3. Balconies

The following applies in all locations where balconies are incorporated into the facade design facing any street or parking lot. Refer to Figure 5.11 (5).

- (1) Size. Balconies shall be a minimum of six feet (6') deep and five (5') feet wide.
- (2) Connection to Building. Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.
- (3) Facade Coverage. A maximum of forty percent (40%) of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

5. Drive-through Structures.

Refer to Figure 5.11 (7) for one illustration of the following requirements.

- (1) Structures. Drive-through structures shall be located on the rear facade of the building or in the rear of the lot behind the building, where permitted by use. The drive-through structure shall not be visible from any Primary Street.
- (2) Stacking Lanes. Stacking lanes shall be located perpendicular to the Primary Street or behind the building.
- (3) The canopy and structure shall be constructed of the same materials utilized on the building.



Figure 5.11 (5) Balconies Integral to Facade

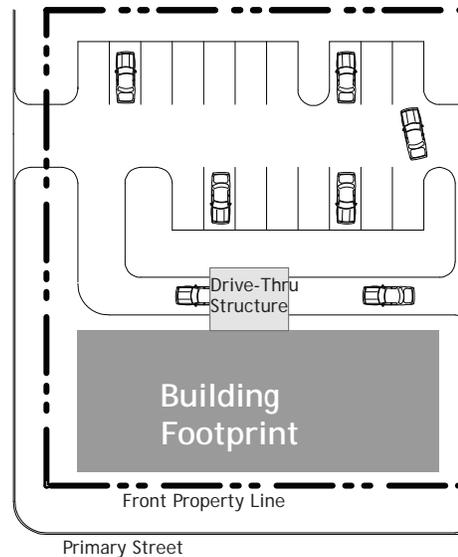


Figure 5.11 (6) Recommended Drive-Through Facility Layout

Storefront Building Examples



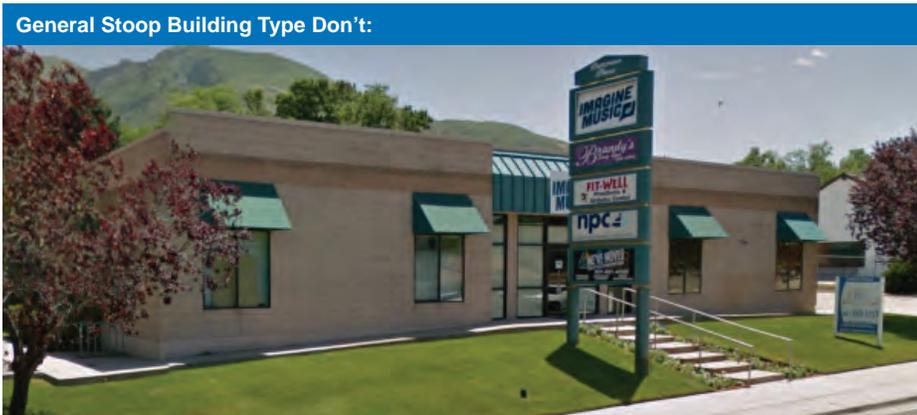
Storefront Building Type Don't:



Storefront Building

5.0 Buildings

General Stoop Building Examples



General Stoop Building

Mid Scale Shop Building Examples



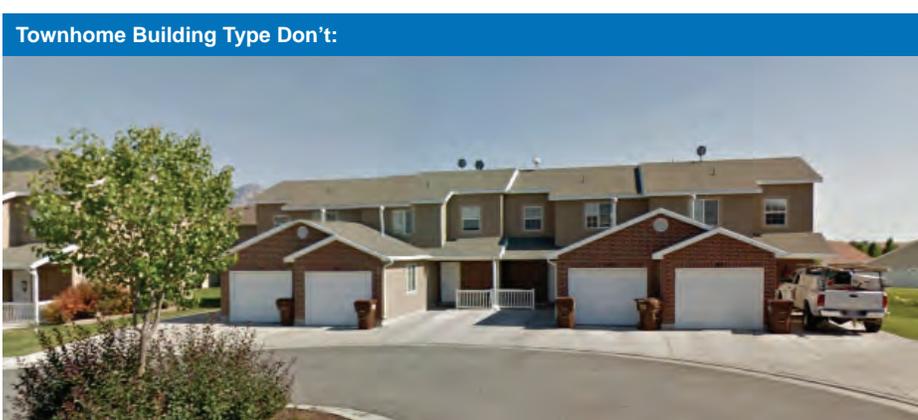
Mid Scale Shop Building Type Don't:



Mid Scale Shop Building

5.0 Buildings

Townhome Building Examples



Townhome Building

Yard Building Examples



Yard Building Type Don't:



Yard Building

5.0 Buildings

Civic Building Examples



Civic Building

6.0 Open Space Types



6.0 Open Space

Page Intentionally Left Blank

6.1. General Requirements

1. Intent

To provide open space as an amenity that promotes physical and environmental health within the community and to provide each household with access to a variety of active and passive Open Space Types. Courtyards, plazas, and other Open Space Types are a valuable and vital part of a healthy and attractive city center. For this reason, some form of open space should be incorporated into all building and civic spaces. Additionally, streets should be considered as an open space opportunity.

2. Applicability

The standards outlined apply to open space required per Subdistrict (refer to Chapter 1.0 Place Types).

3. General Requirements

In addition to the open space requirements set in Chapter 1, all Building Types must meet the designated open space requirement in Table 6.1. All open space shall also meet the following requirements.

- (1) **Compliance.** All open space provided within any Core, General, or Edge Subdistrict shall comply with one of the Open Space Types defined in Sections 6.2 through 6.8 of this Chapter.
- (2) **Access.** All Open Space Types shall provide public access from a vehicular or pedestrian right-of-way.
- (3) **Location.** Open Space Types shall be platted as a lot or, with permission of the City Engineer, may be located within a right-of-way.
- (4) **Public Sidewalks and Alleys.** Portions of public sidewalks or alleys designed for private use by adjacent business owners may be included in the open space calculation, but shall not be considered an Open Space Type. Utilization of public sidewalks and alleys for activities such as outdoor dining, must be approved by the Zoning Administrator and must not obstruct safe use of the sidewalk or alley as required by City Code.

- (5) **Fencing.** Open Space Types may incorporate fencing provided the following requirements are met.
 - (a) **Height.** Fencing shall be a maximum height of forty eight inches (48”), unless approved by the Zoning Administrator for circumstances where safety is a concern, such as proximity to railroad right-of-way, or adjacent to swimming pools, ball fields, and ball courts.
 - (b) **Level of Transparency (figure 6.1 (1)).** Fence transparency shall be no greater than sixty percent (60%). Translucent or tinted materials that allow light which obstructs visibility are not considered transparent for the purpose of this Chapter.
 - (c) **Type.** Chain-link fencing is not permitted along any street frontage, with the exception of dedicated sports field or court fencing as approved by the Zoning Administrator.
 - (d) **Spacing of Openings.** Openings or gates shall be provided on every street face at a minimum of every one hundred fifty feet (150’).

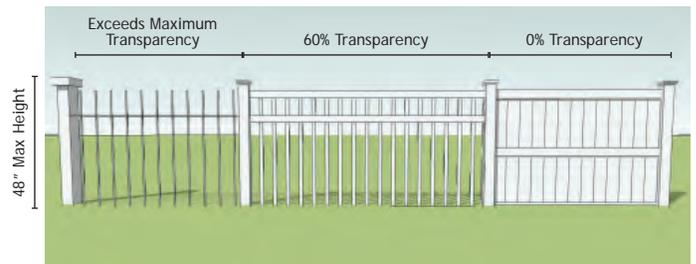


Figure 6.1 (1) Open Space Fencing and Transparency

- (6) **Open Bodies of Water.** All open bodies of water, such as lakes, ponds, pools, creeks, and streams, within an Open Space Type, shall be located at least twenty feet (20’) from any property line to allow for pedestrian and bicycle access as well as a landscape area surrounding the body of water.
- (7) **Ownership.** Open Space Types may either be publicly or privately owned.

Open Space Requirements								
Building Type		Core A	Historic Core	General A	Edge A	Edge B	Edge C	Future Subdistrict
	Storefront		5%	5%	10%	5%	10%	
General Stoop		10%		15%	10%			
Mid Scale Shop				20%		20%		
Townhome		20%		20%	20%		25%	
Yard Building							25%	
Civic Building		20%	20%	20%	20%	20%		

Table 6.1 Open Space Requirements

6.0 Open Space

- (8) **Parking Requirements.** Parking shall not be required for any Open Space Type, unless a use other than open space exists, as determined by the Zoning Administrator.
- (9) **Continuity.** Connections to existing or planned trails or Open Space Types shall be made when the open space abuts an existing or planned trail or other Open Space Type.
- (10) **Lighting.** Pedestrian scale lighting must be provided for all Open Space Types. Pedestrian scale lighting is mounted at twelve (12') to sixteen feet (16') above the walking surface.
- (11) **Outdoor Dining.** Outdoor dining is encouraged in open space. Outdoor dining areas located on sidewalks or other pedestrian pathways must provide minimum pedestrian clearance of six feet (6') and are subject to all applicable federal, state, and local requirements.
- (12) **ADA Accessibility.** All Open Space Types shall be constructed to meet ADA requirements.

4. Definition of Requirements

The following further explains or defines the requirements included in the tables for each Open Space Type. Refer to each table for the specific requirements of each Open Space Type.

- (1) **Size.**
 - (a) **Minimum Size.** The minimum size of the Open Space Type is measured within the parcel lines of the property.
 - (b) **Maximum Size.** The maximum size of the Open Space Type is measured within the parcel lines of the property.

- (c) **Minimum Dimension.** The minimum length or width of the Open Space Type is measured along the longest two straight lines intersecting at a right angle defining the maximum length and width of the lot. Refer to Figure 6.1 (2).
- (2) **Minimum Percentage of Vehicular Right-of-Way Frontage Required.** The minimum percentage of the open space frontage, is measured along the outer parcel line located directly adjacent to a vehicular right-of-way, excluding alley frontage.
- (3) **Adjacent Parcels.** Parcels directly adjacent to or directly across the street from an Open Space Type.
 - (a) **Subdistricts Permitted on Adjacent Parcels.** The Subdistricts permitted directly adjacent to, as well as directly across, the street from the Open Space Type. Refer to Chapter 3.0 Subdistricts for information.
- (4) **Improvements.** The types of development and improvements permitted on an Open Space Type include:
 - (a) **Designated Sports Fields.** Sports fields, ball courts, or structures designated for one or more sports including, but not limited to, baseball fields, softball fields, soccer fields, basketball courts, football fields, tennis courts, climbing walls, and skate parks.
 - (b) **Playgrounds.** Playgrounds include a defined area with play structures and equipment typically for children under twelve (12) years of age, such as slides, swings, and climbing structures.
 - (c) **Fully Enclosed Structures.** Fully enclosed structures may include such uses as park offices and maintenance sheds, community centers, and rest rooms. Fully enclosed structures are permitted but may be limited to a maximum building coverage as a percentage of the open space area, as indicated in the Open Space Type tables.
 - (d) **Semi-Enclosed Structures.** Covered but unwalled structures, such as gazebos, are permitted in all Open Space Types.
- (5) **Maximum Impervious and Semi-Pervious Surface.** The extent of impervious and semi-pervious surface coverage are provided separately to allow an additional amount of semi-pervious surface, such as permeable paving, in addition to the impervious surfaces permitted. This may include, but is not limited to, the use of semi-pervious surfaces for parking facilities, driveways, sidewalks, paths, and structures, as permitted.
- (6) **Maximum Percentage of Open Body of Water.** The maximum amount of area within an Open Space Type that may be covered by an open body of water, including, but not limited to, ponds, lakes, and pools.

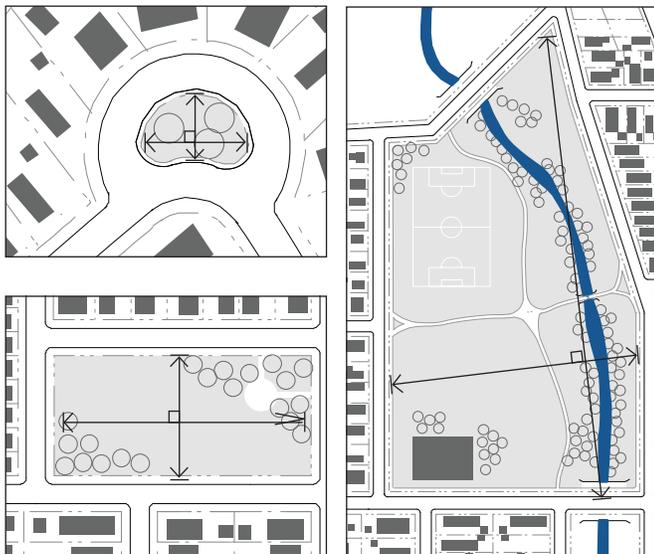


Figure 6.1 (2) Examples of Measuring the Minimum Dimension of Open Space Types.

- (7) Seating. Stand alone seats and benches or seating elements, such as seat walls (with finish surface between 18" and 24"). To qualify seating elements must be constructed of high quality durable materials such as natural or manufactured stone or alternative, as approved by the Zoning Administrator. To calculate the quantity of seats on a bench or seating element, one (1) full seat must be at least 18" wide and 18" deep.



Figure 6.1 (3) Examples stormwater feature as landscape design

5. Stormwater in Open Space Types

Stormwater management practices, such as storage and retention facilities, may be integrated into Open Space Types and utilized to meet stormwater retention requirements for surrounding parcels.

- (1) Stormwater Features. Stormwater features in Open Space may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool. Stormwater features shall not be fenced unless otherwise permitted by this Chapter and shall not impede public use of the land they occupy.
- (2) Qualified Professional. A qualified design professional licensed by an Idaho licensing board, such as a landscape architect, shall be utilized to incorporate stormwater features into the design of the open spaces.

6. Reductions

Open space reductions may be awarded. Any Open Space Type defined in this Chapter may qualify for an open space reduction. Public sidewalks not associated with an Open Space Type do not qualify for an open space reduction. A new or existing public sidewalk on the same parcel as the building may be counted toward the open space requirement in Table 6.1, if approved by the Zoning Administrator.

- (1) Applicability. Open space reductions are granted under the following conditions.
 - (a) To qualify the building must be contiguous to existing improved open space, and seventy five percent (75%) of the building frontage must be contiguous to the open space.

- (b) A building that is separated from existing improved open space by a dedicated street, but on no other parcel, qualifies for the open space reduction if the building would otherwise be contiguous. For example, buildings on the east side of Memorial Drive facing the Riverwalk meet this requirement.
- (2) Calculation. One open space reduction may be granted to any single building on a parcel. Multiple reductions cannot be combined.
 - (a) A ninety percent (90%) open space reduction may be granted if the front property line is directly adjacent to publicly accessible open space.
 - (b) A ninety percent (90%) open space reduction may be granted if a single side yard is contiguous to open space open to the public. A direct access must be provided between the open space and side yard entrance.
 - (c) A fifty percent (50%) open space reduction may be granted if a rear yard is directly adjacent to open space that is open to the public. A direct access must be provided between the open space and rear yard entrance.
 - (d) A twenty five percent (25%) open space reduction may be granted if a building is located on the same block as an open space to the public.
- (3) Roof Top Gardens/Terraces. A rooftop garden on a building or parking structure maybe used to satisfy the open space requirement. However, it may not be used as calculation towards an open space reduction unless it is open to the public.
 - (a) Any portion of a rooftop garden that is for the private use of owners, guests, or tenants (such as restaurant dining) is not considered open to the public.
 - (b) Private use of a rooftop garden may be allowed.

6.0 Open Space



Figure 6.2 (1) Typical Plaza.

6.2 Plaza Open Space Type

1. Intent

Plazas provide small to medium scale outdoor space generally open to the public, although may occasionally be used for private functions. Plazas may be used for civic, social, and commercial purposes, such as meeting, relaxing, performance, casual workspace, weddings, receptions, and outdoor dining.

The plaza may contain a greater amount of impervious coverage than other Open Space Types. Surfacing generally includes brick, pavers, or stamped and colored concrete. Seating may be provided as either movable furniture or permanent options. Special features such as fountains, public art, game tables, accent lighting, are encouraged.



Figure 6.2 (2) Typical Plaza Examples

Plaza Requirements	
Dimensions	
Minimum Size (acres)	0.10
Maximum Size (acres)	1.50
Minimum Dimension (feet)	20' in one direction
Minimum % of Vehicular ROW Frontage Required	50%, 80% building frontage required on non-street frontage
Adjacent Parcels	
Permitted Subdistricts	Core A Historic Core General A Edge A, B, and C Future Subdistricts
Frontage Orientation of Adjacent Parcels	Front or Corner Side
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Not permitted
Fully Enclosed Structures	Permitted, maximum 5% of area
Maximum Impervious + Semi-Pervious Surface	80% + 10%
Maximum % of Open Water	50%
Lighting	Required, max 16' fixture height
Seating	Minimum 1 per 200 square feet
Trees	Minimum 1 per 400 square feet
Landscaping	50% live plant material
Bicycle Facilities	Minimum 1 bike rack slot per 800 square feet





Figure 6.3 (1) Typical Square

6.3 Square Open Space Type

1. Intent

Squares provide a formal space of medium to large scale to serve as a gathering place for civic, social, and commercial purposes. This Open Space Type is generally open to the public, although may be used for private functions. Squares are intended to act as recognizable primary town gathering spaces. Squares may be bordered on all sides by a vehicular right-of-way, or surrounded with building facades to create its definition.



Square Requirements	
Dimensions	
Minimum Size (acres)	0.5
Maximum Size (acres)	3.0
Minimum Dimension (feet)	60' in one direction
Minimum % of Vehicular ROW Frontage Required	50%
Adjacent Parcels	
Permitted Subdistricts	Core A General A Future Subdistricts
Frontage Orientation of Adjacent Parcels	Front or Corner Side
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Not permitted
Fully Enclosed Structures	Permitted, maximum 10% of area
Maximum Impervious + Semi-Pervious Surface	40% + 20%
Maximum % of Open Water	30%
Lighting	Required, max 16' fixture height
Seating	Minimum 1 per 400 square feet
Trees	Minimum 1 per 600 square feet
Landscaping	50% live plant material
Bicycle Facilities	Minimum 1 bike rack slot per 800 square feet



Figure 6.3 (2) Typical Square Examples

6.0 Open Space

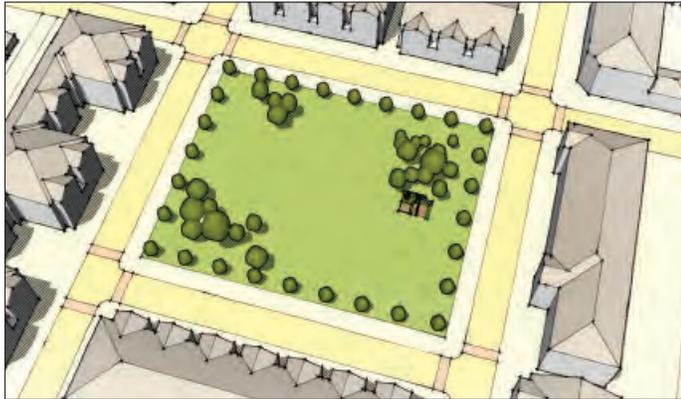


Figure 6.4 (1) Typical Green Layout

6.4 Green Open Space Type

1. Intent

Greens provide informal, medium scale active or passive recreation for neighborhood residents within walking distance, mainly fronted by streets.



