

## **CHAPTER 3 COMPREHENSIVE ZONING**

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### **10-3-1: OFFICIAL ZONING CODE**

(A) Adoption of Comprehensive Zoning Code: The Zoning Code of the City of Idaho Falls, Idaho, as set forth herein, as amended, shall be the official Zoning Code of the City of Idaho Falls, Idaho, notwithstanding the provisions of Section 1-1-1 of this Code, the Zoning Code shall remain in full force and effect after the date of the Ordinance adopting this Zoning Code.

(B) Filing of Zoning Code: Filing of the Zoning Code shall be published in a pamphlet or booklet form, and one (1) copy shall be placed and kept on file in the office of the City Clerk. Two (2) copies of said Zoning Code shall be placed and kept on file at the office of the Community Development Services Department.

(C) Official Zone Map: The Zoning Map on file in the office of the Community Development Services Department is hereby adopted as the Official Zoning Map of the City of Idaho Falls, Idaho. The Director of the Community Development Services Department shall ensure that the Zoning Map accurately reflects all Zone boundaries within the City at all times.

### **10-3-2: TITLE, PURPOSE, DECLARATION, AND INTENT**

(A) Title: This Chapter shall be known as the Zoning Code and may be so cited and pleaded.

(B) Purpose: The Zone boundaries and regulations which apply within each of the Zones have been made in accordance with a Comprehensive Plan designed to promote the health, safety, peace, convenience, and general welfare of the inhabitants of Idaho Falls:

(1) To promote the orderly growth and development of the City in accordance with the comprehensive plan.

(2) To promote economy in the cost of fire and police protection and other governmental services.

(3) To lessen congestion in the streets and reduce the waste of excessive amounts of streets.

(4) To protect the tax base.

(5) To foster industry.

(6) To protect property values.

(7) To avoid undue concentration of population and prevent the overcrowding of land.

(8) To facilitate adequate provision for transportation, water, sewage, schools, and other public requirements.

(9) To provide adequate light and air and foster a wholesome, serviceable and attractive City.

(C) Declaration: In establishing the Zones, the boundaries thereof, and the regulations applying within each of the Zones, due and careful consideration was given, among other things, to the suitability of land for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

(D) Interpretation and Intent: It is the intent of the Council that the regulations and restrictions as set forth in this Zoning Code shall be so interpreted and construed as to further the purpose of this Zoning Code and objectives and characteristics of the respective Zones.

**10-3-3: DEFINITIONS:** Whenever the following terms are used in this Zoning Code, they shall have the meanings ascribed below:

(1) **ACCESSORY BUILDING:** A subordinate building, the use of which is incidental to that of the main building.

(2) **ACCESSORY USE:** A related use which is incidental to the prescribed and permissible use.

(3) **AGRICULTURE:** The growing of soil crops in the customary manner in the open. The term shall not include animal husbandry activities nor shall it include retailing of goods on the premises.

(4) **ALLEY:** A public way primarily for utility use and for servicing the property adjacent thereto.

(5) **APARTMENT:** Any building or portion thereof which is designed, built, rented or leased, let, or hired out to be occupied or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking within the premises.

(6) **ARTERIAL STREET:** A major street intended to move traffic from one part of the City to another. Arterial streets are identified in the Comprehensive Plan.

(7) **AUTO COURT, MOTOR COURT, MOTEL:** The combination or group of two (2) or more dwelling units occupying a building site or area under one (1) ownership, used for the purpose of furnishing transient living accommodations.

(8) BOARDING HOUSE: A building containing not more than one (1) kitchen, where meals are provided for compensation on a daily, weekly, or monthly basis, excluding all motels, hotels or restaurants.

(9) BOATING UNIT: Any vessel designed to convey persons across a body of water, including a trailer to convey the same.

(10) BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(11) BUILDING, MAIN: One (1) or more of the principal buildings upon a lot.

(12) CAR PORT: An unenclosed structure for the storage of automobiles.

(13) CLINIC: A building used for the diagnosis and treatment of ill, infirm and injured persons, but which building does not provide board, room or regular hospital care and services.

(14) CLUB: A building used, occupied and operated by an organized association of persons for social, fraternal, religious or patriotic purposes, whose activities are confined to the members and their guests, but shall not include any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

(15) COLLECTOR STREET: A street which provides direct access to abutting property and collects and distributes traffic between local and arterial streets.

(16) COMMERCIAL VEHICLE: A vehicle used for the transportation of persons or property for hire, compensation or profit, or used in connection with the operation of a business or home occupation.

(17) COMPREHENSIVE PLAN: A plan which has been adopted by the - Council pursuant to Idaho Code Section 67-6508 for the purpose of guiding development in the City.

(18) CONDITIONAL USE: A conditional use which requires approval of the Council, Planning Commission, or Board of Adjustment before a permit may be issued by the Zoning Administrator or Building Official.

(19) DAY CARE: Care and supervision provided for compensation for children or adults not related by blood or marriage to the person or persons providing the care in a place other than the child's or adult's own home or homes. Day care does not include care or supervision provided in any hospital, nursing home or other medical treatment facility licensed by the State of Idaho.

(20) DAY CARE CENTER: A place or facility providing day care for thirteen (13) or more children or adults.

(21) DWELLING: A building or portion thereof, containing one or more dwelling units. The term dwelling does not include hotel, motel, boarding or rooming house, rest home or recreational vehicle as defined herein.

(22) DWELLING, SINGLE-FAMILY: A detached dwelling unit designed for or occupied exclusively by one family and dwelling units as defined in Idaho Code 67-6531.

(23) DWELLING UNIT: One (1) or more rooms in a building designed or occupied by one (1) family for living or sleeping purposes and having one (1) kitchen or set of cooking facilities.

(24) FAMILY: One (1) or more individuals occupying a dwelling unit and living as a single household unit.

(25) FAMILY DAY CARE HOME: A home, place, or facility providing day care for six (6) or fewer children or adult patients.

(26) FLOOR AREA: The sum of the areas of the several floors of the building, including basements, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior walls or from the centerline of walls separating buildings. Covered walkways, open, roofed-over areas that are paved, porches, and similar spaces shall have an area factor of 0.50. The floor area does not include such features as pipe trenches, exterior terraces or steps, chimneys, roof overhangs, or other similar areas or facilities.

(27) FRACTIONAL NUMBERS: In determining the requirements of this Zoning Code, whenever a fraction of a number or a unit is one-half (1/2) or more, and whenever a fraction of a number or a unit resulting from a computation is one-half (1/2) or more, said fraction shall be considered as a whole number or a unit.

(28) FRONTAGE: Any side of a lot which abuts a public street.

(29) GARAGE, PRIVATE: A detached accessory fully-enclosed building or portion of a main building designed for the parking or temporary storage of automobiles of the occupants living on the premises.

(30) GARAGE SALE: The sale of articles of personal property, which sale shall be no longer than three (3) days in duration and not more frequent than once every six (6) months at the same location.

(31) GRADE: The average of the finished ground level at the center of exterior walls of a building.

(32) **GRID PATTERN:** A framework of parallel or crisscrossed streets intersecting at right angles, usually but not always running on a north-south and east-west axis. Such a street pattern does not contain curvilinear streets or cul-de-sacs.

(33) **GROUP DAY CARE FACILITY:** A home, place or facility providing day care for seven (7) to twelve (12) children.

(34) **GUEST:** A person staying or receiving services at a hotel, motel, boarding house, rooming house or rest home, or similar use for compensation.

(35) **HEIGHT OF BUILDING:** The vertical distance from the grade to top of the building walls. Where the building walls vary in height along a side yard, the height of the building shall be determined by multiplying the length of each section of said wall by its height and dividing the sum derived therefrom by the total length of said wall.

(36) **HOME OCCUPATION:** A home occupation shall mean any occupation or profession conducted entirely within the dwelling or an accessory building and carried on by persons residing therein.

(37) **HOSPITAL:** An institution providing health services, primarily for in-patients, and medical, surgical or custodial care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, pharmacies, training facilities, central service facilities, medical services facilities, and offices for hospital personnel and for physicians and surgeons who are members of the medical staff.

(38) **HOTEL:** Any building used, rented, or hired out to be occupied on a daily or weekly basis for sleeping purposes by guests.

(39) **HOUSEHOLD PET:** A dog, cat, fowl, reptile, fish, rodent or similar domestic animal weighing less than one hundred pounds (100 lbs.) at full maturity, kept inside a dwelling, for company or pleasure of the occupants thereof.

(40) **INCAPACITATED PERSON:** Any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause (except minority) to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person.

(41) **KENNEL:** Any lot or premises on which two (2) or more dogs over four (4) months old are kept.

(42) **LAND USE PLAN:** A portion of the Comprehensive Plan which shows the most appropriate use of land within the City.

(43) LOCAL STREET: A street whose primary function is to provide access to abutting property.

(44) LODGING HOUSE/ROOMING HOUSE: A building other than a hotel, tourist home or motel where sleeping accommodations are provided for compensation.

(45) LOT, CORNER: A lot situated at a junction of two public streets, or situated on a curved street or way whose radius is thirty-five feet (35') or less, and where the angle formed by the intersection of the tangent is one hundred and five degrees (105°) or less.

(46) LOT, INTERIOR: A lot other than a corner lot.

(47) LOT: Real property occupied or to be occupied by a building or buildings, together with open spaces associated with the use thereof.

(48) LOT, THROUGH: A lot having frontage on two (2) streets which are parallel or nearly so.

(49) MANUFACTURED HOME: A single-family dwelling unit, other than a recreational vehicle, fabricated in one or more sections at a location other than the home site by assembly-line or similar production techniques or by other construction methods typical of an off-site manufacturing process. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards, June 15, 1976. A manufactured home may be designed to be towed on its own chassis or be site-delivered by alternative means.

(50) NON-CONFORMING USE: A use of premises which does not conform to the provisions of the Zoning Code, but which was in existence at the effective date of the Zoning Code or any amendment thereof.

(51) NURSERY: A home or building in which day care is provided for thirteen (13) or more children.

(52) OCCUPANCY, CHANGE OF: Any change in the character or use of a building or premises, not including change of tenants, proprietors or occupants.

(53) OFF-STREET PARKING SPACE: An area for the parking of automobiles which does not include a public street but has convenient access to it.

(54) OVERLAY ZONE: A Zone which is superimposed over other Zones and in which certain regulations and restrictions apply which supplement or which modify the regulations and restrictions applying in the underlying Zones.

(55) PARCEL: A lot.

(56) **PARK AND PLAYGROUND:** An open space which has been dedicated, designed for, or used for outdoor recreation activities, including City parks and playgrounds, church or club-sponsored parks and playgrounds and the like, but not including outdoor theaters and similar commercial recreational activities.

(57) **PARKING SPACES:** Space within a building or parking area, exclusive of drive-ways, ramps, columns, booths, and office and maintenance facilities not less than one hundred eighty square feet (180 ft<sup>2</sup>) in area for the exclusive purpose of vehicular parking.

(58) **PARKS, PUBLIC:** Parks which are maintained by a public agency.

(59) **PARKS, SEMI-PUBLIC:** Parks which are provided and maintained by a church, club, lodge or other non-profit organization.

(60) **PET CARE CLINIC:** A place where small animals or household pets are given medical or surgical treatment and are cared for during the time of such treatment. For the purposes hereof, a small animal is any animal weighing less than two hundred pounds (200 lbs.). Such clinics shall be designed and constructed so that sound emitted through exterior walls or roofs enclosing areas where animals are treated or kenneled during treatment shall not exceed sixty-five decibels (65 dBs) and so designed and constructed that objectionable odors are not emitted from the clinic, and any place not so designed shall be considered a veterinary hospital.

(61) **PLANNED UNIT DEVELOPMENT:** Development of residential and limited commercial uses, or combinations of such uses, in which the requirements of the zone district in which the development is situated may be varied or waived to allow flexibility in site and building design and location, in accordance with an approved plan and imposed requirements.