Green Requirements	
Dimensions	
Minimum Size (acres)	0.3
Maximum Size (acres)	2.0
Minimum Dimension (feet)	40'
Minimum % of Vehicular ROW Frontage Required	100%, 50% for over 1.25 acres
Adjacent Parcels	
Permitted Subdistricts	General A Future Subdistricts
Frontage Orientation of Adjacent Parcels	Front or Corner Side
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Fully Enclosed Structures	Not permitted
Maximum Impervious + Semi-Pervious Surface	20% + 15%
Maximum % of Open Water	40%
Lighting	Required, max 16' fixture height
Seating	Minimum 1 per 400 square feet
Trees	Minimum 1 per 600 square feet
Landscaping	65% live plant material
Bicycle Facilities	Minimum 1 bike rack slot per 800 square feet



Figure 6.4 (2) Typical Green Examples



Figure 6.5 (1) Typical Commons Layout

6.5 Commons or Courtyard Open Space Type

1. Intent

Commons or Courtyards provide an informal, small to medium scale space for active or passive recreation for a limited neighborhood area. Commons are typically internal to a block and tend to serve adjacent residents. Activities may be passive or active and could include tot lots, vegetable gardens, barbecue, pavilion, and outdoor gathering areas.



Commons or Courtyard Requirements

Dimensions	
Minimum Size (acres)	0.1
Maximum Size (acres)	1.5
Minimum Dimension (feet)	25'
Minimum % of Vehicular ROW Frontage Required	0%, 1 access point required, minimum width 20'
Adjacent Parcels	
Permitted Subdistricts	All Subdistricts
Frontage Orientation of Adjacent Parcels	Front or Corner Side
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Fully Enclosed Structures	Not permitted
Maximum Impervious + Semi-Pervious Surface	30% + 10%
Maximum % of Open Water	30%
Lighting	Required, max 16' fixture height
Seating	Minimum 1 per 200 square feet
Trees	Minimum 1 per 400 square feet
Landscaping	60% live plant material
Bicycle Facilities	Minimum 1 bike rack slot per 800 square feet



Figure 6.5 (2) Typical Commons Examples

6.0 Open Space



Figure 6.6 (1) Typical Pocket Park Layout

6.6 Pocket Park Open Space Type

1. Intent

Pocket Parks provide small scale, primarily landscaped active or passive recreation and gathering space within walking distance of nearby residents and commercial workforce.



Pocket Park Requirements	
Dimensions	
Minimum Size (acres)	0.10
Maximum Size (acres)	1.0
Minimum Dimension (feet)	None
Minimum % of Vehicular ROW Frontage Required	30%
Adjacent Parcels	
Permitted Subdistricts	All Subdistricts
Frontage Orientation of Adjacent Parcels	Any
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Fully Enclosed Structures	Not permitted
Maximum Impervious + Semi-Pervious Surface	30% + 10%
Maximum % of Open Water	30%
Lighting	Required, max 16' fixture height
Seating	Minimum 1 per 200 square feet
Trees	Minimum 1 per 400 square feet
Landscaping	50% live plant material
Bicycle Facilities	Minimum 1 bike rack slot per 800 square feet



Figure 6.6 (2) Typical Pocket Park Examples



Figure 6.7 (1) Typical Park

6.7 Park Open Space Type

1. Intent

Parks provide informal active and passive large scale recreational amenities to local residents and the greater region. Parks primarily have natural planting and are frequently created around an existing natural feature such as a body of water or stands of trees.



Figure 6.7 (2) Typical Park Examples

Park Requirements

Dimensions	
Minimum Size (acres)	1.5
Maximum Size (acres)	None
Minimum Dimension (feet)	80'
Minimum % of Vehicular ROW Frontage Required	30%, up to 5 acres, 20% over 5 acres
Adjacent Parcels	
Permitted Subdistricts	Core A General A Future Subdistricts
Frontage Orientation of Adjacent Parcels	Front or Corner Side
Improvements	
Designated Sports Fields	Permitted
Playgrounds	Permitted
Fully Enclosed Structures	Permitted, minimum 3 acre Park required
Maximum Impervious + Semi-Pervious Surface	20% + 10%
Maximum % of Open Water	30%
Lighting	Required, max 16' fixture height
Seating	Minimum 1 per 200 square feet ¹
Trees	Minimum 1 per 400 square feet ¹
Landscaping	50% live plant material
Bicycle Facilities	Minimum 1 bike rack slot per 800 square feet

Notes

¹ Square Footage assigned to designated sports fields (excluding non play areas) are exempt from seating and tree quantity requirements.



6.0 Open Space



Figure 6.8 (1) Typical Greenway

6.8 Greenway/Riverwalk or Urban Trail Open Space Type

1. Intent

The purpose of this Open Space Type is to provide informal, primarily natural linear open spaces that serve to enhance connectivity between Open Space Types and other uses. Greenways are linear open spaces that often follow a natural feature, such as a river, stream, ravine, or man-made feature such as a vehicular right-of-way. A greenway may border other Open Space Types.



Figure 6.8 (2) Typical Greenway Examples

Greenway Requirements	
Dimensions	
Minimum Size (acres)	None
Maximum Size (acres)	None
Minimum Dimension (feet)	15'
Minimum % of Vehicular ROW Frontage Required	0%, 1 access point required per quarter mile of length, minimum 20' width
Adjacent Parcels	
Permitted Districts	All subdistricts
Frontage Orientation of Adjacent Parcels	Any
Improvements	
Designated Sports Fields	Permitted
Playgrounds	Permitted
Fully Enclosed Structures	Permitted
Maximum Impervious + Semi-Pervious Surface	20% + 10%
Maximum % of Open Water	40%
Lighting	Required, max 16' fixture height
Seating	Minimum 1 per 500'
Trees	Minimum 1 small-medium shade tree per 20' or 1 large shade tree per 30'
Landscaping	50% live plant material
Bicycle Facilities	Minimum 1 bike rack slot per 800 square feet



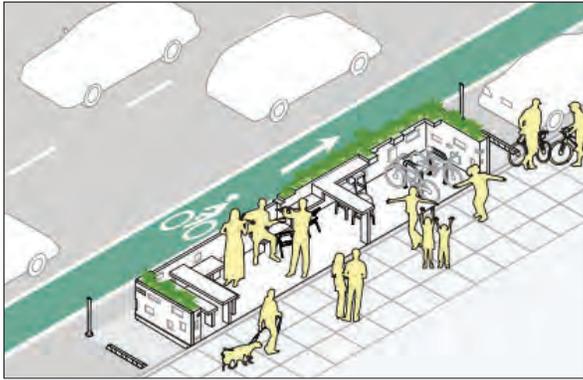


Figure 6.9 (1) Typical Parklet

6.9 Parklet Open Space Type

1. Intent

The purpose of this Open Space Type is to provide attractive additions to streetscapes, invite people to sit and stay in public spaces, enhance walkability, and encourage business participation in a vibrant streetscape. Parklets are public seating platforms that convert curb side parking spaces into vibrant community spaces. They are the product of a partnership between the city and local businesses, residents, or associations. Most parklets have a distinctive design that incorporates amenities such as seating, greenery, and/or bike racks and accommodate unmet demand for public space on thriving downtown streets or commercial areas. While they are funded and maintained by neighboring businesses, residents, and community organizations, they are publicly accessible and open to be used by all.



Figure 6.9 (2) Typical Parklet Examples

Parklet Requirements

Dimensions

Minimum Length (feet)	25'
Maximum Length (feet)	40'
Minimum Width (feet)	6'
Maximum Width (feet)	Must be at least 3' from all traffic travel lanes as determined by the City Engineer.

Adjacent Parcels

Permitted Districts	Core A, Historic Core, General A, Edge A
Frontage Orientation of Adjacent Parcels	Any

Location

- Must be located at least 25' away from the intersection.
- Must not obstruct any fire hydrant, utility service or emergency service access.
- May not block any public alley access or any private alley access without sign consent of all interested parties.
- Must not obstruct the required sight distance triangle.
- Must be located directly in front of the business requesting the use. The area may not extend beyond the limits of the business storefront.
- Not permitted in bus stops but may be adjacent to them.
- No more than 10% cumulatively of any block may be used.

A minimum of 6' clearance is required from the edge of the parklet to any building or obstacle.

Safety

- Must be setback at least 4' from contiguous parking stalls. If contiguous with parallel parking stalls must also provide a curb stop to buffer the parking from the parklet.
- Vertical elements are required that make them visible to traffic, such as bollards or posts with reflective markers.
- A slip resistant surface must be used.
- An open guardrail or barrier must be installed to define the space and may not exceed 3' in height. The guardrail must be able to withstand 200 lbs of horizontal force. No fabric, chain link fencing, chicken wire, or snow fencing may be used as guardrails or barriers.
- Not allowed in a location where the speed limit exceeds 30 mph.
- A flush transition at the sidewalk and curb to permit easy access and avoid tripping hazard

Improvements

Maximum Impervious + Semi-Pervious Surface	10% + 90%
Lighting	If intended to be used at night lighting is required, max 12' fixture height
Landscaping	Planters are allowed, but may not exceed 3' in height.

Permitted Uses

- Dining Areas
- Bicycle Facilities
- Public Seating
- Recreational Space (excluding playground equipment)
- Landscape Islands
- No signage is allowed

7.0 Landscaping



7.0 Landscaping

Page Intentionally Left Blank

7.1 General Requirements.

1. Intent.

The landscape standards outlined in this Chapter are designed to:

- (1) Provide for healthy, long-lived street trees along public streets to improve the appearance of streets and create a buffer between pedestrian and vehicular travel lanes.
- (2) Increase the compatibility of adjacent uses and minimize any adverse impacts potentially created by adjoining or neighboring uses.
- (3) Promote the prudent use of water and energy resources by achieving and maintaining sustainable, functional landscapes.
- (4) Shade large expanses of pavement and reduce the urban heat island effect.

2. Applicability.

Landscaping, trees, and buffers shall be installed for all new developments and as otherwise required in this Chapter.

- (1) Existing Landscaping. The requirements of this Chapter shall not apply to existing, nonconforming landscaping with the following exceptions:
 - (a) New or significant improvements to existing parking lots, loading facilities, or driveways that effects landscaping shall conform to the requirements of this Chapter.
 - (b) Alteration to an existing principal or accessory structure that triggers the requirements of Chapter 5.0 Buildings shall conform to the requirements of this Chapter.
 - (c) When compliance is triggered for existing parking lots, requirements for landscape improvements shall take priority over parking requirements as determined by the Zoning Administrator.
- (2) Buffers. Landscape buffers are required according to the provisions in this Chapter with the following exceptions:
 - (a) Shared Driveways. Buffers shall not be required along a property line where a curb cut or aisle is shared by two contiguous lots.
 - (b) Points of Access. Buffering is not required at driveways or other points of access to a lot.
- (3) Temporary Uses. The provisions of this Chapter shall not apply to temporary uses, unless determined otherwise by the Zoning Administrator.

7.2 Installation of Landscape.

1. General Installation Requirements.

The installation of landscaping shall comply with the following standards. Installation should also follow best management practices and procedures according to nationally accepted standards.

- (1) Installation. Landscaping shall be fully installed prior to issuance of a Certificate of Occupancy.
- (2) Plant Size Requirements. At the time of installation plant material shall be sized according to Table 7.2 (1), unless otherwise noted in this Chapter.
- (3) Condition of Landscape Materials. Landscaping materials used shall be:
 - (a) Healthy and hardy with a good root system;
 - (b) Chosen for its form, texture, color, fruit, pattern of growth, and suitability to local conditions;
 - (c) Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution;
 - (d) Appropriate for the conditions of the site, including slope, water table, and soil type;
 - (e) Protected from damage by grates, pavers, or other measures;
 - (f) Plants that will not cause a nuisance or have negative impacts on a contiguous property; and
 - (g) Species native or naturalized to the Idaho Falls Region, whenever possible.
- (4) Establishment. All installed plant material shall be fully watered, fertilized, and maintained, to ensure establishment. Any landscaping or tree that dies shall be replaced within the current planting season.

4. Ground Plane Vegetation.

All unpaved areas on any lot shall be covered by one of the following:

- (1) Planting Beds.
 - (a) Planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.
 - (b) Nonliving materials, such as pine straw, colored gravel, or mulch, are permitted for up to fifty percent (50%) of a bed area.
 - (c) Annual beds must be maintained seasonally, replanted as necessary.
- (2) Grass. Seeded, plugged, or sodded grass may be planted throughout landscaped areas.
 - (a) Grass shall be established within ninety (90) days of planting or the area must be reseeded, replugged, or resodded by the next planting season.

7.0 Landscaping

5. Tree Installations.

Refer to the City Code for a list of permitted tree types

- (1) **Tree Measurement.** Tree caliper shall be measured at six inches (6") above the grade of the tree's trunk when the trunk's caliper is four inch (4") caliper or less. The caliper shall be measured at twelve inches (12") above the grade of the tree's trunk when the caliper is greater than four inches (4").
- (2) **Tree Maintenance.** Tree trimming, fertilization, and other similar work shall be performed by or under the management of a certified arborist.
- (3) **Species Composition.** Trees planted on a site shall be any combination of species permitted by City Code with the following exceptions:
 - (a) One genus shall not comprise more than thirty percent (30%) of trees planted on a site.
 - (b) One species shall not comprise more than ten percent (10%) of trees planted on a site.
 - (c) Exceptions to this provision may be granted by the Zoning Administrator and City Forrester through review of the landscape plan.
- (4) **Plant Size.** At installation all plants shall meet the requirements of Table 7.2 (1) Plant Material Size at Installation.
- (5) **Tree Spacing.**
 - (a) Trees shall be planted at least thirty feet (30') and twenty feet (20') apart for large and medium trees, respectively.
 - (b) No trees may be planted closer to any impermeable curb or sidewalk than as follows:
 - (1) Medium trees: three feet (3').
 - (2) Large trees: four feet (4').
- (6) **Permeable Surface.** For each tree preserved or planted, a minimum amount of permeable surface area is recommended, unless otherwise stated in this Chapter.
 - (a) At least seventy percent (70%) of the canopy limits of preserved trees should have a permeable surface.
 - (b) Planted trees have a suggested minimum permeable area and soil volume based upon tree size. Refer to Table 7.2 (2) for details.

- (c) Permeable area for one tree cannot overlap that of another tree.
- (7) **Structural Soil.** When the Soil Surface Area (per Table 7.2 (2)) of a tree will extend below any pavement within the public right of way, structural soil is required underneath that pavement. Structural soil is a medium that can be compacted to pavement design and installation requirements while still permitting root growth. It is a mixture of gap-graded gravels (made of crushed stone), clay loam, and a hydrogel stabilizing agent to keep the mixture from separating. It provides an integrated, root penetrable, high strength pavement system that shifts design away from individual tree pits.

Plant Material Type	Minimum Size
Deciduous Shade/Overstory Tree	
Single Trunk	2" caliper
Multi Trunk	10' in height
Evergreen Tree	8' in height
Understory Tree	6' in height
Ornamental Tree	2" caliper
Shrubbery - Deciduous	container class 5
Shrubbery - Evergreen	container class 5
Groundcover	3" in height

Table 7.2 (1). Plant Material Size at Installation.

Tree Size	Soil Volume (cubic ft)	Soil Surface Area (sq ft) with 2.5' Soil Depth	Permeable Surface Area Requirement (sq ft)
Very Small	181	72 (approx. 8.5' x 8.5')	25 (5' x 5')
Small	736	294 (approx. 17' x 17')	100 (10' x 10')
Medium	2852	1141 (approx. 34' x 34')	225 (15' x 15')
Large	6532	2681 (approx. 50' x 50')	400 (20' x 20')

Table 7.2 (2). Minimum Recommended Soil Volumes and Permeable Area per Planted Tree.

6. Irrigation Systems.

Permanent irrigation is required and shall comply with the following standards:

- (1) All irrigation systems shall be designed to minimize the use of water by applying the quantity of water that is required for each plant or tree, or grouping of plants or trees by water zone.
- (2) Non residential landscape irrigation shall have an automatic clock-activated permanent system.
- (3) The irrigation system shall provide coverage to all landscape areas to ensure health of plants and trees.
- (4) The irrigation system shall be designed to not spray or irrigate impervious surfaces, including sidewalks, driveways, streets, and parking and loading areas.
- (5) All mechanical systems, including controllers and back-flow prevention devices, shall be properly screened from public view. Screening may include landscape materials, fencing or locked cages.

7. Maintenance of Landscape.

All landscaping shall be maintained in good condition at all times to ensure a healthy and orderly appearance.

- (1) Replacing Unhealthy Landscaping. Unhealthy or dead landscaping, as determined by the City Forester, shall be replaced with healthy plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of twenty five percent (25%) of the normal branching pattern.
- (2) Maintenance Responsibility. The property owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein, by the end of the next applicable growing season.
- (3) Maintain Quality and Quantity. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as when initially installed.
- (4) Fences and Other Barriers. Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.
- (5) Tree Topping. Tree topping is not permitted. Refer to 7.3.4(2) for clear branch height of street trees.
- (6) City Inspection. All landscaped areas regulated by this Chapter may be inspected by the City.

7.3 Street Trees and Streetscape Design.

1. Intent.

To line all streets installed after the adoption of this Code with a consistent and appropriate planting of trees, pavement design, and identity and to establish a tree canopy for environmental benefit and a sense of identity for all such streets.

2. Applicability.

The requirements herein apply to all development and changes to existing developments, as described in Section 7.1.

3. Streetscape Design Submittal.

A streetscape design shall be submitted for approval for all new streets within a development. At a minimum, the submittal shall include the following:

- (1) Street Trees. Details showing compliance with Section 7.3.4 Minimum Street Tree Requirements.
- (2) Sidewalk Pavement Design. Sidewalk paving materials and pattern shall be set for each Street Type (refer to Chapter 2.0 Street Types).
- (3) Street Furnishings. Benches, seatwalls, planters, planter fences, trash receptacles, and bicycle racks or other street furnishings shall be specified and quantities and locations listed for each Street Type (refer to Chapter 2.0 Street Types).
- (4) Landscape Design. Ground plane vegetation shall be designated for any landscape bed areas, planter areas, and tree wells.
- (5) Lighting. Pedestrian and vehicular lighting shall be specified and locations and quantities shown.
- (6) Identity Elements. Any other elements designed to establish the identity of each street, such as banners, pavement markers, artwork, or signage, shall be included in the streetscape design submittal.

4. Minimum Street Tree Requirements.

The following standards apply to the installation of street trees.

- (1) Exception. Street trees are not required on Alleys or the Lane Street Types (refer to Chapter 2.0 Street Types).
- (2) Trees Over Public Sidewalks. Trees overhanging a public sidewalk shall be trimmed from sidewalk grade to at least eight feet (8') above the sidewalk surface.
- (3) Street Tree Type. Medium and large shade trees are permitted to be installed as street trees. Refer to the list of permitted tree types in the Community Forestry Chapter of City Code.