(62) **PLOT:** A lot.

(63) **RECREATIONAL VEHICLE:** Any vehicle or unit mounted on wheels designed to provide temporary living quarters for recreational, camping, travel or emergency use and of a size or weight for which unrestricted use of the highways of the state can be made without a special highway use permit. The term shall not include a van or camper shell which does not have self-contained sleeping accommodations, eating or restroom facilities. The term recreational mobile homes shall include, without limitation, all travel trailers, self-propelled motor home units, self-contained campers and camping tent-trailers.

(64) **RESIDENCE:** A dwelling.

(65) **RESIDENCE COURT:** A group of one-story buildings, connected or detached, facing directly on a street or a common court which opens onto a street.



(66) REST HOME: A building for the care and lodging of elderly or incapacitated persons. A rest home is not a boarding, lodging, or rooming house.

(67) SATELLITE TELEVISION RECEIVING DISHES, GROUND MOUNTED: A parabolically shaped fixture mounted on the ground or on a pole and designed to receive television or radio signals transmitted via satellite communication facilities. For purposes of this Zoning Code, such fixtures are deemed accessory structures.

(68) SERVICE STATION: An automobile service station consisting of a building of less than sixteen hundred square feet (1,600 ft<sup>2</sup>) of floor area and which has no more than six (6) fuel dispensing pumps. The term shall exclude bulk wholesale fuel dispensing facilities.

(69) SERVICE STATION, SUPER: An automobile service station consisting of a building which has a floor area of sixteen hundred square feet (1,600 ft<sup>2</sup>) or more or which has seven (7) or more gasoline dispensing pumps. The term shall include bulk wholesale fuel dispensing facilities.

(70) SETBACK: The shortest distance between the property line and any portion of the foundation, wall or frame of a building.

(71) SHOPPING CENTER: An area or tract of land specially set apart and zoned to provide commercial services of various types, according to an integrated, approved plan.

(72) SINGLE-FAMILY ATTACHED DWELLING: A dwelling unit which is physically attached to or shares a common party wall with another dwelling unit and which has open space on at least two sides.

(73) STORY: That portion of a building included between the surface of a floor and the ceiling next above it.

(74) 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.

(75) STREET, ARTERIAL: A street shown and designated on the Comprehensive Plan of Idaho Falls as an Arterial Street.

(76) STREET, FRONT: A dedicated street to which primary vehicular or pedestrian access is generally obtained from lots or property.

(77) STREET, SIDE: A street intersecting a front street.

(78) STRUCTURAL ALTERATIONS: Any change in the supporting members of the building such as the bearing walls, columns, beams, girders or roof.

(79) TRACT: A lot.

(80) TRAILER COURT: A court opening on a public way equipped with sanitary facilities for the parking of two (2) or more occupied house trailers.

(81) TRAVEL TRAILER, DEPENDENT: A trailer house which does not have either a toilet or bathing facilities.

(82) TRAVEL TRAILER, INDEPENDENT: A trailer house which has a toilet and bathing facilities.

(83) TRAILER PARK: A trailer court which has been approved according to the requirements of the Residential Mobile Home section of this Zoning Code.

(84) TRAILER SPACE: A lot or parcel of land in a trailer park or trailer court for the accommodation of a trailer house.

(85) VETERINARY HOSPITAL: A place where animals of all species are given medical or surgical treatment and are cared for during the time of such treatment. A veterinary hospital may furnish all services furnished in a pet care clinic as well as those furnished for larger animals and may provide outdoor runs, boarding and kenneling and grooming facilities for any animals.

(86) WHOLESALE: Sale of goods for resale as distinguished from sale of goods to ultimate consumers.

(87) YARD: An open space on the same lot with a building unoccupied or unobstructed from the ground upward, except as otherwise provided in this Zoning Code.

(88) YARD, FRONT: A yard lying between the front lot line and the nearest foundation line of the main building and extending across the full width of the lot.

(89) YARD, REAR: A yard lying between the rear lot line and the nearest foundation line of the main building and extending across the full width of the lot. In the case of a corner lot where the building fronts on a side street, the rear yard may be established from the rear of the house to the side property line.

(90) YARD, REQUIRED: The open space around building as required by the Zoning Code.

(91) YARD, SIDE: An open space between the side of the main building and the side line of the lot and extending from the front yard to the rear yard.

#### **10-3-4: GENERAL PROVISIONS**

(A) Non-Conforming Buildings and Uses.

(1) Maintenance Permitted. It is the intent of this Zoning Code to prohibit the addition or enlargement of non-conforming uses. Nevertheless, a non-conforming building or structure may be maintained and may be continued to the same extent as that which legally existed at the time of the effective date of this Zoning Code.

(2) Repairs. Repairs may also be made to a non-conforming building or to a building housing a non-conforming use provided such repairs shall not have the effect of increasing the floor space devoted to the non-conforming use, capacity or volume of business.

(3) Expansion or Enlargements. Land. Land area of any non-conforming use shall not be increased. Buildings. The floor area in the building or structure occupied by a non-conforming use shall not be increased except to overcome unsafe or unsanitary conditions when required by an official safety or health officer.

(4) Restoration of Damaged Buildings. A non-conforming building or structure or a building or structure occupied by a non-conforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of God or public enemy, may be restored. The occupancy or use of such building, structure, or part thereof which was legally in existence at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one (1) year from the date of destruction and is diligently pursued to completion and provided that such restoration does not increase the floor space devoted to the non-conforming use over that which existed at the time the building became non-conforming.

(5) Discontinuance. A non-conforming building or structure or portion thereof or a lot occupied by a non-conforming use which is, or hereafter becomes abandoned, or is discontinued for a continuous period of one (1) year, shall not thereafter be occupied except by a use which conforms to the use regulations of the Zone in which it is located.

(6) Change to a Conforming Use. Any non-conforming use may be changed to a conforming use. Any non-conforming use which has been changed to a conforming use shall not thereafter be changed back to a non-conforming use.

(7) Change to Another Non-Conforming Use. A non-conforming use of a building or lot shall not be changed to another non-conforming use. Any change of use whatsoever must be to a conforming use.

(8) Reclassification of Territory. The provisions pertaining to non-conforming uses of land and buildings shall also apply to land and buildings which hereafter become non-conforming due to an amendment in the Zoning Code.

(9) Permits Granted Prior to Passage of Ordinance or Amendment Thereto (Vested Interest). Notwithstanding the issuance of a permit therefor, no building which becomes non-conforming upon the passage of this Zoning Code or which becomes non-conforming due to an amendment to this Zoning Code shall be built unless a significant amount of construction has taken place thereon before the effective date of this Zoning Code. A significant amount of construction shall be interpreted to mean enough construction to require an expenditure of at least five hundred dollars (\$500) to duplicate the materials and labor so expended.

(10) Non-Conforming Lots of Record. In any Zoning District in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of adoption of this Zoning Code, even though that lot fails to meet the requirements for area or width, or both, that are generally applicable in the Zoning District.

However, yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the Zoning District in which the lot is located. Variances from yard requirements shall be granted only through action of the Board of Adjustment.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of this Zoning Code, and if all or part of the lots do not meet the requirements for lot width and area, as established by this Zoning Code, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Code. No portion of said parcel shall be used which does not meet lot width and area requirements established by this Zoning Code. Nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Zoning Code.

(B) Amendments.

(1) Zoning Code and Zoning Map May be Amended. This Zoning Code, including the Zoning Map, may be amended, supplemented, changed, or modified from time to time, but all proposed amendments shall be submitted first to the Planning Commission for its recommendations which recommendations shall be submitted to the Council for its consideration.

(2) Petition to Zoning Administrator. Any person seeking an amendment of the Zoning Code or Zoning Map shall submit a written petition to the Zoning Administrator. Petitions for amendments shall include:

- (a) a description of the proposed change, including a legal description of the properties involved in proposed Zoning Map changes,
- (b) a statement of reasons for the proposed change, and

(c) a statement explaining how the proposed change is in accord with the City's Comprehensive Plan.

The Planning Commission may also recommend Zoning amendments to the Council on its own initiative.

(3) Fee. The filing fee for petitions for Zoning amendments shall be set by Resolution adopted by Council.

(4) Hearing. Upon receipt of a petition for a Zoning amendment and the required fee, the Zoning Administrator shall schedule a hearing on the proposed amendment before the Planning Commission. All hearings on proposed Zoning amendments shall be held within thirty (30) days of the receipt of the petition by the Zoning Administrator. Notice for the hearing shall be given as described in this section. The hearing shall be conducted using the procedure established in this section.

(5) Notice. Whenever notice is required to be given to two hundred (200) or more property owners or purchasers of record, whose residence or business address is in Bonneville County, notice may be given to such persons in the manner set forth below, in lieu of the posted or mailed notice, or both, to-wit:

(a) By publication of a notice in the official newspaper of the City within the time frame set forth above stating the time and place of the hearing, the nature of the action proposed or requested, and a general description of the location of the land under consideration. The notice shall be directed to the persons entitled by law to receive notice of the proposed action.

(b) By broadcasting at least five (5) times over at least two radio or TV stations located within the City a notice containing the information required in Subsection a above, with the first broadcast being made not less than fifteen (15) days prior to the date of the hearing; or

(c) By mailing a written notice in the manner set forth above to such property owners or purchasers of record, together with publication or broadcast over the electronic media of a notice in a manner set forth in Subsections a and b above; or

(d) By any combination of the above methods of giving notice which provides notice in a manner most likely to give adequate and sufficient notice to the persons entitled to receive such notice.

(6) Protest. In case of a protest against a change in the Zoning Code, or Zoning Map, signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or those within a three hundred foot (300') radius of the exterior boundaries of such lots in such change, such amendment shall not

become effective except by a favorable vote of at least one-half plus one ( $\frac{1}{2} + 1$ ) of the members of the full Council.

(7) Resubmittal. Any given petition to amend the Zoning Code, including, but not limited to, changes in the boundaries of Zones, shall not again be submitted to the Zoning Administrator within six (6) months following final action by the Council concerning the same subject matter.

(C) Hearing Procedures.

(1) Steps in the Hearing Process.

(a) The Chairperson shall announce the purpose and subject of the hearing.

(b) The Chairperson shall ask if any members of the Planning Commission wish to declare a conflict of interest in the matter to be considered and excuse members who do so from further participation in the hearing.

(c) The Chairperson shall ask the staff to present its report on the proposal being considered.

(d) Following the staff report, the Chairperson shall entertain questions regarding the location and nature of the proposal from members of the Planning Commission.

(e) Before asking for statements, the Chairperson shall remind all present that the purpose of the hearing is to assist the Planning Commission in determining whether the proposal is in compliance with the Comprehensive Plan and Zoning Code and testimony specifically addressing plan and ordinance compliance will be most helpful.

(f) After each statement has been given, the Chairperson shall call for questions from Planning Commission members to be directed to the person presenting the statement. Questions from Commission members shall be answered before the next statement is taken, unless the person presenting the statement declines to answer such questions.

(g) When all statements have been given, the Chairperson shall afford anyone who has previously given a statement an opportunity to speak in rebuttal to other statements or to clarify his or her own statement. Neither new statements nor the introduction of new information shall be permitted at this time.

(h) After all statements, rebuttals, and clarifications have been given, the Chairperson shall call for discussion among the Planning Commission members. That discussion shall lead to action on the matter being considered.

(2) Additional Procedures. These procedures are provided for use at large hearings or when Planning Commission agendas are lengthy but may be used at any hearing at the discretion of the Chairperson.

(a) The Chairperson may impose reasonable time limits on the statements given to assure completion of the meeting's agenda.

(b) The Zoning Administrator may require persons who wish to give a statement to register their intention to do so with the Zoning Administrator prior to the hearing. The Chairperson will then use the register to call upon persons to present their statements.