7.0 Landscaping

- (4) Street Tree Spacing. Street trees shall be planted as follows:
- (a) Each Lot is required to have one (1) tree for every forty feet (40') of street frontage but no less than one (1) street tree per street frontage.
 - (b) Spacing.
 - (i) Large trees must be spaced a minimum of thirty (30) and a maximum of sixty feet (60') on center.
 - (ii) Medium trees must be spaced a minimum of twenty (20) and a maximum of forty feet (40') on center.
 - (c) Limited Distance between Curb and Sidewalk. Where the distance from the back of the curb to the edge of the right-of-way or property line is less than nine feet (9') with a sidewalk, the City Forrester shall approve all tree species as described in City Code.
 - (i) Zoning Administrator may waive the street tree requirement for such spaces where there is less than nine feet (9') of width.
- (5) Tree Wells and Raised Planters. In the Downtown District, tree wells, or raised planters shall be utilized to provide landscaped space in the public right-of-way where the sidewalk extends from the back of curb to the property line.
- (a) For tree wells within sidewalks five feet (5') wide or less, open pit is not permitted. The opening must be covered with a tree grate or pervious pavement and the opening in a tree grate for the trunk must be expandable.
 - (b) Open tree wells may be coupled with short walls or seat walls or raised planters.
 - (c) Raised Planters. Raised planters may be utilized to accommodate street landscaping. Raised planters may be permanent or temporary/moveable. All raised planters must be irrigated, except that hand watering is allowed for moveable planters. Raised planters must not impede on minimum sidewalk width of dining area of seven feet (7') along the street frontage of a building or as required by an adopted unified planter design standard and must meet ADA requirements for access.
 - (i) Fifty percent (50%) of raised planters shall be between eighteen (18) and twenty two inches (22") in height. The maximum height of a raised planter is thirty six inches (36").
 - (ii) Overall planter length prior to a gap shall not exceed ninety six inches (96"). A forty two inch (42") sidewalk gap between planters is required at least every ninety six inches (96") to allow access to street parking.
 - (iii) Raised planters shall provide at least twelve inches (12") of width and length for planting. The maximum length for a twelve inch (12") planter shall not exceed thirty six inches (36") of planted area.
 - (iv) Planters with a minimum width of thirty six inches (36") may extend to ninety six inches (96") in length.
- (6) Existing Raised Planers. Maintenance of raised planters, including the planter and the landscape, is the responsibility of the property owner, unless an alternative agreement is in place for District wide maintenance. The following options may be exercised for existing planters in the district:
- (a) Restore Raised Planter. Lightly damaged raised planters may be repaired using the same material originally used to construct planter.
 - (b) Retrofit Raised Planter. Damaged raised planters may be retrofitted with an alternative material that is consistent with the building context of the materials present on the parcel or block.
 - (i) High quality durable materials, as outlined in Section 5.11.1(1)(a) shall be selected. Secondary materials may not be used to accent built in place planters
 - (ii) Secondary facade materials may be used as accents to temporary planters
 - (c) Remove Raised Planter. Damaged raised planters may be removed and replaced with a tree well.

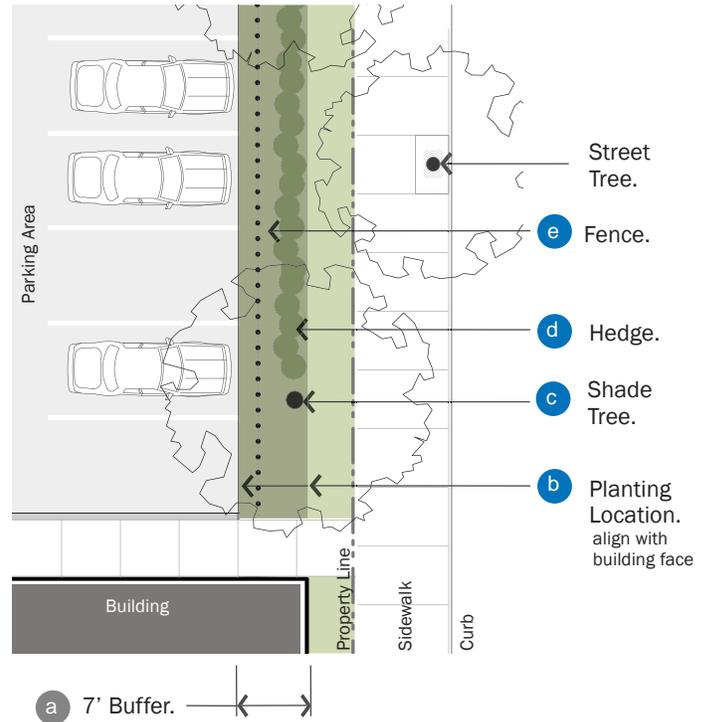


7.4 Frontage Buffer.

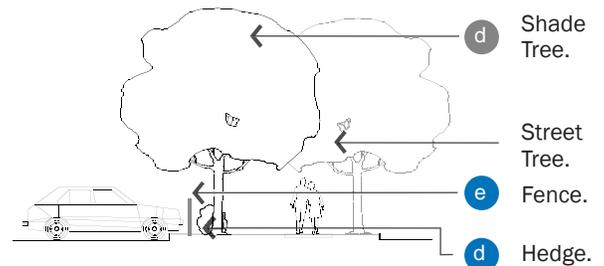
1. Applicability.

- (1) Applicability. Applies to properties in all Core, General, and Edge Subdistricts where a vehicular parking area is located adjacent to a right-of-way.
- (a) Exceptions. Vehicular parking areas along alleys, unless a single or double unit residential use is located across the alley.

Frontage Buffer Requirements	
1. Buffer width and Location ¹	
Minimum Width	7' a
Maximum Width	15' Buffers in excess of 15' must comply with guidelines of an approved open space defined in Chapter 6.0 Open Space
Location on the Site	Between street facing property line and parking area ² b
2. Buffer Landscape Requirements	
Uses and Materials	Uses and materials other than those indicated are prohibited in the buffer
Shade Trees	Medium or large shade tree required at least every 40'. Locate on the street side of a fence, Spacing should alternate with street trees c
Hedge	Required continuous hedge on street side of a fence, between shade trees and in front of vehicular areas d
Hedge Composition	Individual shrubs with a minimum width of 24", spaced no more than 36" on center, height maintained no more than 48"
Existing Vegetation	May be credited toward buffer area
3. Fence (optional, requirements when installed) e	
Location	2' from back of curb of vehicular area
Materials	Steel, colored PVC, wood, or iron. Masonry columns (maximum width 2'6") and base (maximum 18" height) permitted ³
Minimum Height	3'
Maximum Height	4'
Colors	Black, gray, or dark green
Transparency	Minimum 30%, Maximum 60% ³
Gate/Opening	One gate permitted per street frontage. Opening width maximum 6'



Front Buffer Plan.



Front Buffer Section.

Figure 7.4 (1). Frontage Buffer Plan and Section.

Frontage Buffer Requirements

Notes:

- This screening requirement does not prohibit the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk.
- In front, corner, and rear yards (on a through lot), when the parking area is located adjacent to any building on the lot, the buffer must be located so that it aligns with or is behind the face of the adjacent building back to the vehicular area. The area between the buffer and the property line must be landscaped.
- Fencing characteristics defined in Chapter 6.0 Open Space, General Requirements.

7.0 Landscaping

7.5 Side and Rear Buffer.

1. Applicability.

- (1) Applicability. Applies to all properties in all Core, General, and Edge Subdistricts, which directly adjoin properties in a different Subdistrict, as described in Buffer Requirements Between Subdistricts Table.

Side and Rear Buffer Requirements	
1. Buffer Depth and Location	
Depth	Varies based on the Subdistrict of the lot and the adjacent lot. See Table 7.5 (1). a
Location on the Site	Locate buffers on more intensively zoned lot. Buffer is measured from side and rear property lines.
2. Required Landscape Screen	
Width	5' landscape screen in addition to any other buffer landscaping b
Location	Directly adjacent to the rear or side property line
Hedge	Continuous double row of shrubs required between shade trees c
Hedge Composition	Double row of individual shrubs with a minimum width of 24", spaced no more than 36" on center. Mature height of 24" in one year
Hedge Frequency	Minimum of 15 shrubs per 100' of property line is required
Shade Trees	At least 1 medium or large shade tree per every 40' within the buffer d
3. Buffer Landscape Requirements	
Uses and Materials	Uses and materials other than those indicated are prohibited within the buffer
Tree Canopy Coverage	1 medium or large shade tree required per 2,000 square feet of buffer, excluding the area within the required landscape screen
Existing Vegetation	May be credited toward buffer area

Notes:

¹ Zoning Administrator may reduce width of buffer, width of landscape screen, or location of landscape screen based on existing landscaping and topography.

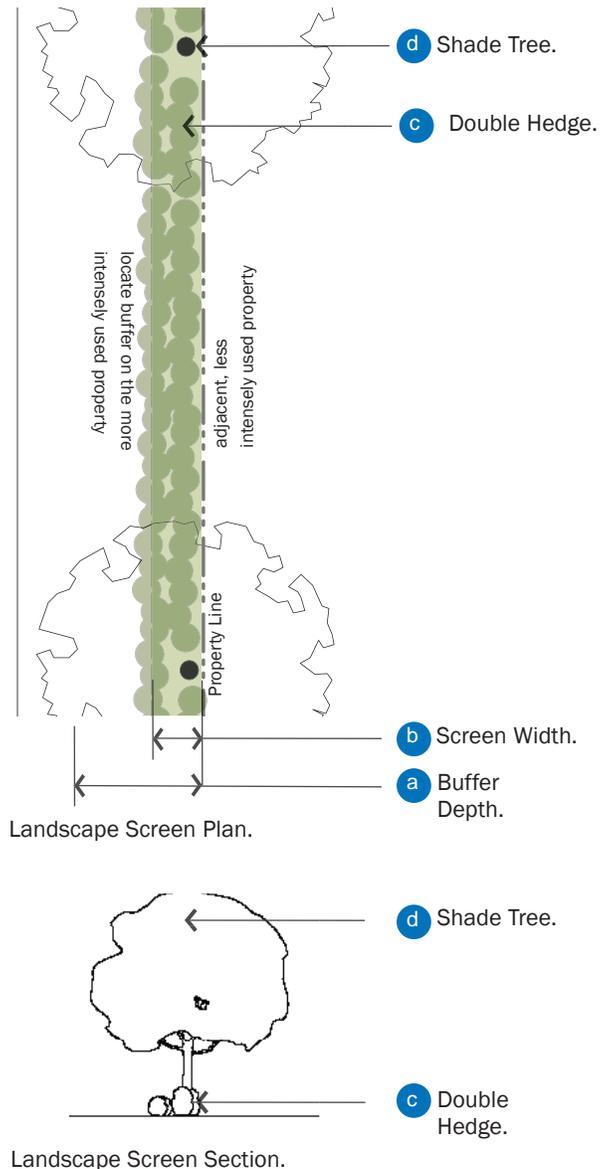


Figure 7.5 (1). Landscape Screen within Light Side and Rear Buffer.

Buffer Requirements between Subdistricts			
	Buffer Required by these Districts		
	Core	General	Edge
Core	not required	not required	not required
General	not required	not required	not required
Edge	5'	5'	not required
any existing single family	10'	10'	not required

Table 7.5 (1). Side and Rear Buffer Requirements between District.

7.6 Interior Parking Lot Landscape.

1. Applicability.

- (1) **Applicability.** Applies to all open-air, off-street parking lots in all Core, General, and Edge Subdistricts.
- (2) **Parking Lot Interior.** The area dedicated to parking on a given parcel as measured from edge of pavement to edge of pavement of the parking area.
- (3) **Other Internal Parking Lot Areas.** Internal areas not formally dedicated to parking or drives shall be landscaped with a minimum of one (1) medium or large shade tree for the first one hundred fifty square feet (150 ft²) and one (1) medium or large shade tree for every six hundred fifty square feet (650 ft²) thereafter.
- (4) **Existing Vegetation.** Existing vegetation shall be credited toward these requirements.

Interior Parking Lot Landscape Requirements	
1. Landscape Island Requirements a	
Required Island Locations	Terminal ends ¹ of free standing rows or bays of parking. b
Minimum Width	5' wide landscape islands. Islands less than 15' should utilize structural soil under any paved surface within a tree's critical root zone. Islands under 9' should install an aeration system and utilize permeable pavement
Required Trees Within Islands	Minimum of 1 medium or large shade tree per island c
2. Landscape Median Requirements d	
Required Median Location	Required in each free-standing bay of parking along the length of the bay
Minimum Width	5' wide landscape medians. Medians less than 15' should utilize structural soil under any paved surface within a tree's critical root zone. Medians under 9' should install an aeration system and utilize permeable pavement
3. Tree Requirements	
Requirements per Parking Space ³	Each parking space must be located within 50' of a tree planted within parking lot interior Minimum of 1 shade tree must be planted within parking lot interior or within 4' of parking lot's edge for every 3 parking spaces
Tree Shade Goal	Within 20 years of tree installation, at least 30% of the interior of the parking lot should be shaded by tree canopy. Refer to Table 7.6 (1) for calculation.

¹ Freestanding rows or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.

² There shall be no more than 8 continuous parking spaces in a row without a landscape island.

³ Trees within a designated buffer area may not be utilized to meet these requirements

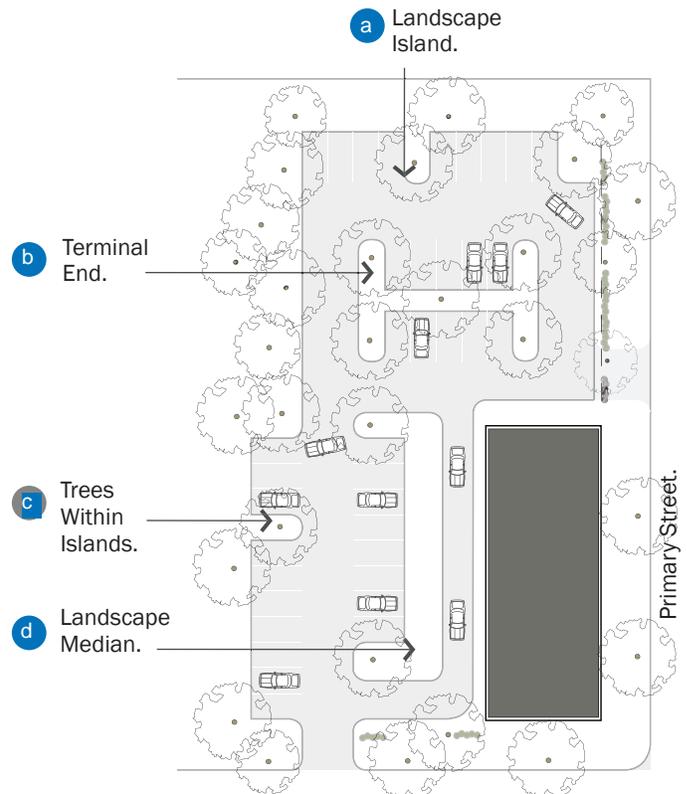


Figure 7.6 (1). Interior Parking Lot Landscaping.

Tree Size	Estimated Canopy at Maturity (sq ft)	Estimated Height at Maturity (ft)
Very Small	150	under 15'
Small	400	15'-25'
Medium	900	25'-40'
Large	1600	40'+

Table 7.6 (1). Estimated Canopy and Height at Maturity.

7.0 Landscaping

7.7 Active Frontage Buffer.

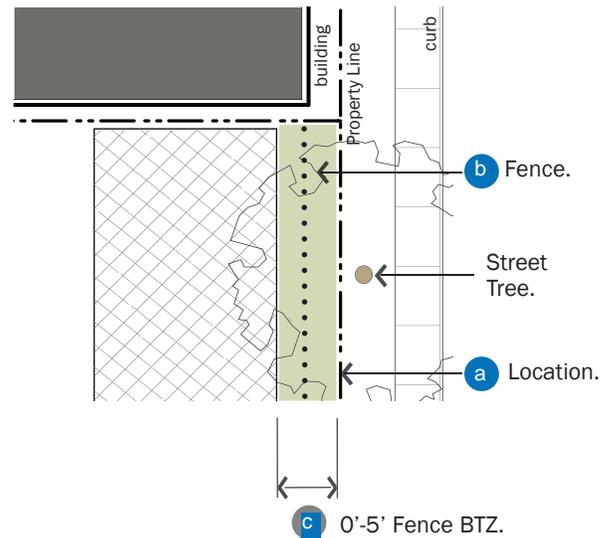
1. Applicability

- (1) Applicability. Applies to non-vehicular outdoor sites in all Core, General, and Edge Subdistricts. For vehicular areas, refer to 7.4 Frontage Buffer. Public open space is exempt from buffer requirements.

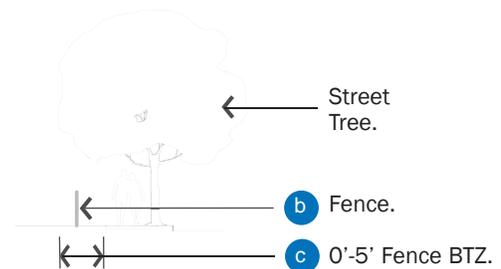
Active Frontage Requirements	
1. Frontage Location	
Location on the Site	Required adjacent to dining, patio, or display area a
2. Required Fence	
Location	Between 0' and 5' from the front and corner side property lines. Only required in front of patio/display area c
Materials	Steel or colored PVC. Masonry base or columns permitted
Minimum Height	3'
Maximum Height	4'
Opacity	Minimum 30%, Maximum 60% ¹
Gate/Opening	One gate permitted per street frontage. Opening width maximum 6'

Notes:

¹ Fence may be solid if 36" or less in height



Active Frontage Plan.



Active Frontage Section.

Figure 7.7 (1). Active Frontage.

7.8 Screening of Open Storage, Refuse Areas, and Utility Apurtenances.

1. Applicability.

- (1) Applicability. Applies to all dumpsters, open storage, refuse areas, and utility apurtenances in all Core, General, and Edge Subdistricts.

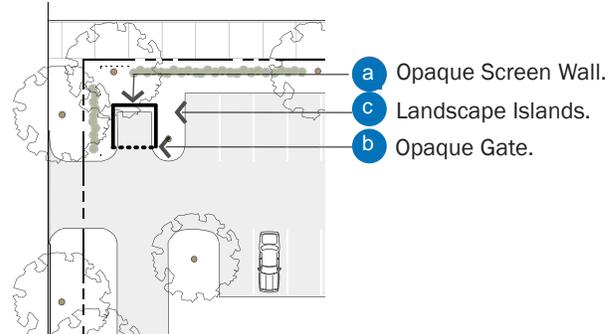


Figure 7.8 (1). Screening of Open Storage and Refuse Areas.

Screening of Open Storage, Refuse Areas, and Utility Apurtenances

1. Open Storage and Refuse Area Screening Requirements

Location on the Site	Not permitted in front or corner side yards	
Opaque Screen Wall ¹	Required around 3 sides of the dumpster and trash bin area	a
Screen Wall Height	Height shall be the higher of the following: 1. 6' or 2. Height of use to be screened or 3. Height as determined by City to accomplish objective of the screen	
Visible Openings	Openings visible from the public way or adjacent properties must be furnished with opaque gates	b
Landscape Requirement	If refuse area is located within larger paved area, such as a parking lot of 10 stalls or more, landscape islands must be located on 3 sides of the area, with at least 1 medium or large shade tree in at least 1 of the landscape areas. ² This does not apply to refuse areas within or adjacent to the Alley Street type.	c

2. Utility Apurtenance Screening Requirements

Large Private Mechanical Equipment ³	Shall be fenced with opaque wood or brick-faced masonry on all sides facing right-of-way
Small Private Mechanical Equipment ⁴	Shall have landscape screening and a shrub bed containing shrubs spaced no more than 36" on center

Notes:

¹ Vertical structured barrier to visibility at all time such as a fence or wall

² This tree, if located within 50' of a parking space, may be utilized to meet the minimum shade requirements

³ Large private mechanical equipment is equal to or greater than 4' in height

⁴ Small private mechanical equipment is smaller than 4' in height

7.0 Landscaping

Page Intentionally Left Blank

8.0 Parking



8.0 Parking

Page Intentionally Left Blank

8.1 General Requirements.

1. Intent.

The following provisions are established to accomplish the following:

- (1) Ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land uses.
- (2) Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and Subdistricts.
- (3) Provide specifications for vehicular site access.