(3) Introduction of Evidence. Written statements, plans, drawings, photographs, and other materials offered in support of statements at a hearing are part of the hearing record and shall be retained by the City. Supporting materials shall be left with the Zoning Administrator after the statement is made.

(D) Basis for Zoning Additions to the City and Zoning Amendments. The purpose of this Section is to provide guidance to the Planning Commission in making recommendations on the initial Zoning of areas being annexed to the City and in evaluating petitions for amendments to the City's Zoning Map.

(1) Written findings shall be prepared in support of all initial Zoning and Zoning Map amendment decisions as required by Idaho Code Section 67-6535.

(2) The Zoning of all areas shall be in harmony with the City's adopted Comprehensive Plan, as required by Idaho Code Section 67-6511. Because the Comprehensive Plan provides only general guidance for Zoning decisions, the Planning Commission shall also take the following considerations into account:

(a) The potential for disruption of agricultural irrigation and drainage systems;

(b) The potential for damage to neighboring properties or public facilities (including streets, culverts, bridges, and existing storm drains) from accelerated storm water or snow melt run-off;

(c) The potential for traffic congestion as a result of development or changing land use in the area and need that may be created for wider streets, additional turning lanes and signals, and other transportation improvements;

(d) The potential for exceeding the capacity of existing public services, including, but not limited to:

schools,  
public safety services,  
emergency medical services,  
solid waste collection and disposal,  
water and sewer services,  
other public utilities, and  
parks and recreational services;

(e) The potential for nuisances or health and safety hazards that could have an adverse affect on adjoining properties; and

(f) Recent changes in land use on adjoining parcels or in the neighborhood of the proposed Zoning Map amendment.

**10-3-5: EFFECTS OF SUPPLEMENTARY REGULATIONS.** The regulations herein set forth in this Article qualify or supplement, as the case may be, the regulations within Zones appearing elsewhere in this Zoning Code.

(A) Yard Space for One (1) Building Only. No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with provisions of this Zoning Code shall be considered as providing a yard or open space for any other building, nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space whereon a building is to be created or established.

(B) Sale or Lease of Required Space. No space needed to meet the width, yard, area, coverage, parking or other requirements of this Zoning Code for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided.

(C) Sale of Lots Below Minimum Space Requirements. No parcel of land which has less than the minimum width and area requirements for the Zone in which it is located may be cut off from a larger part of land for the purpose (whether immediate or future) of building or development as a lot.

(D) Yards to be Unobstructed Exceptions. Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and for projection of sills, cornices, and belt courses, as follows:

(1) Belt courses, sills and lintels or other ornamental features may project not more than eighteen inches (18") into the front, rear, and side yards.



(2) Cornices, eaves, and gutters may project into any front yard, side yard, or rear yard not more than one-third (1/3) of the width of the minimum required side yard for the lot on which the building is to be erected.

(3) Un-walled and unroofed porches, terraces, balconies and steps may extend into any front, side or rear yard not more than one-third (1/3) of the width of the minimum required yard into which it projects, provided uncovered access ramps for mobility-impaired persons may cover more than one-third of the width of the front or rear yards when necessary to comply with building code standards.

(E) Area of Accessory Buildings. No accessory building or group of accessory buildings in any residential Zone shall cover more than thirty percent (30%) of the rear yard.

(F) Additional Height Allowed for Public Buildings. Public buildings, public utility buildings, public and parochial schools and churches may be erected to any height, provided the building is set back from required building setback lines at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the Zone in which the building is located.

(G) Clear View of Intersecting Streets and Ways. For the purpose of insuring reasonable visibility and safety in the residential districts and in the business districts which require buildings to be set back from the right-of-way line, the triangle of land formed on any corner lot 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, shall be free from structure or other obstructions, except as otherwise permitted in this Section.

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.

Trees in such triangles shall be trimmed from the ground level to at least eight feet (8') above the curb. Shrubs, fences and walls in such triangles shall not exceed three feet (3') in height.

(H) Effect of Street Plan. The establishment of planned street widths and building setback lines is necessary in order to insure that there will be adequate amounts of light and air; to provide adequate visibility when entering or leaving the streets; to provide a proper setting for buildings away from the noise and fumes of traffic; to promote safety; to reduce congestion; and to provide space for landscaping, both now and in the future, when all streets and highways have been widened to their ultimate width.

The Council, after holding a public hearing on a proposal to establish the width of any street or group of streets, may establish said street widths and such width determination shall be used in calculating the required yards and buildings' setback lines set forth in this Zoning Code.

Whenever a front or side yard is required for a building abutting on a street to be widened or constructed, as designated by the Council, the depth of such front or side yard shall be measured from the planned street line, and no structure or building or any portion thereof shall be erected within the building setback lines.

(I) Dwelling Site to Abut Upon a Public Street Exception. At least one (1) side of each lot used as a dwelling site shall abut upon a street which has been deeded, dedicated or abandoned to the public for street purposes, and the length of such abutting side shall be at least as great as the width required for dwelling sites in the Zone in which such building site is located. Except in Planned Unit Developments (PUD's), or except where approved by the Board of Adjustment, every dwelling site shall face or front upon a public street.

(J) Flood Channels and Water Courses. No building or structure, fence or other obstruction, may be constructed within any natural waterway which has been designated as a flood way by the Council, and no such waterway may be otherwise reduced in effectiveness in any manner by the dumping of garbage or other refuse or earth, or by leveling, or by obliteration. All applications for permits to construct buildings within seventy-five feet (75') of the banks of such designated natural flood channels shall be submitted to the Board of Adjustment. The Board of Adjustment may grant such a permit for a building or structure as a conditional use, subject to the following conditions:

(1) Adequate measures are taken to insure the uninterrupted flow of water during floods.

(2) Adequate measures are taken to protect the building or structure from damage due to floods.

(3) Flood damage hazard to surrounding land and improvements will not be increased as a result of the construction of a building or structure for which a permit is requested.

(4) All structures will be located in accordance with the plan of flood drainage adopted by the Council.

(K) Swimming Pools. Swimming pools not completely enclosed within a building having solid walls shall be set back at least five feet (5') from the property lines and shall be completely surrounded by a fence of at least five (5') feet in height. There shall be no openings larger than thirty-six square inches (36 in<sup>2</sup>), except for gates which shall be equipped with self-enclosing and self-latching devices.

(L) Concessions in Public Parks and Playgrounds. Concessions, including but not limited to amusement devices, recreational buildings, and refreshment stands, shall be permitted on a public park or playground when approved by the Council.

(M) Sewage Disposal. Where domestic sewage disposal facilities are to be used, which are not connected to a public sewer, approval of such facilities shall be obtained from the

City/County Sanitarian before a building permit shall be issued therefor. Provided, however, this provision shall in no way abrogate other ordinances or laws requiring connections to public sewers.

(N) Storage of Junk and Debris Not Permitted in Residential Zones. No yard or other open space surrounding an existing building in any Residential Zone, or which is hereafter provided around any building in any Residential Zone, shall be used for the storage of junk, debris or obsolete vehicles; and no land shall be used for such purposes, except as specifically permitted herein.

(O) Trailers, Mobile Home Manufactured Housing. No mobile home or travel trailer shall be occupied in Idaho Falls, except when located in an approved mobile home court, travel trailer court, RMH Zone, or when used as a caretaker's dwelling incidental to the use of a lot for commercial or industrial purposes, or when used as a temporary structure on the lot. The Council may grant a conditional use permit to permit a mobile home or manufactured home to be temporarily occupied and used for any use permitted by the Zone in which it is located until a permanent structure can be constructed on the premises. Such temporary occupation shall not be granted or extended for a period greater than one (1) year.

No unoccupied travel trailer shall be parked or allowed to remain in any required front yard or side yard that faces on a street in any Residential Zone. Unoccupied mobile homes and manufactured homes shall not be stored in Residential Zones.

(P) Storage of Commercial Vehicles in Residential Zones Prohibited. The storage of commercial automobiles and the storage of trucks and construction equipment such as bulldozers, graders, cement mixers, compressors, etc., shall not be permitted on any lot in any Residential Zone, provided that construction equipment may be stored on a lot during the construction of a building thereon, but not to exceed one (1) year.

(Q) Minimum Height of Main Buildings. Basement houses shall not be permitted in any district or Zone within the City Limits.

(R) Exceptions to Front and Side Setback Requirements.

(1) Where lots comprising forty percent (40%) or more of the frontage of any block on any street are structurally developed, no building shall thereafter be erected or structurally altered so that the front of the building projects beyond the average front yard setback so established.

EXCEPTIONS: No setback requirement shall be greater than the setback established for the subject zone, and it is further provided the front of no building which is to be located between two existing buildings, not exceeding one hundred and fifty feet (150') apart, will be required to set back further than the average setback line established by the two (2) existing buildings.

(2) In subdivisions platted exclusively in a grid pattern and zoned R-1, R-2, R-2A and R-3, where a block has a maximum of two (2) lots facing the side street, a setback of not less than fifteen feet (15') is permitted on the side street.

(3) In the RP, RP-A, R-1 and R-2 Zones, lots which have their principal frontage on a turning circle of a cul-de-sac may have a front setback of no less than twenty feet (20') from any public street.

(S) Advertising Signs in Residential Zones. Except as otherwise provided in this Zoning Code or the Sign Code of the City of Idaho Falls, no advertising signs of any kind shall be allowed in any residential zone (with exception of R-3A Zone), except signs pertaining to the sale or lease of residential property and except for a name plate and signs designating the name of an apartment building as permitted in the Sign Code. Signs pertaining to the sale or lease of residential property shall not exceed six square feet (6 ft<sup>2</sup>). Name plates or signs used in connection with a home occupation shall not exceed eighteen inches (18") by twenty-four inches (24") in size.

(T) Alley Included in Rear Yard. In computing the depth of a rear yard for any building, where such rear yards open into an alley, one-half (½) of such alley may be assumed to be a portion of the rear yard.

(U) Prohibition of Uses. Uses of land which are not expressly permitted within a Zone are expressly prohibited therein, except that the provisions of this Zoning Code shall not apply to properties or land owned by the United States Government. Nevertheless, the provisions of this Zoning Code are applicable not only to private persons, agencies and organizations to the full extent that they may be enforceable in connection with the activities of any such public agencies or organizations.

(V) Temporary Uses of Land and Structures. Upon written application showing proof of need, the Board of Adjustment may authorize the issuance of a building permit and/or temporary certificate of occupancy for the use of land and/or the erection and use of buildings for a temporary use, provided that any such building permit shall be valid for a period of not to exceed one (1) year, and such temporary certificate of occupancy shall be valid for a period of one (1) year, subject to renewal at the discretion of the Board of Adjustment for not more than two (2) successive periods.

Temporary uses shall include only non-commercial concrete batching plants, both incidental and necessary to construction within the immediate area; temporary buildings or yards for construction materials and/or equipment both incidental and necessary to construction within the immediate area, provided that no retail or wholesale outlet is maintained in connection therewith; temporary offices used in conjunction with the construction operations within the immediate area; or the sale of property within a project.

(W) Required Parking and Loading Area.

(1) Off-Street Parking Necessary. Off-Street parking and loading space shall be provided in connection with and on the same lot as the erection or change of use or

occupancy, or the intensification of use of any building in accordance with the provisions of this Zoning Code, except as follows:

(a) The Zoning Administrator may find that off-street parking provided on another lot or parcel fulfills the requirements of this Zoning Code if:

(i) The parking provided on that lot or parcel is within four hundred feet (400') of the main entrance to the use or occupancy for which it is provided, except for residences where it must be within one hundred feet (100'), and

(ii) The long term availability (minimum five [5] years) of the required parking on that lot or parcel is guaranteed, in writing, by its owner or lessee. This guarantee must be submitted with the application for a building permit.

(b) The Zoning Administrator may waive off-street parking requirements for any proposed use or occupancy in the CC-1 Zone that replaces a similar use or occupancy that relied upon on-street parking and off-site parking where he/she finds that the proposed use would not generate additional parking demands in the central commercial area.

(2) **Parking and Loading Facilities, Non-Conforming.** Any use of property which, on the effective date of this Zoning Code or of any subsequent amendment thereto, is non-conforming only as to the regulations relating to off-street parking and loading facilities may be continued in the same manner as if the parking and loading facilities were conforming. However, such parking and loading facilities as do exist shall not be further reduced unless substitute off-street parking and loading space is provided which complies with the provisions of this Zoning Code.

(3) **Premise Parking and Loading Facilities.** Nothing in this Zoning Code shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities in excess of those required by this Zoning Code, provided that all regulations herein governing the location, design and operation of such facilities are adhered to.

(4) **Parking Plan Approval.** At the time a building permit is requested for any building or structure, or at the time any new use of land or occupancy that would require off-street parking is established, a site plan showing the proposed layout and development of parking and loading areas shall be submitted. That plan shall show all parking spaces and loading areas, all access drives and aisles, and other parking and loading area improvements required by this Zoning Code. The Zoning Administrator shall disapprove site plans that are inconsistent with the requirements of this Zoning Code. Where required parking is not provided on-site the applicant shall submit a Zoning Map showing the location of the proposed parking.

(5) Required Parking for Residential Uses. - Two (2) parking spaces shall be provided for each dwelling unit except as provided in this section.

(a) The Zoning Administrator may approve a reduction in the number of spaces required to one (1) for each three (3) units in residential developments where the applicant provides written assurance that the occupants of all units will be persons over sixty-two (62) years of age and their spouses.

(b) One (1) parking space shall be provided for each three (3) sleeping rooms in rest or nursing homes.

(c) One (1) parking space shall be provided for each sleeping room or for each one hundred square feet (100 ft<sup>2</sup>) of floor area used for sleeping purposes, whichever is greater, in rooming houses, dormitories, and similar group quarters.

(d) In all Zones, the parking area required for a dwelling shall be enclosed in a garage or carport, or open parking and yard areas that are large enough to permit the future construction of a garage or carport that will comply with all provisions of this Zoning Code shall be provided.

(e) One (1) parking space shall be provided for each dwelling unit in the CC-1 Zone.

(6) Required Parking for Commercial Uses. The number of parking spaces to be provided by commercial uses is shown in Table 10-3-5(W)(6). The requirements given in that table do not include the need for parking for service or delivery vehicles housed at the site and one space shall be added for each such vehicle.

**TABLE 10-3-5(W)(6)  
PARKING SPACE REQUIREMENTS COMMERCIAL USES**

<b>Except as noted, spaces are per 1000 gross square feet USE</b>	<b>SPACES</b>	<b>USE</b>	<b>SPACES</b>
Building Materials, Hardware, and Farm Equipment (SLUC 52)	1	Business Services (SLUC 63 except 637)	3
General Merchandise (SLUC 53)	4	Travel Services (SLUC 4924)	3
Food (SLUC 54)	3	Physician, Dental, and Out Patient Clinics (SLUC 6511,2,7)	5
Automotive, Marine Craft, Aircraft, and Accessories Sales (SLUC 551 & 559)	1	Hospital Services (SLUC 6513)	2 per bed
Automotive, Marine Craft, Aircraft, and Accessories Sales and Service	3	Rest Homes, etc. (SLUC 6516)	see 4.23.E

(SLUC 552 & 553)			
Apparel and Accessories (SLUC 56)	3	All Other Medical Services	3
Furniture, Home Furnishings, and Equipment (SLUC 57)	1	All other Professional Services (SLUC 65, 651)	3
Eating & Drinking Places (SLUC 58)	15	Contract Construction Services NEC (SLUC 66)	2
Other Retail Trade, NEC (Not Elsewhere Contained) (SLUC 59)	3	Miscellaneous Services NEC	3
Shopping Center - mixed uses Under 20,000 sq ft	4	Office Parks - Mixed Uses	3
Shopping Center - mixed uses Over 20,000 sq ft	5	Commercial Places of Assembly, including Theaters (not limited to SLUC 72)	.3 per seat
Finance, Insurance, and Real Estate Services (SLUC 61)	3	Bowling Alleys, Arcades, Health Clubs, Similar Amusements (indoor uses SLUC 73 & 74)	5
Personal Services - Beauty & Barber (SLUC 623)	6	Amusement Enterprises (SLUC 73)	2
Personal Services - All Other (SLUC 62 Except 623)	3	Motels and Hotels (SLUC 15)	.8 per sleeping room

(7) Parking Requirements for Industrial Uses. All industrial and warehousing uses shall provide two (2) parking spaces for each employee on the largest shift. The parking space requirement for offices and on-site retail outlets sharing a lot with an industrial use shall be calculated separately.

(8) Required Parking, Other Uses.

(a) Noncommercial Places of Assembly. One (1) parking space shall be provided for each three (3) fixed seats in all areas that may be simultaneously used for assembly in non-commercial places of assembly. Where there is no fixed seating or a combination of assembly areas with and without fixed seating, one parking space shall be provided for each thirty-five square feet (35 ft<sup>2</sup>) of assembly space. Each of these uses shall also provide at least one safe and properly marked passenger loading area. Passenger loading areas may be at the curb on local streets, but shall be off-street if located on an arterial or collector street as designated in the Comprehensive Plan.

(b) Day Care Centers and Group Day Care Facilities. One (1) parking space shall be provided for each employee anticipated at full occupancy in pre-schools and day care centers. Each of these uses shall also provide at least one safe and properly marked passenger loading area. Passenger loading areas may be at the curb on local streets, but shall be off-

street if located on an arterial or collector street as designated in the Comprehensive Plan.

(c) Public Utility Facilities, including electrical sub-stations, telephone exchanges, maintenance and storage facilities: One (1) for each six hundred square feet (600 ft<sup>2</sup>) of office space or work area within a structure or one (1) space for each two (2) employees on the largest shift, whichever is greater. Also, one (1) for each vehicle used in connection with the use. No requirements for facilities which are normally unattended by employees, except for occasional maintenance.

(d) Elementary and Junior High Schools. Elementary and junior high schools shall provide one parking space for each classroom plus five additional parking spaces. Parking requirements for assembly spaces used by the public shall be separately calculated in accord with 10-3-5(W)(8)(a). Each of these uses shall also provide at least one safe and properly marked passenger loading area. Passenger loading areas may be at the curb on local streets, but shall be off-street where located on an arterial or collector street as designated in the comprehensive plan.

(e) High Schools. One parking space shall be provided for every five (5) students. Parking requirements for assembly spaces used by the public shall be separately calculated in accord with 10-3-5(W)(8)(a) above. Each of these uses shall provide at least one (1) safe and properly marked passenger loading area. Passenger loading areas may be at the curb on local streets, but shall be off-street if located on an arterial or collector street as designated in the Comprehensive Plan.

(f) Hotel Conference Rooms. 0.3 parking spaces shall be provided for every fifteen (15) square feet of conference room space in hotels which do not include fixed seating.

(9) Required Parking, Uses Not Mentioned. The required off-street parking for any building, structure or use of land not listed in this Zoning Code shall be determined by the Board of Adjustment. The Board of Adjustment shall be guided as much as possible by comparison with similar uses that are listed.

(10) Computation of Required Parking Spaces. For the purpose of computing off-street parking spaces that are required by this Zoning Code, the following rules shall apply:

(a) "Parking space" shall mean an area of one hundred eighty square feet (180 ft<sup>2</sup>) which is accessible and feasible for use as vehicular parking and shall exclude required driveways, aisles or other improvements, unless such a space qualifies as one of the exceptions provided in Section 10-3-5(W)(12). To be feasible accessible and feasible for use, such parking space shall not be provided in tandem.



(b) “Floor area” shall mean gross floor area, unless otherwise specified for a particular use.

(c) In stadiums, sports arenas, churches and other places of assembly in which benches or pews are used in place of seats, each eighteen inches (18”) of length of such benches or pews shall be counted as one (1) seat.

(d) When determination of the number of off-street parking spaces results in a requirement of a fractional space, any fraction of one-half (½) or more shall be counted as one (1) required parking space.

(11) Shared Parking.

(a) Two (2) or more buildings or uses may share the same parking area or areas. Where parking areas are shared, the total number of parking spaces provided shall not be less than the sum of the parking space requirements imposed by this Zoning Code e for all buildings or uses served, except where a reduction in parking space requirements is permitted below.

(b) The total number of parking spaces required may be reduced where uses with different peak parking demand periods share parking areas. Any such reductions must be authorized by a conditional use permit issued by the Planning Commission and Council as provided in 10-3-6(J) of this Zoning Code. Applications for reductions in parking shall be based on a shared parking study provided at the developer's expense. That study must clearly demonstrate that the proposed reduction is reasonable. The standards for determining the reasonableness of a shared parking proposal shall be as set forth in the most recently published edition on file at the Planning Department office of “Shared Parking” Urban Land Institute.

(12) Size of Parking Spaces. For the purposes of this Zoning Code, a parking space shall be designed to be a minimum of nine feet (9’) in width and twenty feet (20’) in length unless the parking space is immediately adjacent to landscaping at least eight feet (8’) in width, in which case the space may be reduced to nineteen feet (19’) in length. Employee parking, when so signed and designated, may be calculated on a basis of eight and one-half feet (8½’) in width and nineteen feet (19’) in length. No part of a required parking space shall be used for driveways, aisles or other required improvements.

(13) Access to Parking Areas. Access driveways shall be provided for safe ingress to and egress from all parking and loading areas. Each parking and loading space shall be easily accessible to the intended users.

(a) No access point from a parking area to any street shall be within twenty feet (20') of a street intersection or an alley, or within ten feet (10') of another access point. No access point shall be within forty feet (40') of an intersection with a collector street or sixty feet (60') of an intersection with an arterial street.

(b) The distance from an access point to an intersection shall be measured from the junction of the extended curb lines of the intersecting streets to the nearest side of the access drive.

(c) The design and construction of accesses to public streets shall be in accordance with the Standard Engineering Drawings and Specifications adopted by the City.

(d) Visibility at all points of access shall be in accordance with Section 10-3-5(G), Clear View of Intersection Streets and Ways, of the Zoning Code. No portion of the areas required for visibility by Section 10-3-5(G) shall be occupied by a parking space.

(14) Forward Travel on Streets.

(a) No parking area, except those serving single family dwellings, shall be designed or constructed to create a situation that requires vehicles to back onto a public street.

(b) Minimizing Access to Arterial Streets. Parking areas shall be located and designed to minimize access points to arterial streets by using non-arterial streets or alleys.

(15) Protecting Pedestrians.

(a) There shall be safe pedestrian access around or through all parking areas.

(b) Where a parking area driveway or aisle crosses a pedestrian way, the pedestrian crossing shall be clearly indicated with a change in pavement texture or painted stripes.

(c) Parking areas shall be designed to provide safe accessibility for the handicapped.

(16) Circulation within Parking Areas. The pattern of circulation within all parking areas shall be designed to provide safe and efficient access to individual parking spaces and to facilitate safe access to public streets.

(a) Minimum aisle widths shall be provided in accord with the kind of parking space they serve and the nature of the traffic flow on them.

(i) All aisles designed for two-way circulation shall be at least twenty-four feet (24') wide as shall all aisles serving ninety degree (90°) parking spaces.

(ii) Aisles designed for one-way circulation shall be thirteen feet (13') in width where they serve thirty degree (30°) angle parking, fifteen feet (15') in width where they serve forty-five degree (45°) angle parking, and eighteen feet (18') in width where they serve sixty degree (60°) angle parking.

(b) Where one-way circulation is provided, directional signs shall be installed at all access points to the parking area.

(c) No parking area shall be designed so that circulation from one (1) portion of the area to another relies on a public street.