2. Applicability.

This Section shall apply to all new development and changes in use or intensity of use for existing development, in the Downtown District.

- (1) Compliance. Compliance with the standards outlined shall be attained in the following circumstances:
 - (a) Existing nonconforming parking lots within the a District shall not be required to conform to the requirements of this Chapter.
 - (b) Any development of new or significant improvements to existing parking lots, loading facilities, and driveways where a site plan review is required shall require adherence with the regulations of this Chapter. Alterations to buildings that trigger the requirements of Chapter 5.0 Buildings is a significant improvement.
 - (c) Remilling or reconstruction of an existing parking area may require compliance with this Chapter as determined by the Zoning Administrator.
 - (d) Reorganization of existing parking stalls and aisles through re-striping is not a significant improvement.
 - (e) Change in use requiring a change in the amount of parking shall require compliance with this Chapter.
- (2) Site Plan Approval Required. Parking quantities and parking design and layout shall be approved through the site plan approval process.

8.2 Parking Requirements.

1. General Requirements for Parking.

Off-street parking spaces shall be provided in conformance with Tables 8.2 (1) Required Vehicular Parking and 8.2 (2) Bicycle Parking.

- (1) Required Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with the standards detailed in the International Code Council and American National Standard Institute (ICC/ANSI) Code for Accessible and Usable Buildings and Facilities as adopted by the City.
- (2) Requirements for Unlisted Uses. Upon receiving a site plan approval, certificate of occupancy, or other permit application for a use not specifically addressed in this Section, the Zoning

Administrator is authorized to apply off-street parking standards specified for the use deemed most similar to the proposed use. In instances where an equivalent is not clearly determined, the Zoning Administrator may require the applicant to submit a parking study or other evidence to determine the appropriate requirements.

- (3) Private Off-Premises Parking. Private off-site parking facilities may be approved, with the following conditions:
 - (a) An agreement providing for the use of off-site parking, executed by the parties involved, shall be submitted in a form approved by the City Attorney and filed with the Zoning Administrator.
 - (b) The closest parking space, as measured along a dedicated pedestrian path, of any off site parking must be within one thousand three hundred feet (1,300') from the entrance of the use.
- (5) Tandem Parking. Tandem parking is permitted for townhome and yard home building types with approval of the Zoning Administrator through the site plan review process.

2. Required Vehicular and Bicycle Parking.

Tables 8.2 (1) and 8.2 (2) outline the required vehicular and bicycle parking requirements.

- (1) Organized by Use. The parking requirements are organized by use, in a similar fashion to Table 4.1 (1) Use Table in Chapter 4.0 Uses.
- (2) Minimum Vehicular Spaces Required. The vehicular spaces required indicates the required off-street parking ratio, which may be subject to credits and other reductions, as detailed in this Chapter.
- (3) Maximum Allowable Vehicular Spaces. When a use requires more than twenty (20) spaces, no more than ten percent (10%) over the minimum number of required parking spaces shall be provided.
 - (a) For unlisted uses and uses with no requirements, the maximum number of spaces required should be no more than the maximum allowable spaces for the use demand most similar to the unlisted use as determined by the Zoning Administrator.
- (4) Recommended Bicycle Parking. The Recommended Bicycle Parking Table 8.2 (2), indicates the minimum bicycle parking ratio recommended by use category.
- (5) Computation. Off-street parking spaces shall be calculated using the following information.
 - (a) Area Measurements. The following units of measurements shall be utilized to calculate parking requirements.
 - (i) Dwelling Unit. Parking standards for residential buildings shall be computed using dwelling unit as the unit of measure, unless otherwise stated.
 - (ii) Gross Square Footage. Unless otherwise stated, parking standards for non-residential uses shall be computed on the basis of gross floor area in square feet.

8.0 Parking

Use	Required Vehicular Spaces	
Refer to Chap. 4.0 for Use Categories	Place Types	
	Future Place Type	Urban Center
Residential		
Single Family, all sizes/Multifamily, 1 Bedroom		0.5/Dwelling Unit
Multifamily, 2 Bedrooms		1 per Dwelling Unit
Multifamily, 3 or 3+ Bedrooms		1.5 per Dwelling Unit
Hotel and Inn		1 per Room and 1 per 200 sq.ft. Office Conference Space. Refer to eating establishments for attached restaurant parking.
Residential Care		0.66 per Employee
Civic/Institutional		
Assembly		1 per 6 Seats
Transit Station		Per Zoning Administrator
Hospital and Clinic		.20 per Bed and .66 per Employee
Library / Museum / Post Office (no distribution)		1 per 600 sq. ft.
Police and Fire		Per Zoning Administrator
Post Office (distribution)		1 per 600 sq. ft.
School: Pre K to Jr. High		1 per Classroom and 1 per 300 sq. ft Office
School: High School, Higher Education		1 per Classroom, 1 per 300 sq. ft. Office, and .10 per Student
Retail		
Neighborhood Retail		1 per 300 sq. ft.
General Retail		1 per 500 sf
Service		
Neighborhood Service		1 per 250 sq. ft.
General Service		1 per 300 sf
Eating and Drinking Establishments		1.0 per 3 seats + 1/3 number of employees
Vehicle Services		2 per Service Bay and 1 per 200 sq. ft Office
Office and Industrial		
Office		1 per 1000 sf
Craftsman Industrial		1 per 1,000 sq. ft. of Production Space and 1 per 500 sq. ft. of Retail Space
Open Space and Recreation		
Open Space and Recreation		Per Zoning Administrator

Table 8.2 (1). Required Off-Street Vehicular Parking.

- (iii) Occupancy- or Capacity-Based Measurements. Parking spaces required per available seat or per employee, student, or occupant shall be based on the greatest number of persons on the largest shift, the maximum number of students enrolled, or the maximum fire-rated capacity, whichever measurement is applicable.
- (iv) Bench Seating. For uses in which users occupy benches, pews, or other similar seating facilities, each twenty four inches (24") of such seating shall be counted as one seat.
- (b) Fractions. When computation of the number of required off-street parking spaces results in a fractional number, any result of one-half (0.5) or more shall be rounded up to the next consecutive whole number. Any fractional result of less than one-half (0.5) may be rounded down to the previous consecutive whole number.
- (c) Multiple Uses on a Lot. When there are multiple uses on a lot, required spaces shall be calculated as an amount equal to the total requirements for all uses on the lot, unless the uses qualify for shared, cooperative, or other credits to reduce parking. (Refer to 8.2 (3).

Use	Bicycle Spaces
Multifamily	Minimum 2 spaces or .05 spaces / bedroom, whichever is greater
Civic/Institutional	Minimum 2 spaces, 1 / additional 10,000 sf
Retail	Minimum 2 spaces, 1 / additional 5,000 sf
Services	Minimum 2 spaces, 1 / additional 5,000 sf
Office	Minimum 2 spaces, 1 / additional 10,000 sf
Open Space	Per Zoning Administrator

Table 8.2 (2). Required Bicycle Parking.

3. Multiple Use Reductions.

The following reductions may be taken when multiple uses share parking spaces.

- (1) Shared Vehicular Parking. An arrangement in which two (2) or more non-residential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements.
 - (a) General Provisions. Through review of the site plan the Zoning Administrator may permit up to one hundred percent (100%) of the parking required for a use with peak parking demands during daytime hours per Table 8.2 (3) to be supplied by the off-street parking spaces provided for a use with peak parking demands during nighttime or weekend hours and vice versa.
 - (b) Approval. In order to approve a shared parking arrangement, the Zoning Administrator must find, based on evidence provided by the applicant, that the peak hours of parking generation for both uses are not the same periods.
 - (c) Description of Uses with Weekday, Nighttime, and Weekend Peak Parking.
 - (i) The following uses are considered predominantly weekday uses: office and industrial uses and other similar uses as authorized by the Zoning Administrator.
 - (ii) The following uses are typically considered predominantly nighttime or weekend uses: eating and drinking establishments, assembly uses, and other similar uses with peak activity at night or on weekends, as authorized by the Zoning Administrator.
- (2) Cooperative Vehicular Parking. When two (2) or more categories, other than single dwelling residential uses, share a parking lot and are located on the same lot or adjacent lots, the following standards apply:
 - (a) General Provisions. Cooperative parking will be approved in accordance with the following (refer to Table 8.2 (3)).
 - (i) For each applicable land use category, calculate the number of spaces required as if it were the only use (refer to Table 8.2 (1)).
 - (ii) Use the figures for each individual land use to calculate

the number of spaces required for that use for each time period specified in Table 8.2 (3). This table establishes six time periods per use.

- (iii) For each time period, add the number of spaces required for all applicable land uses to obtain a total for each of the six (6) time periods.
- (iv) Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.
- (b) Uses in Different Buildings. Cooperative vehicular parking may be approved for uses in multiple buildings.
- (c) Location of Cooperative Parking. Any cooperative parking must be within six hundred sixty feet (660') from the entrance of the use to the closest parking space within the cooperative parking lot, as measured along a dedicated pedestrian path.
- (d) Off-Site Cooperative Parking Agreement. An agreement approved by the City Attorney providing for cooperative use of off-site parking spaces, executed by the parties involved, shall be reviewed by the Zoning Administrator during review of the site plan.
 - (i) When off-site cooperative parking agreement expires or is waived by agreement of all parties listed in agreement, parking must conform as required by this Section.

4. Parking Credits.

Vehicular parking standards in Table 8.2 (1) may be reduced by achieving one or more of the following credits.

- (1) On-Street Parking Credit. For all non-residential uses, on-street parking spaces that meet the following criteria shall be credited one-for-one against the parking requirement.
 - (a) Spaces shall be signed and designated as available twenty-four (24) hours of every day. Metered stalls or stalls with time limits qualify for this requirement.
 - (b) On-street space must be located a minimum of fifty percent (50%) adjacent to the property line of the lot.

Use Category	Weekdays			Weekends		
	Midnight-7:00 am	7:00 am-6:00 pm	6:00 pm-Midnight	Midnight-7:00 am	7:00 am-6:00 pm	6:00 pm-Midnight
Residential	100%	50%	80%	100%	80%	80%
Retail and Service	5%	100%	80%	5%	100%	60%
Hotel and Inn	100%	65%	100%	100%	65%	100%
Place of Worship	0%	30%	50%	0%	100%	75%
Eating and Drinking Establishment	50%	70%	100%	70%	60%	100%
Office	5%	100%	5%	5%	5%	5%
Theater / Entertainment	5%	30%	100%	5%	80%	100%

Table 8.2 (3). Cooperative or Shared Vehicular Parking Spaces.

8.0 Parking

- (2) Off-Street Public Parking Credit. For all non-residential uses, public parking spaces located within six hundred sixty feet (660') of any property line may be credited against the parking requirement at a rate of one credit for every three public parking spaces.
 - (a) Metered stalls or stalls with time limits qualify for this requirement
- (3) Transit Credit. For all uses, vehicular parking requirements may be reduced with proximity to a fixed route line with up to fifteen (15) minutes headways. Proximity is measured along a walking path from any point along the property line to the platform or transit stop.
 - (a) If a property is located within four hundred feet (400'), a reduction of ten percent (10%) of the required off-street parking may be approved.
 - (b) If a property is located within eight hundred feet (800'), a reduction of five percent (5%) of the required off-street parking may be approved.
- (4) Car-Share Parking Credit. The vehicular parking requirements may be reduced with the inclusion of car-share parking spaces as follows.
 - (a) Per each car-share parking space provided within six hundred and sixty feet (660') distance from property line, required parking spaces shall be reduced by two (2) spaces. With approval from the Zoning Administrator a car-share parking space may provide credits to one (1) or more parcels.
 - (b) Required parking spaces may be reduced up to twenty five percent (25%).
 - (c) Approval. Applicant must provide documentation of an agreement with a car-share company. Agreement shall stipulate that a shared car will be staged at a specific signed stall. If this agreement should terminate at any point, applicant shall be required to provide parking as otherwise required herein.
- (5) Additional reductions may be approved by the Zoning Administrator with the submittal of a parking study detailing reduction. In the absence of a parking study, the Zoning Administrator may grant parking credits for transit, car sharing, and bicycle sharing programs.

8.3 Parking Design Standards.

1. Vehicular Off-Street Parking Lots.

The design or redesign of all off-street parking facilities shall be subject to the site plan approval procedure.

- (1) Vehicular Parking Space Dimensions. The appropriate dimensions for parking spaces are outlined in Table 8.3 (1) Parking Space Dimensions and Figure 8.3 (1) Parking Lot Layout.
 - (a) The width of a parking space shall be measured from the center of a stripe.
 - (b) Each indoor space shall have a vertical clearance of at least seven feet (7').
- (2) Wheel Stops. Wheel stops or bumper guards shall be installed when parking is adjacent to a pedestrian pathway to prevent vehicle overhang that reduces the sidewalk width. Such stops or guards shall be properly anchored or secured.
- (3) Location of Parking. Refer to Chapter 5.0 Building Types for information on the location of parking facilities.
- (4) Access. All off-street parking and loading facilities shall open directly onto an aisle, alley, or driveway designed according to the Access Management Plan. Exceptions include:
 - (a) Tandem Parking. No more than two (2) spaces may be included in a tandem parking spot, and the rear space must meet the access requirement.
 - (b) Parking Lifts. The lift exit shall meet the access requirement.
- (5) Edge of Lot and Drives. All curb and gutter shall be located a minimum of three feet (3') from any adjacent property line or right-of-way.

Angle (degrees)	Curb Length (feet)	Stall Width (feet)	Stall Depth (feet)	Travel Lane Width: One-Way (feet)	Travel Lane Width: Two-Way (feet)
0	20	7	-	12	20
45	12	8.5	17	12	20
60	10	8.5	18	18	20
90	9	8.5	18 ¹	22	22

Note

¹ Stall depth may be reduced 2' when stall directly abuts an interior parking lot median that includes an additional area beyond the minimum width outlined in 6.14.3, permitting the overhang of the adjacent parked vehicle's front bumper.

Table 8.3 (1). Parking Space Dimensions.

- (6) Slopes. All parking and driveway or sidewalk access shall meet the requirements of the Access Management Plan.
- (7) Landscape Screening. All parking areas shall meet the requirements of in Chapter 7.0 Landscaping.
- (8) Landscape Areas. Areas not used specifically for sidewalks, parking spaces, driving aisles, loading, or refuse shall not be paved.
- (9) Pavement Construction. All parking and driveways shall be constructed using asphalt, concrete, pavers, or other semi-pervious material approved by the Zoning Administrator.
- (10) Illumination. All off-street parking lots or parking structures shall provide a level of illumination at any point in the parking lot or structure not less than one (1) foot-candle measured at the pavement. All lighting shall be shielded or otherwise optically controlled to provide glare-less illumination and limit trespass on adjacent properties.

2. Pedestrian Access.

All parking lots with two (2) or more double-loaded aisles shall provide internal pedestrian pathway(s) within the parking area and outside of the parking drive aisle. Zoning Administrator may waive this requirement if applicant can demonstrate requirement cannot be met due to space limitations.

- (1) Dimension. The pathway shall be a minimum of six feet (6') in width.
- (2) Quantity. One pathway is required for every three (3) double loaded aisles.
- (3) Location. The pathway shall be centrally located within the parking area to serve a maximum number of parking stalls.
 - (a) Pathways shall provide direct connections to the principal structure(s) entrances from the spaces furthest from the entrance.
 - (b) At least one pathway shall provide a direct connection between adjacent vehicular rights-of-way and/or trails and the principal structure's entrance.
- (4) Pathway Delineation. Pedestrian pathways shall be clearly marked with striping or through the use of alternative materials, such as pavers. Refer to Figure 8.3 (2).

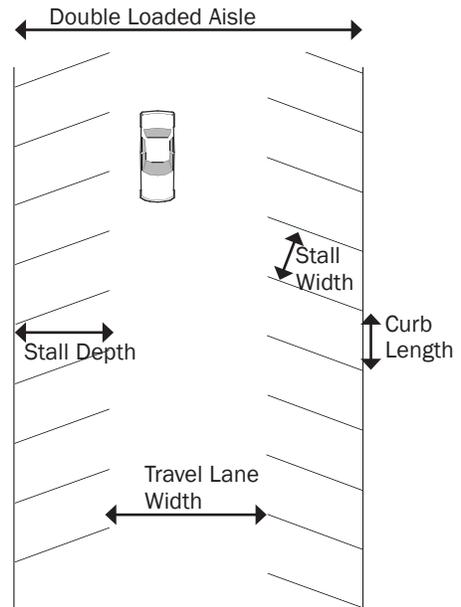


Figure 8.3 (1). Parking Lot Layout.

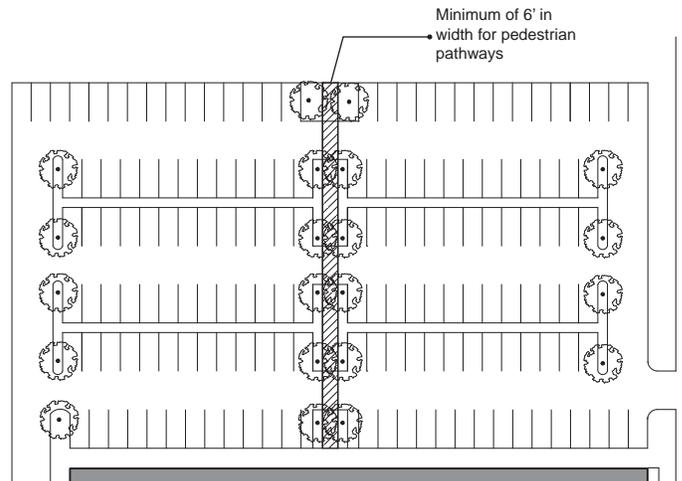


Figure 8.3 (2). Parking Lot Pedestrian Walkway.

8.0 Parking

3. Bicycle Parking Design.

Bicycle parking (refer to Table 8.3 (2) Required Bicycle Parking for quantity required) shall be designed and located as follows.