(17) Location of Parking Facilities. The location of parking and loading facilities shall comply with the following:

(a) In residential Zones parking shall not be permitted in the required front yard or the required side yard that faces on a street. Parking may be permitted in other required side and rear yards in the residential Zones, providing all other requirements of this Zoning Code are met.

(b) In the business, commercial, and industrial Zones, the required yard areas may be used for parking (except when specifically prohibited in the Zone), provided that a protective curb shall be installed not less than two feet (2') from the property line to prevent the use of the sidewalk for automobile parking, bumper overhang and travel purposes.

(18) Development and Maintenance of Parking Areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots and vehicle sales areas, shall be developed and maintained with asphalt, concrete, or other hard and dustless surfaces approved by the Planning Director and City Engineer, including the access to the parking area, and in accordance with the provisions of this Zoning Code and the requirements of the Zone in which the parking area is located.

(19) Lighting. All sources of parking and loading area illumination shall be directed and shielded so as not to produce direct glare on adjacent properties.

(20) Limitation on Use of Required Parking Areas. Required parking areas shall be used exclusively for vehicle parking in conjunction with a permitted use and shall not be reduced or encroached upon in any manner, except that they may be used for special events. The parking facilities shall be so 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.

(21) Continuing Obligation. The required off-street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading facilities without providing other vehicle parking or loading area which meets the requirements of this Zoning Code.

(22) Required Off-Street Loading Space. One (1) off-street loading space shall be provided and maintained for every building or separate occupancy having a gross floor area of ten thousand square feet (10,000 ft<sup>2</sup>) or more, which requires the receipt or distribution of goods, material, merchandise or supplies by vehicle, except that the Board of Adjustment may permit off-street loading facilities for two (2) or more buildings in the CC-1 zone to be combined. One (1) additional loading space shall be provided for each additional twenty thousand square feet (20,000 ft<sup>2</sup>) of gross floor area of such building or for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater.

Each required off-street loading space shall not be less than ten feet (10') in width, twenty-five feet (25') in length, and fourteen feet (14') in height. Such required off-street loading space shall be provided on the same lot as the building or principal use, except that the Board of Adjustment may authorize the use of substitute loading facilities subject to the following conditions:

(a) The substitute off-street loading facilities are conveniently located on nearby property.

(b) Use of public streets or alleys will not be required in loading and unloading activities, and all such activities can be conducted off public rights-of-way.

(23) Passenger Loading Areas. The passenger loading areas required by this Zoning Code shall meet the following minimum standards. Pedestrian street crossings should not occur within passenger loading areas and all such areas shall be located in areas where there is adequate visibility for safe use of the area.

(a) Curbside Passenger Loading Areas (on local streets) shall be at least sixty feet (60') long, include a depressed curb section for handicapped access, and marked by signs facing both traffic lanes. Installation of the signs shall be supervised by the City of Idaho Falls and be in accord with the Uniform Manual of Traffic Control Devices.

(b) Off-Street Passenger Loading Areas (on collector or arterial streets) shall accommodate one way traffic only, shall be at least sixteen feet (16') wide and separated from the street by a curbed barrier at least four feet (4') in width (landscaping of this barrier is recommended but not

required), be at least sixty feet (60') long, include a minimum three foot (3') depressed curb section for handicapped access, and appropriately signed under the supervision of the City of Idaho Falls and in accord with the Uniform Manual of Traffic Control Devices.

(24) Landscaping of Parking and Loading Areas.

(a) Landscaping Where Parking Areas Adjoin Uses or Zones.

(i) An effective buffer shall be provided between parking areas for more than five (5) vehicles and existing residential uses or undeveloped land shown as residential in the Comprehensive Plan. The minimum effective buffer shall include a seven foot (7') to ten foot (10') foot wide planting strip with trees and ground cover plus a masonry wall or opaque fence at least six feet (6') in height or a dense evergreen hedge that will attain a height of at least six feet (6').

(ii) An effective buffer shall be provided between parking areas for more than five (5) vehicles and existing schools and nursing homes, hospitals, and other institutions for long term human care. The minimum effective buffer shall include a seven foot (7') to ten foot (10') wide planting strip with trees and ground cover plus a masonry wall or opaque fence at least six feet (6') feet in height or a dense evergreen hedge that will attain a height of at least six feet (6').

(iii) An effective buffer shall be provided between commercial and industrial loading areas and existing residential uses or undeveloped land shown as residential in the Comprehensive Plan. The minimum effective buffer shall include a seven foot (7') to ten foot (10') wide planting strip with trees and ground cover plus a masonry wall at least six feet (6') in height.

(iv) The requirements of a. through c. above may be superseded by the more extensive buffering requirements of the PT-1 and PT-2 or RSC-1 zones.

(b) Additional Landscaping Requirements for Parking Areas.

(i) All parking areas including more than twenty four (24) parking spaces, except those within the central business district, shall have interior landscaping that includes trees and appropriate ground cover. The minimum interior landscaping area shall be ten percent (10%) of the total area of parking spaces and aisles that do not immediately abut a peripheral buffer required by another provision of this Zoning Code or a voluntarily provided peripheral buffer that meets the minimum standard of X.1, above, for peripheral buffers.

The interior landscaping shall be designed to highlight pedestrian ways through the parking area and to break large parking areas into smaller “bays.”

(ii) To assure the continuity of the building wall in the central business district, i.e. the area bounded by and including Broadway on the south, Memorial Drive on the west, Yellowstone Highway on the east, and D Street on the north, surface parking areas of more than twenty-four (24) spaces in the district shall provide peripheral landscaping at least seven feet (7’) in width adjacent to the public street right-of-way. A wrought iron fence, brick fence, or low shrubs three feet in height shall be located in this peripheral landscaping. In addition, trees shall be spaced every twenty feet (20’) in the peripheral landscaping. A planter eighteen inches (18”) in height constructed of masonry or concrete may be substituted for fencing.

(X) Landscaping. Purpose: The purpose of the landscaping requirements in this Zoning Code shall be to bring relief from heat, noise and glare through proper placement of green plants and trees, and to enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings.

(1) Landscaping Defined. Landscaping shall mean some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination or design may include rock and such structural features as fountains, pools, art works, screens, walls, fences, or benches, but such objects alone shall not meet the requirements of this Zoning Code. The selected combination of objects for landscaping purposes shall be arranged in a harmonious manner.

(2) Scope of Requirements. Where landscaping is required, such landscaping shall comply with the requirements set forth in this Zoning Code for the specific use or location.

(3) Maintenance. Required landscaped areas shall be maintained in a neat, clean, orderly and healthful condition. This is meant to include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plants. Required landscaped areas shall be provided with a suitable permanent method for watering or sprinkling of plants. This watering system shall consist of piped water lines terminating in an appropriate number of sprinklers or hose bibs to insure a sufficient amount of water for plants within the landscaped area.

(4) Screening Requirements. Where landscaped screening is required, said screening shall consist of evergreen shrubs, closely spaced and maintained at substantially the specified height of said required screening. When not otherwise

specified, screening shall consist of mature shrubs and shall be maintained at a height of from four feet (4') to six feet (6').

(5) Plot Plan Required. Where landscaping is required in this Zoning Code, a plot plan showing the proposed landscaping development, water system and use of the property shall be submitted to the Zoning Administrator. The same plot plan used to show parking layout or other requirements for the issuance of a building permit may be used providing all proposed landscaping is adequately detailed on said plot plan. The Zoning Administrator may disapprove such plans if it is determined they are not consistent with the purposes of the Zoning Code.

(6) Non-Conforming Status. Any use of property, which on the effective date of this Zoning Code or any subsequent amendment thereto, is nonconforming only as to the regulations relating to landscaping may be continued in the same manner as if the landscaping was conforming. However, such use may not be increased in intensity except in accordance with the requirements of the Zoning Code, and any landscaping which may exist in the locations specified by this Zoning Code shall not be reduced unless suitable situations are made which would meet the requirements of this Zoning Code.

(Y) Moving of Buildings. No permit shall be issued for the moving of any residential, commercial, or industrial building, from one site within Idaho Falls to another site within Idaho Falls, or from a site outside of the City to a site within the City, without first filing an application with the Zoning Administrator.

(1) Application. The following information shall be filed with the Zoning Administrator at the time the application is made:

(a) Location and address of the old and new sites.

(b) Plot plan of the new location, also showing adjacent lots on all sides of the property and indicating all structures and improvements on said lots.

(c) Plans and specifications for the proposed improvements at the new location, including plans for landscape treatment when required by the Zoning Administrator.

(d) Certification by the Zoning Administrator that the structure is sound enough to be moved, and the location and use of the building will conform to the Building Code and Zoning Code of Idaho Falls.

(2) Board of Adjustment to Approve. The application shall then be submitted to the Board of Adjustment for approval.

(3) Board of Adjustment Findings. Before the Board of Adjustment may approve the application for the moving of a building, it must find the following:

(a) The building is in conformity with the type and quality of buildings existing in the area into which it is proposed to be moved.

(b) Said building and lot on which the building is to be located conform to the requirements of the Zoning Code and Building Code.

(c) The building's location on the lot does not in any substantial way adversely affect buildings or uses on abutting properties.

(d) All dedications and improvements, as required by the City for streets and facilities and buildings, shall be provided in conformity with the standards of the City.

(4) Standards Required for Occupancy. Prior to occupancy the building shall be brought up to standards of the building code for a new building and shall be painted, refurbished and maintained at that standard.

(5) Bond Required. Before a permit to move a building may be granted, the applicant shall post a bond or other assurance as determined by the Board of Adjustment to cover costs of improvements established in the granting of the permit.

(6) Old Site to be Restored. If the site to be vacated is within the City, the bond shall also cover the costs involved in cleaning up the vacated site and restoring it to a safe and sightly condition.

(Z) Special Provisions Applying to Miscellaneous Uses.

(1) Planned Unit Developments (PUD)

(a) General Objectives and Characteristics: Departures from requirements and allowed uses of the zoning district of this Zoning Code may be made based upon criteria established in this Section. The PUD is intended to provide a mechanism for land development through an overall site development, planning, and phasing process. The PUD allows for flexibility from traditional zoning standards as a result of the development providing an improved living environment, including usable common space, amenities or services, increased landscaping, additional architectural features or standards, and compatibility with adjacent neighborhood.

The objectives of permitting Planned Unit Developments include:

(i) Promoting flexibility and innovation of design while permitting diversification of development types in order to encourage the most suitable use of a site;

(ii) Achieving a compatible land use relationship with the surrounding area;



(iii) Promoting redevelopment and reuse of previously developed property;

(iv) Encouraging development of vacant properties within developed areas;

(v) Providing useable and suitably located common space, recreation facilities or other public/common facilities;

(vi) Facilitating functional and efficient systems of streets, pathways, utilities, and municipal services on and off site;

(vii) Promoting efficient use of land with a more flexible arrangement of buildings and land uses;

(viii) Providing for master planned development that includes interconnected design elements between structures or phases, increased amounts of landscaping or natural features, connections to the surrounding neighborhood or public lands and unique architectural features;

(ix) Ensuring appropriate phasing of development and amenities;  
and

(x) Providing for attractive streetscapes that are not dominated by parked vehicles or garage entrances.

In order to accomplish the objectives and purposes of this Ordinance and to promote the essential characteristics of a PUD, the following regulations shall apply in the PUD:

(b) Definitions:

(i) Redeveloping. A parcel of land that has been previously developed or subdivided and to which municipal water, sewer, power, police, fire and other services are already available, but that has never built upon, or where existing buildings are vacant or underutilized and where new building, infrastructure or other development activity is intended to take place.

(ii) Mixed Use Development. A development that combines both residential and limited commercial uses within the same physical

structure or in close proximity within the same development and where both uses exist individually and are not accessory to each other.