- (1) Dimensions.
 - (a) Required bicycle parking spaces shall have minimum dimensions of two feet (2') in width and six feet (6') in length.
 - (b) An aisle a minimum of five feet (5') wide shall be provided behind bicycle parking facilities to allow for maneuvering.
 - (c) A minimum of two feet (2') shall be provided beside each parked bicycle to allow access. This access may be shared by adjacent bicycles.
 - (d) Racks shall be installed a minimum of two feet (2') from any wall or other obstruction.
- (2) Location. Bicycle parking should be located within fifty feet (50') of the entrance of the use.
 - (a) Indoor or outdoor spaces are permitted, provided they are located on the lot with which they are associated.
 - (b) Spaces located within individual dwelling units may not be counted toward bicycle parking requirements.
 - (c) Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- (3) Racks and Structures. Racks and structures shall be provided for each unprotected parking space, and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points.
- (4) Bicycle Storage. Where required in multifamily or office uses bicycle storage shall be lockable and enclosed. Half of the bicycle parking spaces should be provided as long term parking, safe and secure from vandalism and theft, and protected from the elements.
- (5) Surface. The parking surface shall be designed and maintained to be mud and dust free. The use of rock or gravel areas for bicycle parking is permitted provided that edging materials delineate the parking from other surfaces so that the bicycle parking area is clearly demarcated and the rock material is contained.
- (6) Signage. If required bicycle parking for public use is not visible from the street, signs must be posted indicating their location.
- (7) Maintenance and Lighting. Areas used for required bicycle parking must be well-lit with drainage to be free of mud and standing water.

Use	Bicycle Spaces
Multifamily	2 spaces or .05 spaces per bedroom, whichever is greater
Civic/Institutional	2 spaces, 1 per additional 10,000 sf
Retail	2 spaces, 1 per additional 5,000 sf
Services	2 spaces, 1 per additional 5,000 sf
Office	2 spaces, 1 per additional 10,000 sf
Open Space	Per Zoning Administrator

Table 8.3 (2). Recommended Bicycle Parking.

8.4 Site Access and Driveways.

1. General Requirements.

These standards shall supplement the provisions for access provided in Chapter 5.0 Building Types. Each driveway providing site access from a street, alley, or other vehicular right-of-way shall be designed, constructed, and permanently maintained as required by this Section.

2. Quantity of Driveways.

The number of driveways permitted for each Building Type is located in Chapter 5.0 Building Types.

3. Dimensions and Design.

- (1) Driveway Width at Property Line. All driveways shall have a maximum width of twenty two feet (22') as measured at the property line except as stated below, see Figure 8.5 (1) Driveway Width and Location.
 - (a) Residential Building Types. Driveways constructed in residential districts shall have a maximum width of eleven feet (11') when crossing the front or corner property line.
 - (c) Maximum width for one-way driveways is twelve feet (12') at the property line.

- (2) Shared Access. When possible, adjacent developments should share points of access to minimize impervious surface.
 - (a) Shared Driveway Width. When access is shared between three or more non-residential users, a dedicated turn lane may be constructed, allowing an increase in the maximum driveway width from twenty two feet (22') to thirty two feet (32') provided that:
 - (i) Access must be onto a defined street type (excluding Alleys)
 - (ii) Such access is approved by the City Engineer.
- (3) Sidewalk Pavement. Sidewalk pavement elevation, width, design, scoring, material, and design shall extend continuously over the driveway pavement with the intent of prioritizing the sidewalk path over the driveway.

4. Location.

Specific location information can be found in Chapter 5.0 Building Types. Refer to Figure 8.4 (1) Driveway Width and Location.

- (1) Driveways accessing rear yard garages are permitted within the side or rear yard setback, no closer than two feet (2') from a side or rear property line, unless the driveway is shared.
- (2) Driveways shall not be closer than twenty five feet (25') from the intersection of two (2) streets, unless otherwise stated in Chapter 5.0 Building Types.

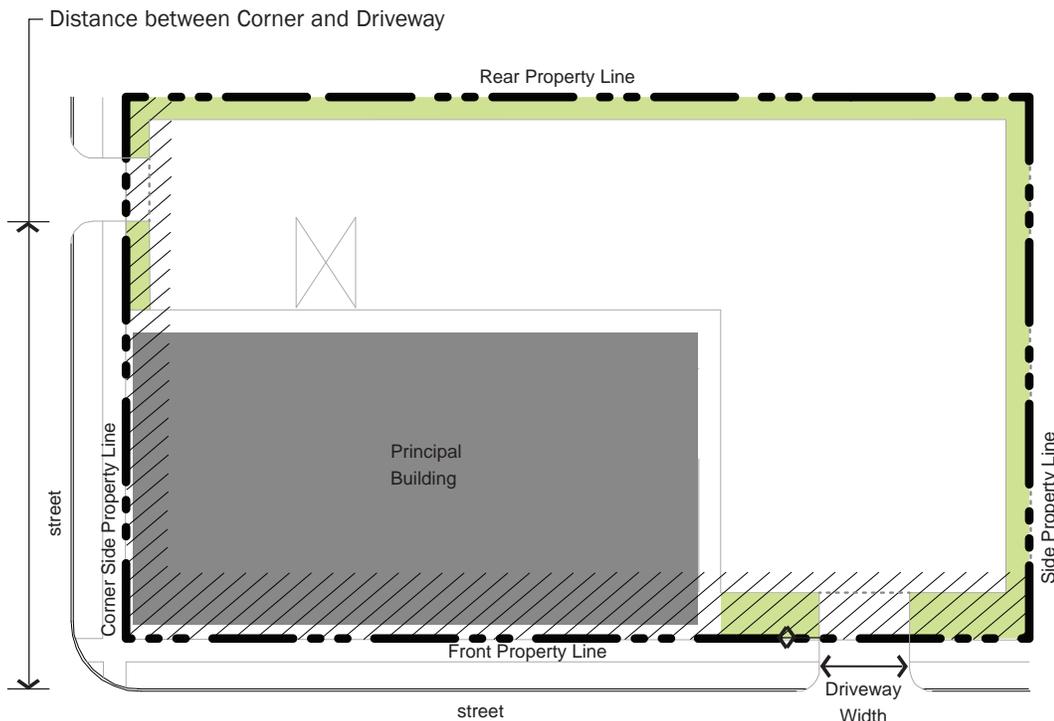


Figure 8.4 (1). Driveway Width and Location.

8.0 Parking

Page Intentionally Left Blank

9.0 Sign Types



9.0 Signs

9.1 General Requirements.

1. All signs located in the Downtown District boundaries shall adhere to the requirements of the CC Zone in the City Sign Code.

10.0 Administration

Page Intentionally Left Blank

10.1 General Provisions.

1. Purpose.

The intent of this Code is to promote public health, safety, and general welfare of the community, reflecting the goals established within the City It includes but is not limited to the specific purposes below.

- (1) To achieve mixed use development that is appropriate in scale and intensity for neighborhoods and sites in adopted Place Types
- (2) To establish a relationship between buildings, streets, and open spaces that is pedestrian, bicycle, and transit-oriented.
- (3) To preserve and enhance the City's natural resources, energy, water, and open spaces and to promote innovative development that sustainably manages these resources, including stormwater runoff and mitigation of the urban heat island effect.
- (4) To ensure that a variety of housing types and sizes can be developed to meet the needs of the community.
- (5) To promote a variety of transportation options for residents and visitors.

2. Scope of Regulations.

- (1) New Development. All development, construction, and establishment of uses occurring after the effective date of this Code shall be subject to all applicable regulations of this Code. Exceptions and conditions of uses are detailed in each Chapter.
- (2) Renovated Structures. Renovation of existing buildings may trigger compliance to this Code. See Chapter 5.0 Building Types.
- (3) In-Process Development. Where a building permit for a development has been applied for in accordance with the prior law in advance of this Code's effective date, said development may comply with the plans from which the permit was approved and, upon completion, receive a Certificate of Occupancy provided the following are met:
 - (a) Work or construction is begun within one (1) year of the effective date of this Code and
 - (b) Work or construction continues diligently toward completion.
- (4) Nonconformance. After the effective date of this Code, existing buildings and uses that do not comply with the regulations of this Code shall be considered nonconforming and are subject to the standards of 10.4 Nonconformances.

3. Administration & Enforcement.

- (1) The provisions of this Code shall be administered and enforced by the Zoning Administrator unless otherwise specifically stated. For the purposes of this Code, the term Zoning Administrator shall be inclusive of his or her designees.
- (2) Where provisions of this Code differ from the City's Zoning Ordinance and Subdivision Ordinance, the requirements of this

Code shall apply; otherwise all requirements of City, State, and Federal law shall apply.

- (3) Violations of the provisions of this Code shall constitute a misdemeanor.

4. Development Application.

Applications including all forms, fees, and plan sets shall be filed with the Zoning Administrator.

- (1) Application Form. Application forms are available from the City. The application form shall include submittal requirements.
- (2) Fees. Fees are due at the time the application is made. The application will be considered incomplete if fees are not paid.
- (3) Filing Deadline. Filing deadlines are established by the City and are available at City Planning Division office.
- (4) Withdrawal of Application. Applicant may withdraw application whole or in part at any point in the process prior to being acted or ruled upon. New application form, fees, and plan sets are required for reapplication.
- (5) Records on File. Applications and the resulting recommendations and rulings shall be kept on file by the Zoning Administrator and shall be considered public record.
- (6) Completed Application Required Before Processing. No application will be processed or shall establish a property intent until it is substantially completed and the proper fee has been paid.

5. Regulating Map

The areas and boundaries of the Districts and Subdistricts listed in Chapter 3.0 Subdistricts are shown on the map entitled Place Type and Subdistricts Regulating Map of the City and referred to herein as "Regulating Map" from time to time as adopted by Resolution of the Council.

6. Process

- (1) Any development within a Speciality, Core, General, or Edge Subdistrict shall be administered in accordance with the procedures defined in 10.2. and other applicable Codes adopted by the City.
- (2) The application shall include the following processes
 - (a) Pre-Application Meeting. Refer to 10.2.2.
 - (b) Site Plan Approval, including building, site, and streetscape. Refer to 10.2.6.

7. Staff Review Committee

The Zoning Administrator shall approve, deny, or approve with conditions all submittals for site plans within a Subdistrict upon review by all applicable City Departments

10.0 Administration

10.2 Development Review Procedures.

1. General Requirements.

The processes included in this Section are required for approval of new development in adopted Districts.

- (1) Appeal. If any application is disapproved, applicant may appeal the decision through the appeals process outlined in the City's Zoning Code.
- (2) Expiration of Approval. Approval of any application shall expire eighteen (18) months from the date of approval if permits for development have not been submitted for review or construction has not begun.
 - a. The Zoning Administrator may approve a written request for an extension not to exceed twelve (12) months from the date of approval. Such requests must be submitted to the Zoning Administrator at least thirty (30) days prior to the end of the eighteen (18) month period.
 - b. Failure to act on an approved application within the eighteen (18) month period or the twelve (12) month extension period from the date of approval shall require a new application, including all forms, fees, and plan sets.
- (3) Review Criteria. All site plan applications shall comply with all of the requirements of this Code.

2. Pre-Application Meeting.

- (1) Application. Applicant must request a Pre-Application meeting prior to submitting an application for Site Plan, Rezoning, Preliminary Plat Approval, Exception, or Variance.
- (2) Submittal Requirements. Applicant shall submit all of the following:
 - (a) Application form substantially completed, and applicable fees.
 - (b) Sketch Plan. A sketch plan or plans shall detail the proposal, including all the following:
 - (i) General layout of block and lots with Street Types and Open Space Types noted.
 - (ii) Existing conditions such as topography, water bodies, aerial photograph, and food plain.
 - (iii) Subdistricts, Building Types, and Uses.

- (iv) Parking location and layout.
 - (iv) Site survey, if available.
 - (c) Exceptions or Variances. A description of any desired Exception or Variance as allowed is Section 10.3 of this Code.

- (4) Pre-Application Meeting. Staff shall meet with the Applicant to discuss the proposed plan within ten (10) days of receipt of the complete application.

3. Rezoning Process.

Refer to the City's Zoning Code for information on the rezoning process.

4. Subdivision Plat Approval.

Refer to the City's Zoning Code for information on the subdivision plat approvals processes.

5. Site Plan Approval.

- (1) Application. The following information shall constitute a complete application for a Site Plan.
 - (a) Complete application form, and applicable fees.
 - (b) Applicant shall submit the following in compliance with the requirements of 3.0 Districts, 4.0 Uses, 5.0 Building Types, 6.0 Open Space Types (when submitting an application for development of a Open Space Type), 7.0 Landscape, 8.0 Parking, and 9.0 Sign Types. All maps and plans shall include the following:
 - (i) Street names, north arrow and standard engineering scale, with graphic (1" = 10' to 1" = 200' for plan legibility).
 - (ii) Legal description and address of the proposed building site, with all pertinent deed instrument number references.
 - (iii) Existing and proposed street and alley right-of-ways, property lines and utility easements with dimensions, bearings and distances, with a separate line type for each. Label each line or show in a legend by line type. Include basis of bearing.
 - (iv) Name and telephone number of site plan contact person.
 - (v) Existing and proposed public improvements. Show all existing and proposed utilities and services including size. If none required, state on site plan.
 - (vi) Show or describe the project benchmark location and project vertical datum.
 - (vii) Site storm water requirements, include calculations. Owner is responsible for containing or disposing of on-site storm water.
 - (viii) Storm Water Pollution Prevention Plan (SWPPP) required if disturbance over 1 acre or part of a larger development that has a total disturbance over 1 acre.
 - (ix) Distances from building to rights-of-ways, easements

10.2.2 Pre-Application Meeting.

Applicant submits application to Zoning Administrator.

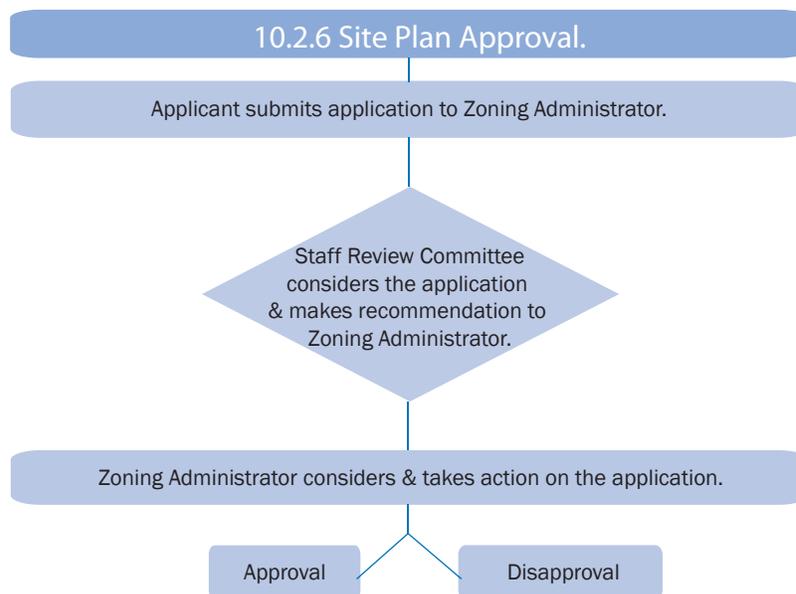
Zoning Administrator distributes plans to staff for review.

Staff meets with Applicant to discuss plan.

- and lot lines. Label types and sizes of easements.
- (x) Proposed transformer, electric meter location and total connected load calculations .
 - (xi) Existing and proposed building dimensions, including building height, building construction type (IBC) and total square footage.
 - (xii) Garbage dumpster location. Must have 10' x 8' inside diameter per container.
 - (xiii) Site plan requiring engineering shall be stamped and sealed by a professional engineer licensed in the State of Idaho.
 - (xiv) Name of Licensed Idaho Professional Engineer who shall inspect, certify to City Standards, and prepare "As-built" drawings for all Water, Sanitary Sewer and Storm Sewer Main Lines.
 - (xv) Signage Plan, if Signage is included. Signage Plan illustrating compliance with the requirements of 9.0 Sign Types.
 - (xvi) Landscape Plan. Landscape Plan illustrating compliance with the requirements of Chapter 7.0 Landscape. All ground plane vegetation shall be illustrated. For sites with less than ten percent landscape area, the Landscape Plan may be combined with the Site Plan. Include point of connection to water system for landscape irrigation.
 - (xvii) Parking Plan. Parking layout plan with table of spaces keyed to plan, illustrating compliance with Chapter 8.0 Parking. Driveways, shared parking arrangements, cooperative parking, and any other parking reductions shall be included and noted for compliance with Chapter 8.0 Parking.
 - (xviii) Existing and proposed access points, including

- dimensions.
- (xix) Parking area lighting system.
- (xx) All existing or proposed fire hydrant locations within 1000' of development or distance in feet to nearest hydrant, Fire Department Connection (FDC), fire lane location and fire line size.
- (xxi) Type of land use to occupy building, including the gross density for residential plans and total square footages for each use.
- (xxii) Building Plan(s). Floor plans for all buildings illustrating compliance with the requirements of Chapter 5.0 Building Types.
- (xxiii) Building Elevations. Building elevations of all facades, rendered to illustrate compliance with the requirements of Chapter 5.0 Building Types.
- (xxiv) Open Space Plan. If Open Space is included the plan shall illustrate compliance with the requirements of Chapter 6 Open Space. The Open Space Plan shall define all paving, structures, site furnishings, and landscape areas

- (4) Application Process Timeline. Upon submittal of a complete application and proper fee, the application will be reviewed. Approval timeline shall be outlined on the application.
- (5) Procedure for Site Plan Adjustments. The Zoning Administrator may permit minor adjustments to an approved site plan pursuant to the following process:
 - (a) Applicant shall submit a revised plan and letter of explanation detailing the change to the Zoning Administrator.
 - (b) The Zoning Administrator shall review the request and notify the applicant of the decision.
 - (c) If the Zoning Administrator deems the change to be a



10.0 Administration

major adjustment to the plan, the applicant must resubmit for approval of the new plan, including a new application (including new forms, fees, and plan sets).

- (d) If the Zoning Administrator deems the changes to be minor adjustments and approves them the Applicant shall revise the plan and copies to the Zoning Administrator for filing prior to applying for building or construction permits.
- (6) Minor adjustments are limited to changes in dimensions or quantities less than ten percent (10%) of previous amounts. All other adjustments are considered major. Any adjustment must comply with all the requirements of this Code.

6. Conditional Use Permit.

Refer to the City Zoning Code for the conditional use permit process.

10.3 Exceptions and Variances.

1. Exceptions.

- (1) Intent. To establish relief and flexibility in standards that may be administratively reviewed and approved, if certain criteria are met.
- (2) Eligible Applicant. Applicant is eligible to apply for an exception to this Code upon submittal of an application for site plan approval in cases that involve such matters as the following:
 - (a) Regulating Plan Requirements
 - (i) Block Size within one hundred feet (100') of required dimensions and with the provision of a Mid-Block Pedestrianway (refer to Chapter 1.0)
 - (ii) Street Type Dimensional Requirements within one foot of required dimensions. (refer to Chapter 2.0)
 - (iii) Open Space Requirement within 100' of required distance for no more than ten units and with the availability of two Open Spaces within that dimension (refer to Chapters 1.0 and 6.0)
 - (iv) Building Type Requirements within one foot of required dimensions. (refer to Chapter 5.0)
 - (b) Site Plan Requirements
 - (i) Landscape Requirements within one foot of required dimensions. (refer to Chapter 7.0)
 - (ii) Parking and Loading Facilities within one foot of required dimensions. (refer to Chapter 8.0)
 - (iii) Sign Type Requirements within one foot of required dimensions. (refer to Chapter 9.0)
 - (iv) Building Type Requirements within one foot of required dimensions. (refer to Chapter 5.0)

2. Variances

Refer to the City Zoning Code for the variance process.