(iii) Common Space. Land which is held in common by all property owners in the PUD and is accessible to all occupants of the PUD. Common spaces shall not include areas within any road (excluding landscaped medians within private roads), driveway, parking area, sidewalk adjacent to a street right-of-way, required landscape strip or buffer, or a drainage facility that does not include additional physical amenities other than open space.

(iv) Amenity. An area of activity, either indoor or outdoor, designed to be accessible to and principally for the use of persons residing or working within a PUD development. An amenity may be located within the required common space, for example, a playground placed within a common yard.

(v) Homeowners' Association. An incorporated, nonprofit organization operating under recorded agreements through which:

- [1] Each owner in the PUD is automatically a member;
- [2] Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities; and
- [3] Common space and facilities are maintained.

(vi) Limited Commercial Use. All uses defined and included in groups 4731, 52 through 59, inclusive; group 6 and group 7 of the Standard Land Use Coding Manual, excluding the following classifications: 521 (Lumber and other building materials - retail), 5211 (Lumber yards - retail), 5212 (Building materials - retail), 5252 (Farm equipment - retail), 5511 (Motor vehicles [new and used cars] - retail), 5512 (Motor vehicles [used cars only] - retail), 5520 (Tires, batteries, and accessories - retail), 5591 (Marine craft and accessories - retail), 5592 (Aircraft and accessories - retail), 5599 (other retail trade - automotive, marine craft, aircraft, and accessories, NEC), 582 (Drinking places [alcoholic beverages], 5820 (Drinking places [alcoholic beverages], 598 (Fuel and ice - retail), 637 (Warehousing and storage services), 641 (Automobile repair and services), 662 (Special construction and trade services), 674 (Correctional

institutions), 675 (Military bases and reservations), 721 (Entertainment assembly), 722 (Sports assembly), 731 (Fairgrounds and amusement parks), 739 (Other amusements, NEC).

(c) Siting Requirements. The minimum site size for a PUD shall be two (2) acres. Smaller acreage may be considered for a PUD on land that the Council finds is redeveloping, or provides a public benefit or amenity.

(d) Regulations and Uses. A PUD shall function as an overlay zone, but may be permitted as a conditional use within any zone, except the R-P Zone. All regulations and the uses permitted within the PUD shall be the same as those of the underlying zone district, except as otherwise permitted in this Section. Within mixed use projects, approval of limited commercial uses not identified within the underlying zone district and as referenced in this Section, may be approved by the Council when they are consistent with the character of the neighborhood, mitigate impacts to the surrounding area and are sited and designed such that the activities present will not detrimentally affect residential uses. No use shall create a traffic or pedestrian safety hazard or generate traffic in excess of the capacity of the public streets serving the development or its own proposed access points to those streets. Limited commercial uses within a PUD in a residential zone shall not constitute more than twenty percent (20%) of its gross land area.

(e) Unified Control. The development site of a PUD shall be under unified ownership or control and shall be planned as a whole so that all landscaping, off-street parking and other common areas can be properly maintained.

(f) Flexible development standards. Development standards (such as lot size, height, setbacks, and required parking) shall be established for each individual PUD based upon the criteria provided in this Section.

(g) Establishing additional standards. In addition to general building and development standards, the Planning Commission may recommend and the Council may impose additional conditions consistent with, but not limited to, those set forth in Section 5-10-F of this Ordinance and may establish general design standards and guidelines for the purpose of implementing the provisions of this Section. All conditions for a PUD permit shall be set forth in writing and made part of the PUD permit.

(h) Density.

(i) The residential density of a PUD shall not exceed the density established by this Section. Allowable PUD density shall be computed on a gross area basis. The maximum number of units permissible in each individual zone shall be calculated separately. There shall be no transfer of allowable dwelling unit densities between zones.

(ii) Density within residential zones shall be as follows:

[1] RP-A Zone – Five (5) dwelling units per acre.

[2] RMH Zone – Eight (8) dwelling units per acre.

[3] R-1 Zone – Eight (8) dwelling units per acre.

[4] R-2 Zone – Seventeen (17) dwelling units per acre.

[5] R-2A Zone – Twenty-five (25) dwelling units per acre.

[6] Other Zones where dwellings are permitted – thirty five (35) dwelling units per acre.

(i) Lot Size. There shall be no minimum lot size within a PUD.

(j) Location of buildings and structures. Setbacks shall reflect the general standards of the area and character of the neighborhood in which the PUD is located. In residential PUDs, the established setbacks of residential properties adjacent to or across the street from the PUD, shall constitute the minimum setback for the perimeter area of the PUD which it is adjacent to. Internal setbacks between buildings or internal lot lines within residential PUDs may be established as part of the PUD process.

(k) Height requirements. Setbacks should increase as overall height increases. Taller structures should be located toward the interior of the site (or elsewhere if the potential for adverse impacts is lessened). The maximum structure height for a residential PUD shall be determined by the underlying zone district, except where a structure is set back from required setback lines by at least one foot (1') for each additional foot of building height.

(l) Arrangement and design. A PUD shall be compatible with the surrounding neighborhood bulk, scale, structural mass, and character demonstrated by similar building types, construction, separations, and heights.

Structures within a PUD should include a high quality of design and architecture as demonstrated by cohesive building styles, a range of building positions, custom architectural features, and varied building materials. Where feasible, buildings and uses of lowest height and intensity shall be arranged around the boundaries of the development. Buildings should be oriented towards common areas. Residential buildings should be separated and arranged to provide for private space, in addition to providing for common areas.

(m) Landscaping. All areas within the PUD not covered by buildings, parking spaces, sidewalks or driveways shall be landscaped and maintained. Landscaped areas shall provide lawn, trees, shrubs and other landscaping. Parking areas in excess of twenty four (24) parking spaces shall include landscaping of a minimum of ten percent (10%) of the parking area with trees and appropriate ground cover. Landscape rock alone shall not constitute appropriate ground cover. Interior parking lot landscaping shall be designed to incorporate pedestrian ways through the parking area and to break large parking areas into smaller “bays”.

(n) Streetscapes. All PUDs shall have frontage on a public or an approved private street. The development shall provide safe, inviting, and attractive streetscapes. Except for the area occupied by a permitted driveway, a landscape strip shall be provided and maintained along the side of the property bordering any public or private street that is closest to the portion of the lot containing a structure or other development. The landscape strip adjacent to perimeter public streets shall be no less than twenty feet (20’) in width and shall include trees (with no less than thirty feet (30’) centers separating them) and lawn or other ground cover. The landscape strip adjacent to internal public and private streets shall be no less than ten feet (10’) in width and shall include trees (with no less than forty feet (40’) centers separating them) and lawn or other ground cover. Trash enclosures and dumpsters shall not be located within setbacks or adjacent to any street. Parking lots containing twenty four (24) or more parking spaces adjacent to public or private streets shall include within the adjacent landscape strip a berm of no less than four feet (4’) in height. Alternate tree spacing can be requested as part of the PUD, but shall not reduce the minimum number of trees required.

(o) Buffering. All PUDs that include limited commercial uses shall provide a buffer from adjacent residential uses, not part of the development. The buffer shall be no less than ten feet (10’) in width and shall include trees (with no less than twenty feet (20’) centers separating them) and a six foot (6’) opaque

fence (opaque fence shall not include chain link fencing with or without slats) or a dense hedge of shrubbery which shall attain a height of at least six feet (6').

(p) Common Space. All PUDs shall provide common space and landscape areas. Not less than twenty five percent (25%) of the gross area of a PUD shall be designated and maintained as common space for the recreational and/or common use of the occupants of the development. Common space may include an open space parcel or parcels of land, an area of water, or a combination of land and water, recreational facilities, either public or private, ball courts, swimming pools, playgrounds, drainage facility developed with physical amenities, exercise rooms or similar facilities. Common spaces shall not include areas within any road, driveway, parking area, sidewalk adjacent to a public or private street, required landscape strip or buffer, and a drainage facility that does not include additional physical amenities, as identified in this Section, beyond open space.

(q) Amenities. PUDs shall provide amenities in addition to the common space required by this Section. The number and size of amenities should increase as overall acreage and scale of the development increases. Amenities should be placed in logical areas that allow convenient access to a majority of the occupants of the development. PUD projects two (2) acres or greater in size shall provide at least one (1) of the following additional amenities:

(i) Private or public recreational facility, such as a swimming pool, ball courts, playground, or picnic area, in scale with the development.

(ii) Private or public plaza, pedestrian mall, garden, arboretum, square or other similar open space.

(iii) Public access to or additions to the greenbelt, neighborhood park systems or other public open space or enhanced pedestrian connections to adjacent employment and shopping centers.

(iv) Trail system or pedestrian paths in addition to necessary circulation paths that would be required if the development was not a PUD.

(v) Water features, sculptures, or work of art.

(vi) Attractive entrance(s) to the development, incorporating landscaping, lighting, signage, architectural features and materials matching that of the building construction.

(vii) Private streets that include landscaped medians.

(viii) A drainage facility developed with additional physical amenities beyond open space.

(ix) Similar amenities which reflect the purposes of this Section as approved by the Council.

In reviewing PUDs in redeveloping areas, as defined by this Section, the Council may allow exceptions to the amenity standards of this Section.

(r) Pedestrian system. Walkways shall form a logical, safe, and convenient system for pedestrian access to all structures, project facilities and amenities, and principal off-site pedestrian destinations. PUDs shall provide connections to existing or proposed schools, parks, public lands, or pathways on adjacent properties.

(s) Review and Approval. Approval of a PUD shall consist of three (3) procedural steps: pre-application conference, Planning Commission hearing and recommendation to the Council, and hearing and final plan approval by the Council. With the concurrence of the Zoning Administrator, an applicant may combine the PUD hearings with the hearings required for associated subdivision applications or zoning district changes.

(t) Pre-application Conference. Prior to the filing of an application for a PUD permit, the applicant shall request and the Zoning Administrator shall schedule a pre-application conference with the Planning Department staff and other City staff, as deemed necessary. At the pre-application conference, the applicant shall submit a sketch plan of the proposed PUD and shall outline and generally discuss the nature of the development and proposed land use. A pre-application conference with the Planning Department staff is mandatory for all PUD proposals. This step represents an opportunity to identify any major problems that may exist and identify solutions to those problems before formal application.

(u) PUD Permit Application Procedure. All applications for a PUD permit shall be made on a form provided by the City and shall be accompanied by

a filing fee as set by Resolution of the Council. Applications shall be filed not later than one hundred twenty (120) days after the date of the pre-application conference. All applications for a permit shall include a development plan as defined in this Section, a proposed phasing plan for phased projects, and any other information required by the Zoning Administrator. The contents of the application shall be of sufficient clarity, quality and detail to allow the City to determine compliance with the performance standards of this article and the other standards imposed by the Zoning Ordinance.

(v) Development Plan Contents. All development plans shall consist of a complete site plan drawn in accordance with generally accepted engineering practices, and shall be drawn to one of the following standard scales: 1"=30', 1"=40', 1"=50', 1"=60', or 1" = 100', and shall include the following:

(i) Actual dimensions and the shape of the development and any subdivided lots.

(ii) Individual lot lines of each parcel which is to be created for separate ownership.

(iii) Topography of land and proposed grading plan.

(iv) Plans for handling storm water runoff.

(v) Location of easements for water lines, fire hydrants, sewer lines, storm sewer lines, and other utilities.

(vi) Size and location of existing or proposed buildings and structures.

(vii) Landscape plan, designed by a licensed landscape architect or other qualified person, showing the spacing and sizes of landscaping. Specific types of landscaping may be detailed after the site plan has been approved.

(viii) Traffic circulation plan, service areas, private streets and major points of access to public rights-of-way.

(ix) Proposed land-uses with location and size of existing and proposed buildings.



(x) Areas to be designated as common space, amenities provided, and public uses.

(xi) Density tabulations.

(xii) Preliminary drawings and elevations of proposed buildings.

(xiii) Off-street parking and loading areas.

(xiv) Lighting and signage proposals for commercial uses.

(xv) Sidewalks, crosswalks, and other pedestrian ways.

(xvi) Solid waste disposal and pick-up areas for commercial uses.

(xvii) Buffering and screening areas.

(xviii) Building heights.

(xix) Proposed development agreements, condominium agreements, deed restrictions, or other commitments needed to assure adherence to the proposed site plan, in applicable.

(xx) Development time schedule, including proposed phasing if applicable.

(xxi) List and describe the development standards that vary from the underlying zone district.

(w) Phasing. Phasing of development and associated public and private improvements is permitted, subject to an approved phasing schedule. Phased development shall be considered with the initial PUD approval process and the phasing schedule shall be approved as part of the development plan. Proposed common space or amenities shall be constructed with the first phase or as approved according to the phasing schedule, provided that a majority of the improvements occur within the first phase. Upon approval of the development plan and schedule for all phases of the PUD, each phase of the development may

occur in accordance with the review and approval procedures, as specified in this article.

(x) Planning and Zoning Commission Hearing. At the hearing, the Planning and Zoning Commission shall review the application for compliance with this Section. If the Commission finds that the proposed plan and uses do not comply with this Section, it shall make a finding in writing specifying the reasons why the application is not in compliance with such standards and shall deliver the same to the applicant and the Council within forty five (45) days. The Planning and Zoning Commission may, at any time, recess such hearing to a later date and no further public notice shall be necessary, provided the motion to recess and the date of the recessed hearing is duly noted in the minutes of Planning Commission.

(y) Recommendation to Council. Following the conclusion of the hearing, the Planning and Zoning Commission shall, upon request of the applicant, forward its recommendation in writing to the Council, which recommendation shall include proposed findings in accordance with its recommendation. Notwithstanding the foregoing, the applicant may, at any time prior to the consideration of the application by the Council, request that application be withdrawn and resubmitted at a later date to the Commission for purpose of making modifications recommended by the Planning and Zoning Commission. In the event the applicant requests reconsideration of the application within ninety (90) days after the date of the hearing before the Planning and Zoning Commission, no filing fee shall be required for such amended application.

(z) Hearing Before Council. Upon receipt of the recommendation of the Commission, the Zoning Administrator shall schedule a hearing before the Council. At the hearing, the Council shall approve or deny the application. If the Council denies the application, it shall prepare specific written findings indicating the basis of its denial and the performance standards not met by such application. If the Council approves the application, it shall adopt the findings of the Commission, together with any additional findings or modifications it deems necessary, and order the Zoning Administrator to issue a permit which incorporates the representations made in the application and any other conditions required by the Council in order ensure compliance with this article.

(aa) Expiration. Approval of the PUD shall expire if no effort is made to complete the PUD within eighteen (18) months from the date of Council's approval of the development plan, unless the Planning Commission grants a written extension thereof upon good cause shown. For phased PUDs, the

PUD or subsequent phases of the initial PUD shall expire automatically if the phases outlined in the development plan are not completed according to the approved phasing schedule identified in this section.

(bb) Continuing Obligation. After construction of the PUD has commenced, any failure on the part of the developer or assigns or the Homeowners Association or its members to maintain the development in accordance with the agreed management policies, covenants, conditions, restrictions or agreements shall be deemed a public nuisance endangering the health, safety, and general welfare of the public and a detriment to the surrounding area, and shall be punishable or abated in any manner provided by law. In addition to any other remedy provided by law for the abatement or removal of such public nuisance, the City may remove or abate the nuisance or correct the defect in maintenance and charge the cost thereof, including reasonable attorney's fees to the developer or assigns or the Homeowners Association.

(cc) Maintenance of Private Property. All maintenance of private property, including, but not limited to, private drives, utilities, drainage, streets, snow removal, common space and any other facilities not dedicated to and accepted by the City, shall be the responsibility of the owner, Homeowner's Association or other entity having the legal obligation to govern and manage the PUD, and its common property and facilities.

(dd) Amendments to an Approved Plan. PUD amendments shall follow the following procedures for minor and major changes. Amendments shall be in keeping with previous phases or approved PUD development plans and shall meet the same objectives as the original PUD. If the proposed amendment is intended to alter the previously approved plans objectives the applicant will justify how the amendment fits within the whole of the development.

(i) Minor changes. Minor changes to a PUD planned unit development may be approved administratively and in writing whereupon a permit may be issued. Such changes may be authorized without additional public notice at the discretion of the Zoning Administrator. Changes not specifically identified below shall constitute a major change. Minor changes shall be defined as follows:

[1] A change of less than five percent (5%) in the approved number of residential dwelling units, provided an increase will not exceed the permitted density of the zone district.

[2] A change of less than five percent (5%) in the amount of commercial square footage within the development.

[3] A change in location or layout of approved common areas and amenities provided there is no decrease.

[4] A change in building location or placement less than twenty percent (20%) of the building width.

(ii) Major changes. Major changes to a PUD planned unit development must follow the same review, public notice and hearing process required for approval of the initial PUD Planned Unit Development. Major changes shall include, but not be limited to the following:

[1] A change in the character of the development.

[2] A change of greater than five percent (5%) in the approved number of residential dwelling units.

[3] A change of greater than five percent (5%) in the amount of commercial square footage within the development.

[4] A reduction in the approved common space and/or amenities provided.

[5] A change in the location and placement of buildings greater than twenty percent (20%) of the building width.

[6] An increase in the number of lots above what was approved through the preliminary plan review.

[7] Any other change to the plan not defined herein as a minor change.

**Applicability of Other Regulations.** Unless otherwise approved under this PUD process, a PUD shall conform to all requirements set forth elsewhere in this Zoning Code, Subdivision Regulations, Standard

Specifications and Drawings, and all other applicable regulations and standards of the City of Idaho Falls.

(2) Public and Semi-Public Parks, Playgrounds, and Schools.

(a) Intent of this Provision.

(i) To foster the appropriate location and layout of public parks and playgrounds.

(ii) To harmonize the various features and facilities of parks and playgrounds with the surrounding area, so as to produce sound, stable residential neighborhoods.

(iii) To foster a coordination of public recreational facilities on the part of the City, the School Districts, and other public and semi-public agencies.

(b) Approval Necessary - Plans. Before a permit for the construction of a public or semi-public park, playground or school shall be issued by the Zoning Administrator, the overall plan of said park, playground or school shall be prepared and submitted to the Planning Commission. The Planning Commission may also act on its own initiative in preparing and approving plans for parks and playgrounds. An application for approval of a permit shall be accompanied by plans showing the general layout and location of roadways, entrances and exits, walks, paths and buildings and structures; the general layout and location of landscaped areas, play areas, play apparatus areas, hard-surfaced areas, off-street parking, drainage, water supply, sewerage and other features of design.

(c) Standards and Requirements.

(i) Trees, shrubs, grass and other forms of landscaping shall be provided in sufficient quantities to insure a park-like appearance.

(ii) Facilities involving lights shall be so located, and the lights shall be designed and located so that glare and discomfort will not be unreasonably detrimental to surrounding residences.

(iii) Off-street parking areas and other facilities which attract or are intended to accommodate spectators, shall be screened or located so that the detrimental effects of noise and traffic on any surrounding residential area will be kept to a minimum.

(iv) The entire layout and design of the park and playground shall be so arranged as to harmonize with the objectives and characteristics of the Zone in which the park and playground are located.

(v) Adequate ingress and egress shall be provided for both vehicles and pedestrians which the park, playground or school is intended to serve.

(3) Location of Gas Pumps. Gasoline pumps shall be set back not less than twenty feet (20') from any street line to which the pump island is at right angles, and fourteen feet (14') from any street line to which the pump island is parallel, and not less than twelve feet (12') from any residential zone boundary line. If the pump island is set on an angle on the property with respect to the street, it shall be so located that automobiles stopping for service will not extend over the property line. In no case shall gasoline pumps be set closer than fourteen feet (14') from any street line.

(a) Canopies, when supported by columns may be located within the setback, but not closer to a street than fourteen feet (14'). Projection within fourteen feet (14') from a street shall be deemed to be a marquee.

(4) Flammable Liquid Storage. No flammable liquid may be stored unless, and until, said storage is found to be in compliance with the fire prevention code, and approved by the Fire Department of the City of Idaho Falls. No flammable liquids shall be stored in above-ground tanks which exceed five hundred (500) gallons capacity, except in the I M-1 and I&M-2 Zones.

(5) Accessory Buildings. The location and use of accessory buildings shall be governed by the following regulations:

(a) Attachments to main buildings restricted.

(i) An accessory building which encroaches on any part of a required yard or open space shall not be attached to any main building.

(ii) An accessory building which conforms to all of the yard and open space requirements established for a main building may be attached to a main building, provided such attachment is by means of a foundation wall or roof conforming to all provisions of the building code.

(iii) Where an accessory building is attached to a main building, it shall be considered as part of the main building, and its use and location shall be governed by the requirements of this Zoning Code applicable to main buildings.

(6) Cemeteries, Crematories, Mausoleums and Columbariums. No cemetery, crematory, mausoleum or columbarium shall be established or enlarged until a valid conditional use permit has first been granted by the Planning Commission. The Planning Commission may require that the application for said conditional use permit include maps, names, and addresses, etc., for an area within a radius of two thousand feet (2,000') of the exterior boundaries of the cemetery, and such other information as it is deemed necessary. Said required information shall include proof of compliance with State Law dealing with development and maintenance of cemeteries.

The Planning Commission may also require an additional filing fee based on an estimate of the cost involved in processing said application.

In approving a conditional use permit for a cemetery, the Planning Commission shall give due consideration to, among other things, proper access to minimize traffic congestion and adequate screening from adjoining properties.

(7) Clubs, Lodges, Religious Institutions, and Similar Buildings. No club, lodge, religious institution or similar use shall be established in a residential zone until a valid conditional use permit has first been granted by the City Planning Commission. Premises used for the meeting place and related facilities of any club, lodge, fraternal order or similar organization shall comply with the following regulations:

(a) Where such uses are located in or adjoining a residential zone, all buildings, except accessory buildings, shall be located not less than twenty feet (20') feet from any side or rear lot line adjoining such residential zone.

(b) If such uses are located in a Zone which does not permit commercial uses, there shall be no external evidence of any commercial activity. Any retail sales on the premises shall be for members or guests only, and shall be carried on as an activity which is minor and incidental to the major function of the organization.

(c) In the opinion of the City Planning Commission, traffic safety, with respect to exits and entrances, shall be fully maintained.

(8) Home Occupations. The term "home occupation" applies only to such uses which may be conducted within a residential dwelling without in any way changing the appearance or condition of the residence. Before the Zoning Administrator shall issue a permit for a Home Occupation, the following conditions must be met:

(a) No employment of on-premise help other than the members of the residing family.

(b) No more floor space than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling shall be used in the home occupation.

(c) No outdoor storage of any materials or supplies, and no overnight on-site parking of any commercial or business vehicle of greater than eight thousand pounds (8,000 lbs.) gross vehicle weight.

(d) The use shall be conducted entirely within a building. It may be located in an accessory building, provided all other criteria are met.

(e) No signs or advertising shall be permitted on the exterior of the premises, except one non-illuminated wall sign not exceeding 18" x 24".

(f) The appearance of the building shall not be altered and the occupation shall not be conducted in any manner that causes the premises to deviate from its residential character, either by color, materials or construction, lighting, signs, sound or noise vibrations, traffic generation and parking requirements, etc.

(g) The use of utilities or community facilities shall not be beyond that reasonably used for residential purposes.

(h) No home occupation shall necessitate the creation of off-street parking or loading areas that are more extensive than those normally provided for a residence. Nor shall any home occupation create a consistently negative impact upon on-street parking in its neighborhood.