10.4. Nonconformance.

1. General.

- (1) Intent. To provide a set of regulations for legal nonconforming buildings and uses and to specify those circumstances and conditions under which nonconformance shall be gradually eliminated.
- (2) Applicability. The standards in this Section apply as follows:
 - (a) The provisions detailed in this Section apply to all structures, uses, or site improvements that lawfully existed prior to the adoption of or amendment to this Code, but that could not occur under current provisions of this Code.
 - (b) Structures, uses, and site improvements that did not lawfully exist prior to the effective date or amendment to this Code are not exempt under the provisions of this Section.
- (3) Continuation. Legal nonconformance is permitted to continue, subject to the restrictions outlined in this Section and subject to Idaho Code.
- (4) Maintenance. Legal nonconformance shall continue as required by law provided said continuance does not result in the expansion or intensification of the nonconformance.

2. Nonconforming Structures.

- (1) Intent. To provide regulations for the continuation of a structure that was legally constructed prior to the adoption of or amendment to this Code, but that could not occur under the current provisions of this Code.
- (2) Restrictions on Continuation. A nonconforming structure may continue based upon the following conditions:
 - (a) Alterations. The standards of this Code shall apply to alterations under the following circumstances.
 - (i) Refer to Chapter 5.0 Building Types for renovation and tenant improvements
 - (ii) When a renovation of the front facade occurs with no added building square footage, conformance with the Street Facade requirements and Entrance Type Requirements (refer to Chapter 5.0 Building Types) may be required where the existing building front or corner facade is located within the build to zone and the renovation includes any one of the following:
 - i. Installation of additional doors or a change in location of a door or
 - ii. Expansion or change in location of thirty percent (30%) of windows on any street facade or
 - iii. Replacement of thirty percent (30%) or more of facade materials on any street-facing facade with a different facade material.
 - (iii) When a renovation of the shape or style of the roof

occurs with no added building square footage and the existing building front or corner facade is located within the build-to zone the Roof Type Requirements (refer to Section 5.10) shall be met.

- (b) Ordinary Repairs. Ordinary repairs required for safety and continued use of the structure (such as replacement of window or door glass) and interior alterations that do not affect the exterior of the building do not trigger conformance to this Code.
- (c) Impact on Nonconformity. No alteration or repair shall be allowed to expand the existing or create a new nonconformity, unless otherwise permitted by this Section.
- (d) Damage or Destruction. A nonconforming structure may be repaired and its use continued if damaged by any means not within the control of the owner, per the Idaho Code.

3. Nonconforming Uses.

Refer to the City Zoning Code for information on nonconforming uses.

4. Nonconforming Lots.

Refer to the City Zoning Code for information on nonconforming lots.

5. Nonconforming Site Improvements.

- (1) Intent. To establish regulations for the continuation of site improvements, such as impervious site coverage, access points, signage, parking, landscaping, or other non-structural, physical characteristics of a site, that were legally constructed or installed prior to the approval of or amendment of this Code, but that cannot be created under the provisions of this Code.
- (2) Restrictions to Continuation. A nonconforming site improvement may continue based upon the following conditions:
 - (a) Change in Associated Use. The right to continue shall be terminated if the associated use changes or changes in intensity as an increase in the dwelling units, gross floor area, or capacity by fifteen percent (15%) or more.
 - (b) Change in Associated Structure. The right to continue shall be terminated if the associated structure is altered and triggers the requirements of Chapter 5.0 Building Types.

10.0 Administration

10.5 Definitions.

1. Graphics.

The graphics, tables, and text utilized throughout this Code are regulatory. In case of a conflict, text shall control over tables and graphics, and tables shall control over graphics.

2. Defined Terms.

For the purposes of this Code, the following terms shall have the following meanings.

- (1) **Animal.** All non-human members of the animal kingdom, including domestic and livestock species.
- (2) **Applicant.** The owner of a subject property or the authorized representative of the owner on which an application is being made.
- (3) **Block.** The aggregate of lots, passages, lanes, and alleys bounded on all sides by streets.
- (4) **Block Depth.** A block measurement that is the horizontal distance between the front property line on a block face and the front property line of the parallel or approximately parallel block face.
- (5) **Block Ends.** The lots located on the end of a block. These lots are often larger than the lots in the interior of the block or those at the opposite end of the same block and can be located on a more intense Street Type. They are typically more suitable for more intensive development, such as multiple family or mixed use development.
- (6) **Block Face.** The aggregate of all the building facades on one side of a block.
- (7) **Block Length.** A block measurement that is the horizontal distance along the front property lines of the lots comprising the block.
- (8) **Build-to Zone.** An area in which the front or corner side facade of a building shall be placed. The zone dictates the minimum and maximum distance a structure may be placed from a property line. Refer to Figure 10.5 (2) Build-to Zone vs. Setback Line.
- (9) **Building Type.** A structure defined by the combination of configuration, form, and function. Refer to Chapter 5.0 Building Types for more information and the list of permitted Building Types.
- (10) **Courtyard.** An outdoor area enclosed by a building on at least two sides and is open to the sky.
- (11) **Coverage, Building.** The percentage of a lot developed with a principal or accessory structure.
- (12) **Coverage, Impervious Site.** The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.
- (13) **Critical Root Zone.** Also referred to as drip line. The area of soil and roots within the radius beneath the tree's canopy, within the drip line, or within a circular area of soil and roots with a radius out from the trunk a distance of one and one half feet (1.5') for every inch of the tree's width (measured at four and one half feet (4.5') above the mean grade of the tree's trunk, noted as diameter breast height (DBH) throughout this Code).
- (14) **Dedication.** The intentional designation of land by the owner to the City for public use and/or ownership.
- (15) **Density.** The number of dwelling units located in an area of land, usually denoted as units per acre.
- (16) **Dwelling Unit.** A room or group of rooms connected together that include facilities for living, sleeping, cooking, and eating that are arranged, designed, or intended to be used as living quarters for one family, whether owner occupied, rented, or leased.
- (17) **Easement.** A legal interest in land, granted by the owner to another person or entity, which allows for the use of all or a portion of the owner's land for stated purposes such as access or placement of utilities.
- (18) **Eave.** The edge of a pitched roof. It typically overhangs beyond the side of a building.
- (19) **Entrance Type.** The permitted treatment types of the ground floor facade of a Building Type. Refer to Section 5.9 for more information and a list of permitted Entrance Types.
- (20) **Expression Line.** An architectural feature. A decorative, three dimensional, linear element, horizontal or vertical, protruding or indented from the exterior facade or a building typically utilized to delineate floors or stories of a building.
- (21) **Facade.** The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines. The front facade is any building face adjacent to the front property line.
- (22) **Grade.** The average level of the finished surface of the ground story adjacent to the exterior walls of a building.
- (23) **Gross Floor Area.** The sum of all areas of a building, including accessory storage areas or closets within sales spaces, working spaces, or living spaces and any basement floor area used for retailing activities, the production or processing of goods, or business offices. It shall not include attic space having headroom of seven feet or less and areas devoted primarily to storage, balconies, off-street parking and loading areas, enclosed porches, roof decks, roof gardens, or basement floor area other than specified in this definition.
- (24) **Landscape Area.** Area on a lot that is not dedicated to a structure, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping.
- (25) **Lot.** Also referred to as parcel. A plot of land intended to be separately owned, developed, or otherwise used as a unit. Refer to Figure 10.5 (1) Lots.

- (29) **Lot, Corner.** A parcel of land abutting at least two vehicular rights-of-way, excluding an alley, at their intersection. Refer to Figure 10.2 (1) Lots.
- (30) **Lot, Flag.** A parcel of land having its only access to the adjacent vehicular right-of-way, excluding an alley, through a narrow strip of land. Refer to Figure 10.5 (1) Lots.
- (31) **Lot, Interior.** A parcel of land abutting a vehicular right-of-way, excluding an alley, along one (1) property line; surrounded by lots along the remaining property lines.
- (32) **Lot, Through.** Also referred to as a double frontage lot. An interior lot having frontage on two approximately parallel vehicular rights-of-way, excluding an alley. Refer to Figure 10.5 (1) Lots.
- (33) **Lot Area.** The computed area contained within the property lines; it is typically denoted in square feet or acres.
- (34) **Lot Depth.** The smallest horizontal distance between the front and rear property lines measured approximately parallel to the corner and/or side property line. Refer to Figure 10.5 (1) Lots.
- (35) **Lot Frontage.** The horizontal distance between the side property lines, measured at the front property lines. Refer to Figure 10.5 (1) Lots.
- (36) **Occupiable Space.** Interior building space delineated to be or normally occupied by the building users. It does not include storage areas, utility space, or parking.
- (37) **Open Space Type.** The permitted and regulated types of open spaces in this Code. Refer to Chapter 6.0 Open Space Types for more information and a list of the permitted types.
- (38) **Open Water.** A pond, lake, reservoir, or other water feature where the water surface is fully exposed.
- (39) **Owner.** The legal or beneficial title-holder of land or holder of a written option or contract to purchase the land.
- (40) **Pedestrian way.** A pathway designed for use by pedestrians. It can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.
- (41) **Plat.** A map or chart of a division and/or combination of lots approved through processes and standards required by the City's Subdivision Ordinance.
- (42) **Primary Street.** A street shown and designated on the Regulating Plan Map of this Code as a Primary Street. Also, the street from which front setbacks and main building entrances are generally established.
- (43) **Property Line.** Also referred to as lot line. A boundary line of a parcel of land or lot. Refer to Figure 10.5 (1) Lots.

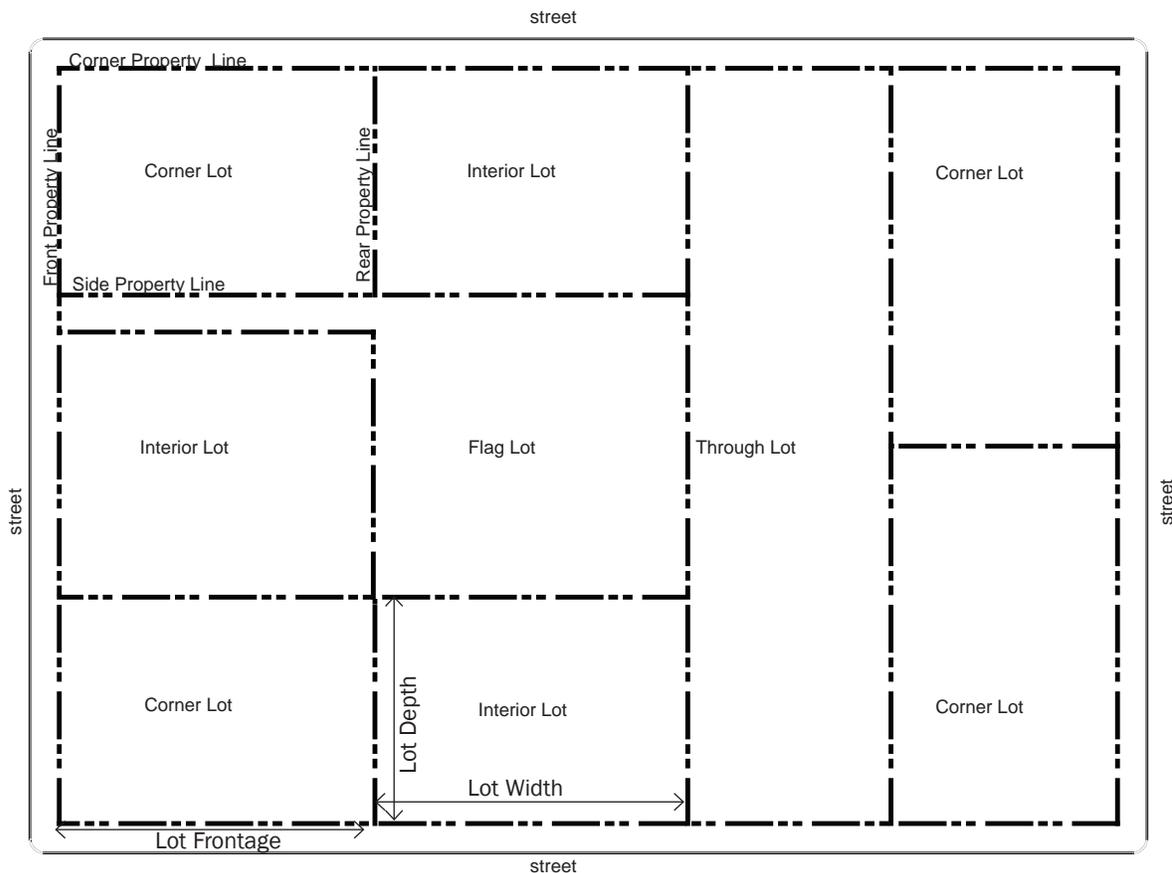


Figure 10.5 (1). Lots.

10.0 Administration

- (44) **Property Line, Corner.** A boundary of a lot that is approximately perpendicular to the front property line and is contiguous to a public right-of-way, other than an alley or railroad. Refer to Figure 10.5 (1) Lots.
- (45) **Property Line, Front.** The boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured, with the following exceptions:
 - (a) Corner and through lots that abut a primary street shall have the front property line on that primary street.
 - (b) Corner and through lots that abut two (2) primary streets or do not abut a primary street shall utilize the orientation of the two (2) directly adjacent lots, or shall have the front property line determined by the Zoning Administrator.
- (46) **Property Line, Rear.** The boundary of a lot that is approximately parallel to the front property line. This line separates lots from one another or separates a lot from an alley. Refer to Figure 10.5 (1) Lots.
- (47) **Property Line, Side.** The boundary of a lot that is approximately perpendicular to the front and rear property lines and is not adjacent to the public right-of-way. Refer to Figure 10.5 (1) Lots.
- (48) **Right-of-Way.** Land dedicated or utilized for a Street Type, trail, pedestrianway, utility, railroad, or other similar purpose.
- (49) **Roof Type.** The detail at the top of a building that finishes a facade, including a pitch roof with various permitted slopes and a parapet. Refer to Section 5.10 for more information and a list of the permitted Roof Types.
- (50) **Scale.** The relative size of a building, street, sign, or other element of the built environment.
- (51) **Setback.** The horizontal distance from a property line inward, beyond which a structure may be placed. Structures or other impervious surfaces are not permitted within a setback, unless specifically permitted in this Code. Refer to Figure 10.5 (2) Build-to Zone vs. Setback Line.

- (52) **Sign.** An object, device, or structure used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by such means as words, letters, figures, images, designs, symbols, or colors. Flags or emblems of any nation, state, city, or organization; works of art which in no way identify a product; and athletic field score boards are not automatically considered signs.
- (53) **Solar Reflectance Index (SRI).** A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from zero (0) to one hundred (100) and is defined so that a standard black surface is zero (0) and a standard white surface is one hundred (100). To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.
- (54) **Story.** A habitable level within a building measured from finished floor to finished floor.
- (55) **Story, Ground.** Also referred to as ground floor. The first floor of a building that is level with or elevated above the finished grade on the front and corner facades, excluding basements or cellars.
- (56) **Story, Half.** A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.
- (57) **Story, Upper.** Also referred to as upper floor. The floor(s) located above the ground story of a building.
- (58) **Street.** The entire width between the boundary lines of a public right-of-way. A public right-of-way for an alley shall not be considered a street.
- (59) **Street Face.** The facade of a building that faces a public right-of-way.
- (60) **Street Frontage.** Also refer to lot frontage. The portion of a building or lot contiguous to a vehicular right-of-way.
- (61) **Street Type.** The permitted and regulated types in this Code. Refer to Chapter 2.0 Street Types for more information and a list of the permitted Street Types.
- (62) **Streetwall.** The vertical plane created by building facades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks.
- (63) **Structure, Accessory.** The general term for a subordinate structure detached from, but located on the same lot as the Principal Structure; it may or may not be habitable.
- (64) **Structure, Principal.** Also referred to as the principal building. A building that contains the dominant use of the lot. It is typically located toward the front of the lot in the front build-to zone or behind the front yard setback.

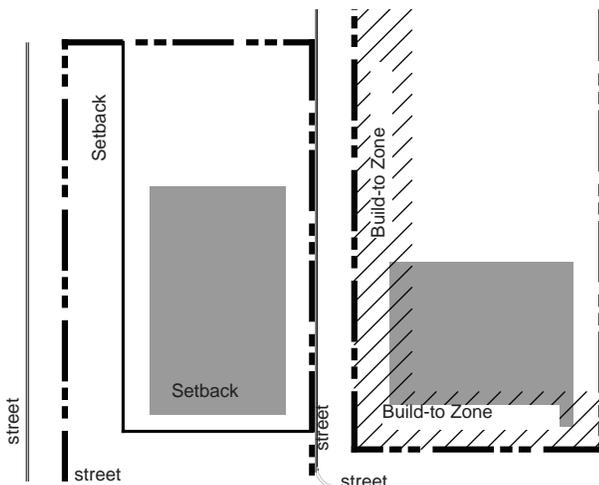


Figure 10.5 (2). Setback Line vs. Build-to Zone.

- (65) **Subdistrict.** A designation given to each lot within the City. It establishes the standards for development on that lot. Refer to Chapter 3.0 Zoning Districts for more information and a list of permitted Subdistricts.
- (66) **Surface, Impervious.** Also referred to as impervious material. Any hard surface area that is not naturally occurring and that does not absorb water, including building roofs, sidewalks, parking, driveways, and other paved surfaces.
- (67) **Surface, Pervious.** Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.
- (68) **Surface, Semi-Impervious.** Also referred to as semi-pervious material. A material that allows for at least forty percent (40%) absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.
- (69) **Swale.** A low lying, naturally planted area with gradual slopes that facilitate the transport, absorption, and/or filtration of stormwater.
- (70) **Tree Canopy.** The uppermost area of spreading branches and leaves of a tree.
- (71) **Tree Canopy Coverage.** The area of ground covered or shaded by a tree's canopy, measured in square feet.
- (72) **Use.** Also referred to as land use. A purpose or activity that may lawfully occur within a building or a lot.
- (73) **Use, Accessory.** A use customarily, incidental, and subordinate to the principal use or structure and located on the same lot with such principal use or structure.
- (74) **Use, Principal.** The specific, primary purpose for which a lot or building is utilized.
- (75) **Use, Special.** A use that may not be appropriate in certain locations based on the potential negative impacts associated with the use and requires approval of a Special Use Permit.
- (76) **Visible Basement.** A half story partially below grade and partially exposed above with required transparency on the street facade.
- (77) **Water Body.** A body of water, such as a river, pond, or lake that may be constructed or naturally occurring.
- (78) **Yard.** The space on a lot which is unoccupied and unobstructed from the ground to the sky by the principal structure. Lots without a structure do not have yard designations. Refer to Figure 10.5 (3) Yards.
- (79) **Yard, Corner Side.** A yard extending from the corner side building facade along a corner side property line between the front yard and rear property line.

- (80) **Yard, Front.** A yard extending from the front facade of the principal structure along the full length of the front property line, between the side property lines or side and corner side property lines. Figure 10.5 (3) Yards.
- (81) **Yard, Rear.** A yard extending from the rear building facade along the rear property line between the side yards or, on a corner lot, the corner side and side yards. Figure 10.5 (3) Yards.
- (82) **Yard, Side.** A yard extending from the side building facade along a side property line between the front yard and rear property line. Figure 10.5 (3) Yards.

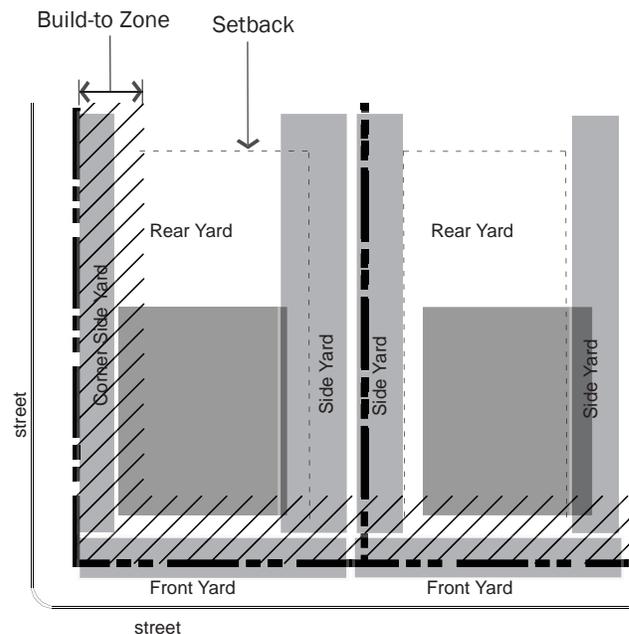


Figure 10.5 (3). Yards.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 10, CHAPTER 7 BY ADDING TO THE FORM BASED CODE REGULATIONS FOR PARKLETS IN THE DOWNTOWN AREA; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City adopted the Form Based Code to promote the health, safety, peace, convenience, and general welfare of the inhabitants of the City to implement the goals and policies of the City's Comprehensive Plan and City Core Plan; and

WHEREAS, the City identified guidelines for creating a new Open Space Type called a Parklet as a catalytic project in the City Core Plan; and

WHEREAS, the Planning Division staff has determined that the appropriate place to include these guidelines is in the City's Form Based Code, Chapter 6 Open Space Types that regulates open space development in the downtown area; and

WHEREAS, a recommendation to approve the changes was made by the Idaho Falls Planning and Zoning Commission on December 3, 2019; and

WHEREAS, the Idaho Falls City Council conducted a duly noticed public hearing and passed a motion to approve the recommended changes on February 27, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

SECTION 1. Title 10, Chapter 7, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-7-1 THE IDAHO FALLS FORM BASED CODE ADOPTED:

A. The Idaho Falls Form Based Code, ~~2018-May~~2020 February Edition, is hereby adopted as an official Code of the City.

B. Code on File. One (1) copy of the Idaho Falls Form Based Code, ~~2018-May~~2020 February Edition, shall be retained by the ~~City~~ Clerk for use and examination by the public.

...

SECTION 2. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be

held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 3. Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 4. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this ____ day of _____, 2020.

CITY OF IDAHO FALLS, IDAHO

REBECCA L. NOAH CASPER, MAYOR

ATTEST:

KATHY HAMPTON, CITY CLERK

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO,
DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance
entitled, “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO,
AMENDING TITLE 10, CHAPTER 7 BY ADDING TO THE FORM BASED
CODE REGULATIONS FOR PARKLETS IN THE DOWNTOWN AREA;
PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY
SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

(SEAL)

KATHY HAMPTON, CITY CLERK



MEMORANDUM

FROM: Brad Cramer, CDS Director
DATE: Friday, February 21, 2020
RE: Appeal of Board of Adjustment Decision, 350 South Yellowstone

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Affirm or reverse the Board of Adjustment Appeal Panel’s decision.

Description, Background Information & Purpose

Attached for consideration is the appeal of a Board of Adjustment (BOA) Appeal Panel’s decision regarding alleged code violations at 350 South Yellowstone. A violation notice was sent to the property owner regarding zoning code violations for outdoor storage of materials on November 25, 2019. A full timeline and description of the code violations is included in the attachments to this memo. The owner of the property appealed this interpretation of the code to the (BOA) on January 9, 2020. The BOA upheld the Zoning Administrator’s code interpretation and determined the code violations were valid. The property owner is now appealing the BOA’s Appeal Panel’s decision to the City Council. The appeal is based on the record and no new facts will be presented.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The appeal process is established in the codes and provides opportunity to have issues re-considered. This is consistent with goals for good governance.

Interdepartmental Coordination

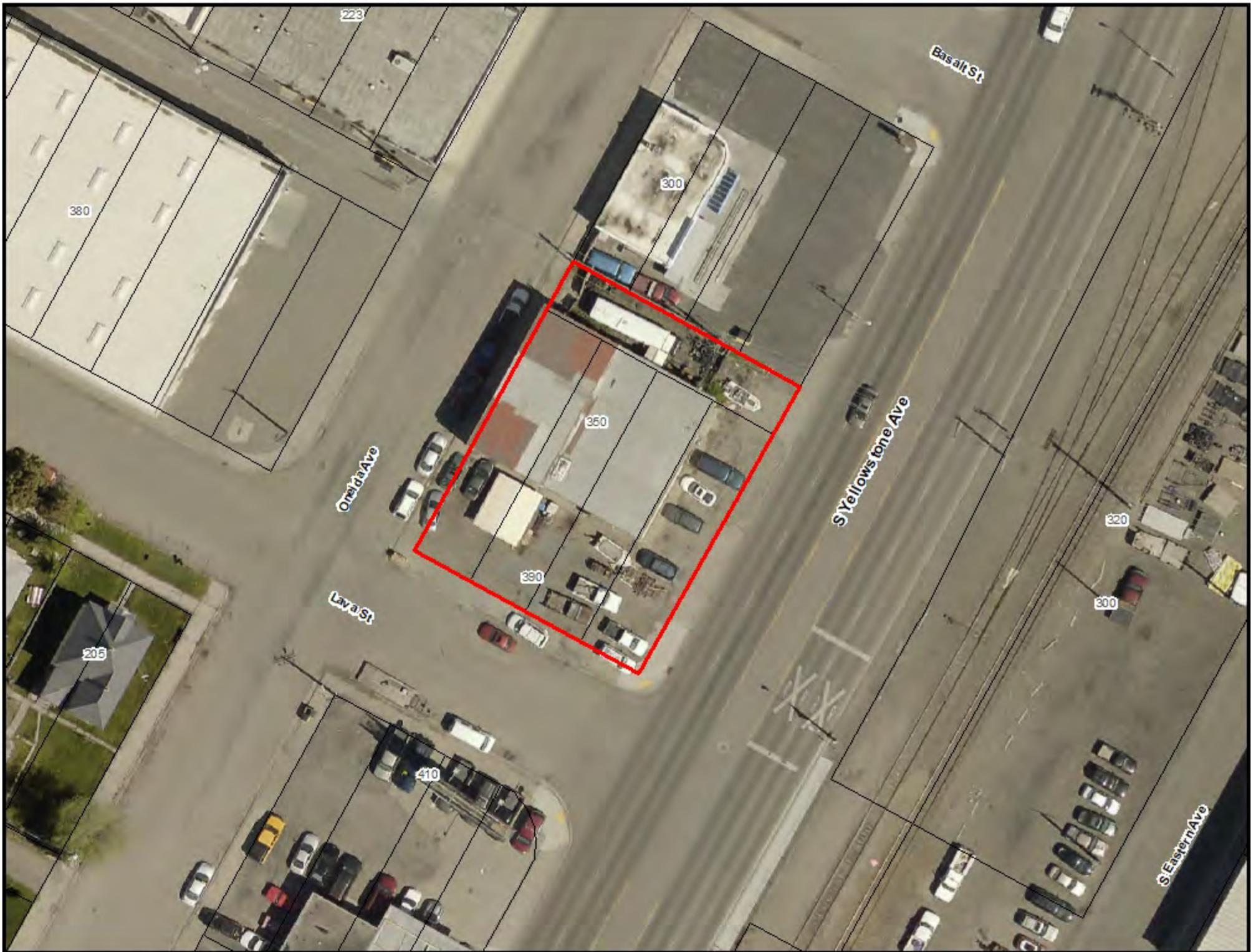
See below.

Fiscal Impact

NA

Legal Review

CDS staff have coordinated with the Legal Services Department regarding this issue.



228

380

300

Basalt St

350

S Yellowstone Ave

Oreida Ave

320

380

300

Lava St

205

410

S Eastern Ave

IDAHO FALLS BOARD OF ADJUSTMENT
STAFF REPORT
Alleged error in determination of the Zoning Administrator
350 S Yellowstone Ave., Lot 5, Block 8, Eagle Rock Plat
February 27, 2020



Community
Development
Services

Applicant: Bill
Russell

Location: 350 S
Yellowstone Avenue

Existing Zoning:
Site: CC, Central
Commercial
North: CC
South: CC
East: CC
West: CC

Existing Land Uses:
Site: Tire Shop
North: Commercial
South: Commercial
East: Commercial
West: Commercial

Attachments:

1. Appeal
Application
2. Aerial
3. Enforcement
Letter
4. Site Photos

Appeal Procedures: Decisions of the Board of Adjustment shall be final unless a written appeal is made to the City Council within fourteen (14) days of the date of the written notice of decision.

History: The Board of Adjustment heard an appeal of Alleged Error of the Zoning Administrator's decision on January 9, 2020. The Board concurred with the Zoning Administrator's interpretation of the Zoning Ordinance and denied the appeal and alleged error. A violation notice (attached) was sent to Bill Russel on November 25, 2019. Among other violations, the letter noted an accumulation of tires as well as requirements for storage areas. Staff met with Mr. Russell on December 16, 2019 to discuss the violation. At that meeting Mr. Russell indicated that he didn't agree with staff interpretation of the code and he felt the tires on his property were used for display not storage. Staff informed Mr. Russell of his ability to appeal the determination of the Zoning Administrator. During the process staff has visited the property multiple times. Photos of those inspections are attached.

Staff Comments: The property is currently zoned CC, Central Commercial. The property is currently being used as a tire and wheel shop. This would be classified under the Zoning Ordinance as a Vehicle Repair and Service use. The CC Zone allows for a vehicle repair and service business as a permitted use. The CC Zone does not allow for outside storage or a storage yard. The Zoning Ordinance's definition of storage yard includes inventory of items stored outside.

11-7-1 Definitions.

Storage Yard: The use of a site where equipment, inventory, supplies, vehicles or other similar items are stored outside.

Staff has determined that the accumulation of tires on the property constitutes the outside storage of inventory. In discussions with staff and as part of his appeal application Mr. Russell indicates that the tires are for display purposes and not used as storage. Staff recognizes a business's need for outdoor display and the Zoning Ordinance does not restrict display. A typical display for a similar tire shop would include some stacks of tires, but these stacks of tires would be moved inside each night. Tire inventory is usually managed on shelving racks within the store or inside enclosed storage containers. Although, the tire inventory might change as tires are sold as shown in the attached photos the accumulation of tires covers the entire property and left in place over night. Staff has determined that this classifies inventory storage and is not allowed outside in the CC Zone.

Zoning Requirements:

11-2-2 (A) (1)

- (1) If a proposed use of property is not listed in the tables, the use shall be prohibited, unless the Zoning Administrator specifically determines that the proposed use is equivalent to a permitted or conditional use. Should the use be determined equivalent to a use that requires a conditional use permit, the application shall follow the procedures set forth for conditional use permits. In making the determination, the Zoning Administrator shall consider each of the following:
- (a) The impacts on public services and activities associated with the proposed use are substantially similar to those of one or more of the allowed uses listed in the applicable base zone;
 - (b) The proposed use shall not involve a more intense level of activity or greater density than one or more of the allowed uses listed in the applicable base zones;
 - (c) The proposed use is consistent with the purpose of the base zone in which the use is proposed to be located; and
 - (d) The proposed use is in substantial conformance with goals and objectives of the Comprehensive Plan.

11-2-4: ALLOWED USES IN COMMERCIAL ZONES.

Table 11-2-2: Allowed Uses in Commercial Zones

P = permitted use. C ₁ = administrative conditional use. C ₂ = Planning Commission conditional use. C ₃ = City Council conditional use. A blank denotes a use that is not allowed in that zone.					
*Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.					
	Commercial				
Proposed Land Use Classification	PB	CC	LC	HC	PT
Storage Facility, Indoor		P	P	P	P
Storage Facility, Outdoor				P	
Storage Yard*				P	
Transit Station		P	P	P	P
Vehicle and Equipment Sales			P	P	
Vehicle Body Shop				P	
Vehicle Repair and Service		P	P	P	
Vehicle Sales, Rental and Service		P		P	
Vehicle Washing Facility		C ₂	C ₂	P	

11-6-2 (C) Board of Adjustment.

- (1) The Board of Adjustment shall be responsible for decisions on site specific applications, including variances and some conditional use permits related to exceptions to this Code, and appeals of decisions made by the Zoning Administrator.
- (2) In carrying out its responsibilities, the Board shall conduct public hearings, make decisions and recommendations to the City Council based on the required findings and standards for applications as set forth in Section 11-6-4 of this Chapter.

11-6-3: Application Procedures.

(E) Appeal Procedures for Decisions of the Zoning Administrator.

(1) The Board of Adjustment shall hear and decide appeals wherein it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Code and shall have appellate jurisdiction over all decisions and rulings of the Zoning Administrator.

(2) Any citizen or person or any officer or department of the City may appeal to the Board of Adjustment by filing a request in writing with the Zoning Administrator within fourteen (14) days from the grant or refusal of a permit by the Zoning Administrator.

(3) Notice of the public hearing on an appeal of the Zoning Administrator's decision shall be made



BOARD OF ADJUSTMENT

January 09, 2020

City Annex Building, Council Chambers
680 Park Avenue

Member Present: Alden Allen, Kristi Brower, Gene Hicks

Staff Present: Kerry Beutler, Assistant Director, Ann Peterson, Administrative Assistant, Michelle Clark, Code Enforcement Officer, Cherise Frei, Code Enforcement Supervisor, Randy Fife, City Attorney

Call to Order: Brower, Chairman called the meeting to order at 12:07 p.m.

Appeal
APP19-001

Brower: Opened meeting with one agenda item which is an alleged error in determination of the Zoning Administrator. We normally start this with a presentation from the City staff so if you would like to tell us what you have for us today.

Beutler: This is an appeal hearing of the enforcement of the Zoning Ordinance at 350 S Yellowstone. As you indicated in the agenda item, it is an appeal of the alleged error. So this conversation, or this discussion regarding this appeal is specific to alleging that the City staff, or me as the Zoning Administrator, has made an error in enforcement of the Zoning Ordinance or determination of the code. So the conversation really is kind of restricted to that specific topic. I'll briefly tell you about the situation and we will proceed from there with any questions for me and the property owner is also here and will have remarks as well. We do have the City attorney present if there are legal questions you might have as a Board. The property is located at 350 S Yellowstone (shows pictures), the property sits on the corner of Lava Street and S Yellowstone. It's a commercial property and the property is zoned CC, Central Commercial, so it allows for commercial uses. The use of the property is for a tire and wheel shop which is a permitted use in that zone. So there's no concern regarding the use or the sell of tires or wheels or components from the property. The issue that we ran into is the use of the property, and you have other photos as part of your packet, this is the most recent photo. So being used as a used tire shop there is a large number of tires that are located throughout the property. That is what initiated the zoning enforcement action. In the Central Commercial Zone where this is located, commercial uses are allowed, but outside storage or having a storage yard is not allowed in that zone. You'll see in your report, the definition of a storage yard is the use of a site where inventory, equipment, supplies, vehicles or other similar items are stored outside. It is the staff's determination that with the accumulation of tires here, this really is the storage of inventory. We understand that the nature of the business is to sell tires and provide tires for the public which is fine, but what is in violation of the code is the storage of inventory going on the property. The appellant will explain their reasoning and you have their application as part of your packet as well and they refer to the tires as display. We do allow display of items in the City, that happens, but not to the point where it covers the entire property. Staff would argue that display would be brought in nightly it's not something that remains overnight and is

continually on the property which is why it constitutes storage, which would not be allowed in the zone. You can see from the pictures we provided to you, the multiple site inspections, although we realize the inventory probably changes and comes and goes as tires are sold, overall the property continues to be in the same fashion with a large accumulation of tires on the property and being stored on the property. That's really it from me unless you have any questions.

Hicks: These pictures are from November but the picture on screen is the same.

Beutler: Correct, the picture from today (on screen) was taken on the 7th of January and our code enforcement staff went out this morning and it's the same.

Allen: As part of this, it is just specifically the tires being appealed correct? Not the other code violations yes?

Beutler: Correct. As far as we know all the other code violations have been resolved. The tires remain and it's just the question of storage vs. display. Are there any other questions?

Brower: The appellant may come up and state his name and address.

Russell: My name is William Russell and the property address is 350 Yellowstone Ave. I would like to thank the board for coming out today and donating their time and efforts for the civic process and I really appreciate it. I don't want to disrespect your time. I wouldn't be here if it wasn't an important issue. This is the difference between a successful business model and not being a successful business model. Les Schwab, Big-O have their business model, they deal with new tires and occasionally they'll sell a used set. Most people don't deal in small tires now because of liability issues and law suits, it's not worth salvaging. There's a real need for used tires. People come in from all walks of life, an eye doctor came in the other day and bought a set for his grandson. I get a lot of people coming in that can't afford \$1,500 for a new set but they can afford a \$20 tire. It really is a public safety issue when you think about this. People come in that are running on raw steel cords and they have \$20 dollars but they don't have \$500 dollars for a tire. I sell them a \$20 tire and they still have 40% meat left on the tread. I want to stress this because it's very important; my son owns an auction company down in Mesa, Arizona and sells cars. He sold a car the other day, the guy drove it off the lot, had a blow out and it killed him. We've all had experience with blow outs and somebody can be running on raw tires and have a blow out and hit your granddaughter or loved one. Tires aren't sexy, I know they're not sexy, but we all need them. We all need them when we have a flat tire, so I just want you to stop and yea, first off that's not indicative of the way the property looks today. I have setback requirements for three foot visibility on each triangle. I have a third acre in Hamer that I store property. There's a big difference between storage and display. I display the stuff there because, if you come in I've got a row of 16" tires, a row of 13" tires, a row of 21" tires and I have like three sets of everything. I have some that have 30% wear on them, I have some that are 60%. So if you only got \$20 I have a tire for you. If you got \$60 I have a tire for you. My business model is, I try to have every size so if you come in, I got it. I never want to turn away someone because they can't afford it. I know the difference between storage and display. If you come out there, I'm out there every day. I sell a tire and it totally changes the whole....It's fluid. Constantly the inventory comes in, it's being placed, it's being sorted, it's being scraped. When we get the scrap it goes on a truck and it leaves. Another load comes in, it's sorted, it's placed, there's tire sales every day, so it's a constant fluid. It's not sitting there as storage. My other yard is storage and when I need a 35" tire that I don't sell a lot of I know where I've got more 35" tires. When it goes to that yard it's for display. This is law, and law has got to be so an intelligent person can read it and understand it, it can't be vague. It's like the old joke in Ukraine right now; they write the laws so vague and broad that they can interpret how they want to shape it. If one moment it's ok to display that and he's saying it's okay to display that at a certain hour but you've got to bring it in at night. Where does it say in the code that you have to bring it in at night? People bring it in at night because they don't want it stolen. Well, I have somebody on and I have security cameras. It's my philosophy, if they need it so bad, I'm going to give it to them. They don't need to steal it, if they need it that bad I'm going to give them the tire. My business model is different, and there's nothing in the law that says I have to bring them in at 5:00 pm and I have to cart them out at 8:00 am. If the law says that, I'm going to comply with the law, I have respect for the law. There's nothing in that Ordinance that says I've got to act like Big-O and cart it out on a dolly and then I've got to cart it in. There's not a shadow of a doubt that stuff is out there on display. I'm out there five hours

a day, if you've got to quantify my time, moving tires and rearranging the stuff. There's just no question that it's out there for display. Again, thank you so much for your time.

Brower: Is there any time that there are not tires on the outside of your property?

Russell: No, they're always out there.

Brower: So even if it changes a little and looks different it always looks roughly like that? Just the tires themselves may change? Is that correct?

Russell: Yes, but it looks totally different than that. They informed me what the requirements were for a fence and setback and triangulation, so I'm totally in compliance with all that.

Brower: Right I understand, but the tires are still there. You may have reconfigured them, but they're still there?

Russell: Correct.

Hicks: It looks like your entire inventory is outside. Do you have anything inside?

Russell: It's totally covered inside. Absolutely. When people come there it's a great selling deal. I had a rancher come in the other day and he needed a real specialty tire for his trailer and I had it. When people know you've got a big inventory they're not going to waste their time and it's all organized and I'm getting it better and better. This is a startup deal and I'm getting all the kinks out. I want to get along with the City, I want to make it as beautiful as possible. I also want to be treated fairly and equally. The Ski-doo place across the street, they have mounds of ski-dos and stuff and they're storing it, they never get a hard time about it. They say, well they're grandfathered in, well John D Rockefeller used to run his gasoline down the creek, so is he grandfathered in because at one time it was permitted to run gasoline down the creek? No, we were all treated equally. The rock quarry down the street has all their stuff out in storage, there's no question it's not on display. They have their display periods then they have their pallets of stuff, it's clearly storage.

Allen: I have one more question for you? Looking at the pictures, as far as the display goes, it only appears that one of the tire sections seems to have any kind of pricing. Is there more that we cannot see from the views that we were provided? Like, I guess, do you have any more signage indicating that they're currently for sale?

Russell: No, but they're totally displayed. That picture just doesn't give it justice. Like I said, I have rows of 16", 22", and all different sizes.

Brower: Thank you. I think at this point we just do our own deliberation, correct? What do you guys have to say?

Allen: I do have a question for staff/legal. What is the definition of display as used in code for this area?

Beutler: The City Code does not define display. It doesn't define if it's allowed or not allowed, but it does define storage which includes inventory.

Allen: Is it defined elsewhere in the code?

Beutler: No. It's not defined in the Zoning Ordinance at all.

Brower: The storage yard does say inventory.

Fife: From a legal standpoint, if a term is not defined, then it just has its natural, normal dictionary usage meaning. And that's up to you.

Hicks: What's the difference between that kind of storage vs. this kind of storage? Excuse me, I'll put it a different way. If that use vs. this use, what's the difference?

Beutler: Part of the difference is the zoning designation. We have zones in the City that allow for outside storage. For example, the Highway Commercial Zone allows for outside storage. This particular property is zoned Central Commercial which does not allow for outside storage. The Ski-doo place and the rock place, those properties were previously zoned GC which is a General Commercial Zone which allowed outside storage. When the Zoning Ordinance was changed in 2018 the City Zoning designations were altered, the GC designation went away and these properties were then designated Central Commercial. The Ski-doo place and rock place then became non-conforming uses. So they have a different scenario. This property being used as a tire shop has come around since the change to the Zoning Ordinance and the change to the Zoning designation so it does not have a non-conforming use designation.

Hicks: Even though it's a hundred yards between?

Beutler: Correct. You'll find that throughout the City you have different zones across the street or next door to each other. They allow different uses and provide different development standards according to the zone district. That's not unusual. I want to reiterate, your decision

today is regarding whether or not there is an error in our enforcement of the code and specifically what Mr. Russel had identified as an error.

Allen: I just want to make clear, and this is somewhat a question for staff as well, that the storage yard definition goes back toward directly to the violation ZV19-0520 Open Storage violation?

Beutler: Correct.

Allen: So technically the remedy in this case would be the wall and fencing to bring it into code?

Beutler: Storage yard would not be allowed so the remedy would be a structure. It would all need to be brought inside a structure.

Brower: Because a storage yard is not allowed in CC whether it's fenced or not.

Beutler: Correct.

Allen: It's interesting that we've got a definition of open storage with storage yards not being allowed in the same section. I'm guessing that must go to some other violation.

Brower: Right, well it's just to determine if something is a storage yard or not.

Hicks: I guess my comment would be, technically it looks, and technically it is being stored outside, which is against City code. Based on this, even though a hundred yards away it's different, I would say this appears to be in violation of the City code. I would even take the word appears out and say it is.

Brower: I agree.

Allen: In looking at it I fall somewhat on the side of the appellant's side in that some of the tires are clearly used as display. However, where it's not entirely uniform, although sorted, it does appear to be storage and inventory.

Brower: Yes. It seems that it could be both right? You can have display and storage in the same location. That is what this seems to be to me.

Allen: And so, I recognize that there are tires that are being used as display, they've got prices on them, and they are out along the curb looking to be saying, hey come buy me. I also see there are stacks and stack of inventory. Though they may change they are valued and being tracked and in some sort of system. While there is no definition of display, I think it's visible as an attractant as a form of display and storage in this case.

Brower: It seems to me to be both. I agree.

Hicks: I just have one more comment. If you took it as pure display and for sale, then would the argument go away that at 5:00 pm or 6:00 pm, or whenever you close, that even though they are still out there, they are not for sale because there is no one there to sale them? And that makes them storage.

Brower: Right.

Russell: Someone is there 24 hours per day. I leave at 6:00 pm and the other guy comes on, Paco, he lives there.

Allen: So you would be able to purchase?

Fife: Procedurally speaking, you closed the portion of the hearing that you gathered information about. If you would like more information you can reopen it and ask your question. Then if you did that I would suggest that Mr. Russel goes to the mic.

Brower: Let's reopen. Mr. Russel if you could come up on the mic.

Russell: We are open 24 hours a day. I have a lot of value out there. I leave at 6:00 and by the time I leave Paco is there. We clearly have our numbers up there and that's why this business is successful. Sometimes people need stuff on Sunday's, sometimes they need it at 10:00 at night. We've got someone there. Sometimes people come in and need something installed. I had business on Christmas and I had business on New Year's. So we are open 24 hours a day 7 days a week.

Allen: Is it indicated somewhere on the building that it's 24 hours? 24/7 that they are able to purchase.

Russell: Well, we have a sign that's kind of not functioning but it says open. The lights are on.

Allen: So the lights are on 24/7?

Russell: Yes.

Hicks: I have a comment. I went past there Tuesday night about 9:30 – 10:00 pm and there were no lights on.

Russell: Paco lives there and Paco's working out there. When we get a call in we open it up. We're open on Sundays, we're open on Christmas this year and New Year's. If you come there and get on the phone. That's our business model. Like I say, when somebody needs a specialty tire, we got it and we're open.

Beutler: Just to clarify, from staff's perspective as a Zoning Administrator we would still interpret it and define it as storage even though there might be a 24 hour a day operation, it's still storage of inventory. Lots of businesses are open during the day and they have inventory either in the store or outback. It's still storage of inventory.

Brower: Okay, Thank you. Let's go ahead and close the public portion of the meeting. For me it doesn't change the fact that this is still storage.

Board Discussion:

Brower: For me it doesn't change the fact that this is still storage.

Allen: I think the key hanging here is it is inventory as well as display. It's being used in both functions. It is clear that if inventory is stored there then it is a storage yard regardless of how it's being used.

Allen: I make a motion to find that the Zoning Administrator did not make an error in their definition of a storage yard in this case.

Hicks: Second.

Brower: I have a motion and a second to determine that the Zoning Administrator did not make an error in determination of this code violation. All in favor.

Hicks: Aye

Allen: Aye

Brower: Aye. Any opposed? That motion does carry.

Reasoned Statement:

The Board of Adjustment considered the request pursuant to the Idaho Falls Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations. The property is currently zoned CC, Central Commercial Zone. A violation notice was sent to Bill Russel on November 25, 2019. The property is currently being used as a tire and wheel shop. This would be classified under Zoning Ordinance as a Vehicle Repair and Service use. The CC Zone allows for a vehicle repair and service business as a permitted use, but does not allow for outside storage or a storage yard. The Zoning Ordinance's definition of a storage yard includes inventory of items stored outside. The Zoning Administrator has determined that the accumulation of tires on the property constitutes the outside storage of inventory and isn't allowed within the CC, Central Commercial Zone. I need a motion and a second to accept the Reasoned Statement.

Hicks: I'll make a motion that the Statement of Relevant Criteria and Standard be accepted.

Allen: I second that motion.

Brower: All in favor. Aye

Hicks: Aye

Allen: Aye

Brower: Those Opposed? (None opposed) Motion carries. Meeting Adjourned.

Adjourn:

Kristi adjourned the meeting at 12:40 pm.

Respectfully Submitted,

Ann Peterson, Recording Secretary

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
ALLEGED ERROR IN DETERMINATION OF THE ZONING ADMINISTRATOR AS
PART OF AN ENFORCEMENT ACTION AT 350 S YELLOWSTONE AVENUE

WHEREAS, the applicant filed an application for an Appeal on December 20, 2019; and

WHEREAS, this matter came before the Idaho Falls Board of Adjustment during a duly noticed public meeting on January 9, 2020; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

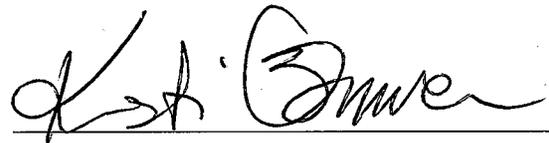
1. The Board of Adjustment considered the request pursuant to the City of Idaho Falls Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is currently zoned CC, Central Commercial Zone.
3. A violation notice was sent to Bill Russel on November 25, 2019.
4. The property is currently being used as a tire and wheel shop. This would be classified under the Zoning Ordinance as a Vehicle Repair and Service use.
5. The CC Zone allows for a vehicle repair and service business as a permitted use, but does not allow for outside storage or a storage yard.
6. The Zoning Ordinance's definition of storage yard includes inventory of items stored outside.
7. The Zoning Administrator has determined that the accumulation of tires on the property constitutes the outside storage of inventory and isn't allowed within the CC, Central Commercial Zone.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the Board of Adjustment of the City of Idaho Falls concurs with the interpretation of the Zoning Administrator and denies the appeal and alleged error.

PASSED BY BOARD OF ADJUSTMENT OF THE CITY OF IDAHO FALLS

THIS 9 DAY OF Jan, 2020



- Chair



COMMUNITY DEVELOPMENT SERVICES

Code Enforcement
City of Idaho Falls
680 Park Avenue
Idaho Falls, ID 83405
208-612-8226

11/25/19

DEBR19-0923 DEBRIS
VEH19-0623 VEHICLES
ZV19-0520 ZONE VIOLATION REQUIRED PARKING

Bill Russell
350 S Yellowstone Ave
Idaho Falls, ID 83402

Dear Bill Russell,

This office conducted an inspection and confirmed code violations on the property located at 350 S YELLOWSTONE AVE IDAHO FALLS, ID 83402. These violations constitute a public nuisance. We would like to solicit your cooperation to comply with City Code by the **COMPLIANCE DATE** listed.

If the listed violation(s) are not brought into compliance the fees listed below will be imposed for each day the property is out of compliance.

If you have questions regarding this matter, please contact our office, Monday - Friday 8:00 a.m. - 5:00 p.m. Thank you for your quick response to this matter.

Code Enforcement Division

Case Number	Specifically the property contains the following violation(s):	Must be in compliance prior to:
DEBR19-0923	<p>5-8-9 LITTER UPON PRIVATE PROPERTY</p> <p>While in the area this office noticed code violations on this property. The property contained a pile of wood, auto body parts on, and next to, the wood pile, as well as, an accumulation of tires in the parking area. Please remove these items from the property.</p> <p>LITTER UPON PRIVATE PROPERTY. It shall be unlawful and a public nuisance for any persons owning, occupying, or having control of private property within the City to deposit, store or allow the accumulation of litter upon such property. Garbage: Waste (animal, vegetable, and/or other matter) that results from the</p>	12/10/2019

	<p>handling, packing, preparation, processing, consumption, dealing in, canning, storage, transportation, decay, or decomposition of meats, fish, fowl, birds, fruits, grains, or other animal or vegetable matter (including, but not by way of limitation, used tin cans, and other food containers; including all putrescible waste matter which is likely to attract flies or rodents).</p> <p>Litter: Garbage and Rubbish, including, but not limited to, that which is loosely strewn, uncollected, unpackaged, or uncontained which may include paper, bottles, cans, glass, crockery, plastic, rubber, waste building materials, disposable packages, cigarette butts and other tobacco products, gum, and containers.</p> <p>Rubbish: Nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes and Bulky Waste. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves, and similar material. Noncombustible rubbish includes glass, crockery, metal cans, metal furniture and like material, which will not burn at ordinary incinerator temperatures (not less than one thousand six hundred (1600) degrees F).</p>	
VEH19-0623	<p>International Property Maintenance Code 302.8 Motor Vehicles</p> <p>The property contained an unlicensed silver car and non-functional/unlicensed black car on the parking lot. Please either remove the vehicles from the property or make sure they are licensed and functional.</p> <p>"Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.</p> <p>Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. "</p>	12/10/2019
ZV19-0520	<p>CC Central Commercial</p> <p>Please abide by all the City codes as follows:</p> <p>Open Storage: Section 11-4-4: LANDSCAPING, BUFFERS, AND SCREENING. (1) Screening Requirements. (2) Open Storage. Open storage areas shall be screened from public streets by a ten foot (10') wide planting strip with trees and ground cover plus a masonry wall or opaque fence at least six feet (6') in height.</p> <p>Parking: Number of required spaces (Table 11-4-2: Off-street Parking Requirements) Required parking for office area, indoor storage areas or retail spaces: 3 spaces per 1,000 square feet Required parking for garage bay areas: 2 per employee on the largest shift</p> <p>Section 11-4-5 OFF-STREET PARKING AND LOADING. (E) Parking Location. (2) In non-residential zones, off-street parking is permitted in the required setback areas, except when landscaping is required contiguous to public streets, provided that a protective curb shall be installed not less than two feet (2') from the property line in order to prevent the use of the sidewalk for parking, bumper overhang and travel purposes, and to protect landscaping. (3) No portion of the areas required for visibility by Section 11-4-7A, Clear View</p>	12/10/2019

Triangle shall be occupied by a parking space.

(F) Parking and Parking Lot Design. Parking area shall be designed and maintained as not to constitute a nuisance at any time and shall be used in such a manner that no hazard to persons or property or unreasonable impediment to traffic will result.

Further, parking lots shall be designed to have shared functional connections with adjoining uses, including shared access from the street, shared parking and service access, and shared pedestrian circulation between uses. A site plan showing the proposed layout and development of parking and loading areas in compliance with the requirements of this Section shall be submitted and approved by the Zoning Administrator prior to the issuance of a building permit.

(1) Parking Spaces. A parking space shall be designed to be a minimum of nine feet (9") in width and twenty feet (20") in length, exclusive of driveways, drive aisles and other required improvements.

(3) Circulation Within Parking Areas. The pattern of circulation within all parking areas shall be designed and built to provide safe and efficient access to individual parking spaces and to facilitate safe access to public streets.

(c) No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.

(d) No parking area, except those serving single-unit dwellings, shall be designed or constructed to create a situation that requires vehicles to back onto a public street.

(7) Hard Surface. All parking areas in any zone and including access points and driveways, shall be developed and maintained with asphalt, concrete, or other hard surfaces approved by the Zoning Administrator and City Engineer.

11-4-7: STREETS AND ACCESS.

(A) Clear View Triangle.

(1) To ensure reasonable visibility and safety in all zones that require buildings to be set back from the right-of-way line, a clear view triangle shall be established by drawing a line between the points on the two (2) lot lines, which points are each thirty feet (30') from the intersection of said lot lines. This clear view triangle shall be free from structure or other obstructions, except as otherwise permitted in this Section.

(2) Any triangle of land formed along any street by drawing a line between a point on the lot line parallel to the street (which point is fifteen feet (15') from an alley or driveway which abuts the street) and a point on the near side of the alley or driveway (which point is fifteen feet (15') from the lot line) shall be free from structures or other obstructions, except as otherwise permitted in this Section.

If the above described violation(s) are not brought into compliance by the date above the following fees will be imposed for each day the property is out of compliance.

First Day \$35.00

Second Day \$75.00

Third Day and any subsequent Days \$150.00

Unresolved fees may result in a lien being placed on the property

Unresolved violation may result in a misdemeanor citation

Those wishing to appeal this notice may do so by submitting his or her objections to the abatement of the nuisance in writing, along with a \$150.00 filing fee, to the City Clerk within ten (10) calendar days following receipt of this notice and request an appeal hearing before the Board of Adjustment.



11-22-2019



11-22-2019



Olivas
Tires & Wheels
Shop: 208-851-0933 C: 208-399-2160

TIRES
NEW & USED

Olivas
Tires & Wheels
Shop: 208-851-0933 C: 208-399-2160



TIRES
NEW & USED



\$20

11-22-2019

livas
Tires & Wheels
Shop: 208-851-0333 E: 208-399-2160

TIRES
NEW & USED

BRIDGESTONE Firestone
UNLOP MICHELIN UNIROYAL
Goodrich Continentals YOKOHAMA



JERRY BERGEMAN & SONS
COMPLETE AUTO REPAIR
4x4 SPECIALISTS - 593-7057

SONS
GLASS

Confidence
JERRY
BERGEMAN
& SONS





12-23-2019



Goodyear Bridgestone Firestone
Dunlop Michelin Uniroyal
Goodrich Continental Yokohama

Olivas
Tires & Wheels
Shop: 208-451-0833 C: 208-389-2160

TIRES
NEW & USED

Olivas
Tires & Wheels
Shop: 208-451-0833 & 208-389-2160

TIRES
NEW & USED

XDS 2
MICHELIN
225/70R15

BRIDGESTONE
20

BRIDGESTONE
20



REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
ALLEGED ERROR IN DETERMINATION OF THE ZONING ADMINISTRATOR AS
PART OF AN ENFORCEMENT ACTION AT 350 S YELLOWSTONE AVENUE

WHEREAS, the applicant filed an application for an Appeal on January 23, 2020; and

WHEREAS, this matter came before the Idaho Falls City Council during a public meeting on February 27, 2020; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to the City of Idaho Falls Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is currently zoned CC, Central Commercial Zone.
3. A violation notice was sent to Bill Russel on November 25, 2019.
4. The property is currently being used as a tire and wheel shop. This is classified under the Zoning Ordinance as a Vehicle Repair and Service use.
5. The CC Zone allows for a vehicle repair and service business as a permitted use, but does not allow for outside storage or a storage yard.
6. The Zoning Ordinance's definition of storage yard includes inventory of items stored outside.
7. The Zoning Administrator has determined that the accumulation of tires on the property constitutes the outside storage of inventory and isn't allowed within the CC, Central Commercial Zone.
8. On January 9, 2020 the Board of Adjustment unanimously concurred with the Zoning Administrator's interpretation of the Zoning Ordinance and denied the appeal and alleged error.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the Council of the City of Idaho Falls concurs with the decision of the Board of Adjustment and denies the appeal.

PASSED BY BOARD OF ADJUSTMENT OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2020

Rebecca L. Noah Casper- Mayor