(i) The applicant shall sign a statement that he is aware of all requirements and conditions under which approval of the home occupation is given, and that if any of said requirements or conditions are violated, approval shall become null and void. Said statement shall become part of the Certificate of Occupancy.

(9) Mortuaries and Funeral Homes. A conditional use permit shall be required for the establishment or enlargement of a mortuary or funeral home. In establishing the requirements for such uses, the Planning Commission shall consider, among other criteria, the following:

(a) Whenever possible, such uses shall be located on a major street.

(b) Such uses should be so located as to not inhibit or deter proper development of nearby properties.

(c) The site should be of ample size to allow for the make-up of funeral processions, as well as to provide the required off-street parking and loading facilities and landscaping.



(d) The design of vehicular access to and from the site should conform to accepted traffic engineering practices so as to minimize traffic congestion on the adjoining streets.

(10) Public Utilities and Facilities. Power substations, sewer lift stations, water pumping plants, and similar public facilities shall be permitted in any zone in Idaho Falls; provided, however, that a Conditional Use Permit shall be issued therefor, after a public hearing is held thereon by the Council after such notice as the Council shall order. Reasonable development standards may be imposed which are necessary to carry out the objectives and characteristics of the Zone in which the facilities are located as follows:

(a) The activity to be carried on must not generate an amount of vehicular traffic that will be detrimental to values in surrounding areas.

(b) Lights which may be used must be directed away from surrounding residential areas.

(c) In the opinion of the Council, the development will be in harmony with the objectives of the Zoning Code and with the characteristics of the Zone in which the development is located.

(11) Boat Docks and Boat Landing Facilities. These facilities shall be permitted along the shores of the Snake River when approved by the Council upon a showing of public necessity. Plans and specifications shall be required for review to insure the safety of the public and the users of the facilities.

(12) Circuses and Carnivals. A circus or carnival may be permitted on a temporary basis in any zone, but only after a valid Conditional Use Permit has first been issued by the Council.

(13) Fences. No fence, wall, hedge, or other sight obscuring object or structure which is more than three feet (3') in height shall be constructed or allowed to exist above said height within fifteen (15') feet of the front lot line. For purposes of this Section, a chain-link fence without slats shall not be considered to be a sight obscuring object or structure. This Section shall not be construed to permit any structure, shrub, hedge, or sight obscuring object to exist in violation of Section 10-3-5(G) of this Zoning Code. (Ord. 3038, 11-12-15)

(14) Indoor Shooting Ranges. No indoor shooting range shall be established in the HC-1 Zone until a valid conditional use permit has been issued by the Planning Commission. The application for such a conditional use permit shall contain a site plan in accordance with Section 7-9-2 of this Ordinance. The Planning Commission, in approving such a conditional use permit, shall consider the following criteria:

(a) The plans for the indoor shooting range shall meet the design criteria outlined in *Indoor Shooting Range Design Criteria*, August, 2013.

(b) The site of the proposed indoor shooting range shall be at least six hundred (600') feet from the nearest dwelling, unless such dwelling is a custodial or caretaker dwelling.

(c) The site for the proposed indoor shooting range shall be at least six hundred (600') feet from any school or church.

(d) The site of the proposed indoor shooting range shall not exceed sixty-five decibels (65 dBAs) at the property line of the range.

(e) The proposed location of the range shall be on arterial or collector street, as designated in the comprehensive plan.

To assure compatibility with neighboring uses, the Planning Commission may impose conditions in accordance with the Conditional Use Permits section of this Zoning Code.

(AA) Side Yard Requirements in Old Plats.

Notwithstanding any other provision in this Zoning Code, the side yard for dwellings on interior lot lines in subdivisions recorded before October 9, 1955, may be reduced to not less than five feet (5') from the foundation of the dwelling to the interior side lines of the lot, except in the RP Zone.

(BB) Hospitals

Hospitals may be permitted in any zone, but only after a valid Conditional Use Permit has first been issued by the Council.

(CC) Manufactured Homes.

For the purposes of this Zoning Code, a new manufactured home, when placed permanently on a foundation approved by the Building Official, is considered a one-family dwelling and is a permitted use in residential Zones.

A used or relocated manufactured home may be placed permanently on a foundation and considered a one-family dwelling in all residential Zones if approved by the Board of Adjustment in accordance with Section 10-3-5(Y), Moving a Building. (Ord. 3048, 12-10-15)

**10-3-6: ENFORCEMENT AND ADMINISTRATION**

(A) Office of Zoning Administrator Established.

There is hereby established in Idaho Falls, Idaho, the office of Zoning Administrator, which shall be under the jurisdiction of the Council of Idaho Falls, Idaho. The Zoning Administrator shall be the officer charged with the administration and enforcement of this Zoning Code, unless otherwise specified, but the Council may from time to time entrust the administration and enforcement, in whole or in part, to any other officer of the City.

(B) Application and Plans Required.

Any person, firm or corporation desiring to construct a building in Idaho Falls, Idaho, shall first apply for a permit therefor to the Building Official. All applications for building permits shall be accompanied by a plot plan showing the size and location of the existing buildings and parking, landscaping, vehicular access, buildings to be erected and such other items as may be required by

the Zoning Administrator. The plot plan shall also show the zone in which a lot or parcel of land is located.

(C) Building Permits Required.

It shall be unlawful to erect, construct, move or structurally alter any building or structure, or any part thereof, until after a written permit to do so, has been issued by the Building Official.

(D) Powers and Duties of the Enforcing Officers.

It shall be the duty of the Zoning Administrator and/or Building Official or other designated official to inspect or cause to be inspected all buildings in the course of construction or repair. The designated official shall enforce all provisions of this Zoning Code and refer all violations to the City Attorney, entering actions in the courts when necessary, but his/her failure to do so shall not legalize any violation of such provisions, nor shall the failure of the City Attorney to enter actions in the courts legalize any violation of such provisions.

(E) Permits to Comply With Ordinance.

From the time of the effective date of this Zoning Code, the Zoning Administrator shall not grant a permit for the construction of any building or structure, or for the moving of the building or structure onto a lot, or for the change in any use of land, building structure if such construction, alteration, moving or change in use would be in violation of any of the provisions of this Zoning Code, nor shall any other officer of the City grant any permit or license for the use of any building or land if such would be in violation of this Zoning Code.

(F) Certificates of Occupancy.

It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, erected, altered, changed, or converted wholly or partly in its use or structure until a Certificate of Occupancy to the effect that the building or premises or the part thereof so created, erected, altered, changed or converted and the proposed use thereof conforms to the provisions of this Zoning Code shall have been issued by the Building Official.

It shall be the duty of the Building Official to issue a Certificate of Occupancy within ten (10) days after a request for same shall have been filed the Building Official's office by any owner of a building or premises affected by this Zoning Code, provided said building or premises or the part thereof so created, erected, altered, changed or converted and the proposed use thereof conform with all the requirements herein set forth.

(G) Construction and Use to be Stated in Application, Plans, Permits, and Certificate of Occupancy.

Building permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Building Official authorizes only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangements, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Zoning Code, and punishable as provided herein.

(H) Board of Adjustment

(1) Powers and Duties. The Board of Adjustment shall have the following duties and powers:

(a) Alleged Error. 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 Zoning Code and shall have appellate jurisdiction over all decisions and rulings of the Zoning Administrator. The Board shall decide questions involving interpretation and determination of Zone boundary lines.

(b) Variances.

(i) A variance is a permit issued by the Board of Adjustment pursuant to Idaho Code Section 67-6516.

(ii) The Board of Adjustment may approve variances from the area, width, location, height, and lot coverage requirements of Sections 10-3-8 and 10-3-9 of this Zoning Code and from the supplementary regulations in Section 10-3-5 of this Zoning Code which regulate the manner in which conforming uses are developed.

(iii) The Board of Adjustment shall not approve variances of the land uses permitted in Sections 10-3-8 and 10-3-9 of this Zoning Code.

(iv) To approve a variance, the Board of Adjustment must find, in writing, the application for a variance fulfills the following conditions:

[1] Undue hardship results from physical limitations on development unique to the property upon which the variance is requested and such hardship is not generally applicable to other properties in the same Zone;

[2] Such hardship is not economic in nature not has it been created by the owner of the property or occupant, and

[3] Granting the variance will not be in conflict with the public interest or create a nuisance or potential harm to the neighborhood in which the lot is located.

(c) Conditional Use Permits. The Board of Adjustment may grant the following conditional use permits:

(i) Authorize a dwelling to face upon a private driveway subject to the following conditions:

[1] The same dwelling will be at least twenty feet (20') from the nearest building on the same or adjoining lot.

[2] The dwelling is readily accessible by emergency vehicles.

[3] The dwelling will have side, front, and rear yards as great as those in the RP-A zone.

[4] The dwelling is located in harmony with the objectives and characteristics of the zone in which the property is located.

(ii) Permit buildings to be constructed within seventy-five feet (75') from the banks of a natural flood channel subject to the conditions set forth in Section 10-3-5((J) of this Zoning Code.

(iii) Permit temporary use of certain lands and structures subject to the conditions set forth in Section 10-3-5.V.

(iv) Reduce off-street parking requirements in CC-1, Central Commercial Zone, subject to the following conditions:

[1] Adequate parking spaces exist in the surrounding area for the applicant's and neighboring businesses during peak hours;

[2] Situations or conditions unique to the property exist which mitigate the need for strict application of the ordinance; or

[3] The applicant's land use will share parking areas with uses with different peak parking demands. The application shall clearly demonstrate the proposed shared parking and resulting reduction of spaces is reasonable. The standards for determining the reasonableness of the shared parking proposal shall be based on methods set forth in the publication *Shared Parking*, Urban Land Institute, 1983.

(v) Determine off-street parking spaces required for uses not mentioned in this Zoning Code subject to the conditions set forth in Section 10-3-5(W)(9).

(vi) Permit off-street loading facilities in the CC-1 Zone to be located on nearby or adjacent lots subject to the conditions set forth in Section 10-3-5(W)(22).

(vii) Authorize the Zoning Administrator to issue a permit for the moving of building subject to the conditions as set forth in Section 10-3-5(Y) of this Zoning Code.

(viii) Grant other conditional use permits specifically delegated to the Board of Adjustment by terms of this Zoning Code as amended. In approving and denying a conditional use permit, evidence must be presented to the Board that the objectives and characteristics of the Zone in which the development is located shall be complied with.

(2) Reasonable Conditions. The Board of Adjustment may attach reasonable conditions or requirements to the granting of a variance or conditional use permit as specified in Section 10-3-6(J)(6).

(3) Reverse or Affirm Zoning Administrator. In performing the duties as set forth herein, the Board of Adjustment is empowered to reverse, or affirm wholly or partly, or modify the order, requirement, decision, or determination of the enforcing officer and may make such order or requirement as ought to be made. However, the Board of Adjustment shall not have the power to amend this Zoning Code nor to permit nor prohibit any actions which would have the effect of amending this Zoning Code.

(4) Authority Limited. The powers and duties of the Board of Adjustment are limited to administrative matters as herein set forth and shall be strictly construed. It shall not be the function of the Board to grant a request which would have the effect of amending the Zoning Code, of correcting what it may consider to be an unwise requirement in the Zoning Code, or to substitute its judgment in the place of that of the Council as to what is good or poor in Zoning. Nevertheless, the Board of Adjustment shall have administrative duties as set forth in this Zoning Code and, within the meaning of the provisions of this Zoning Code, shall perform its duties and shall have the power to perform those acts as herein set forth. Such administrative actions shall not be interpreted as unauthorized amendments to this Zoning Code.

(a) Application.

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 on forms furnished by the Zoning Administrator together with a non-refundable processing fee set by resolution of the Council. Such appeal shall be filed within twenty-eight (28) days from the grant or refusal of a permit by the Zoning Administrator. No fee shall be required from the City or other public agency.

(b) Processing Application.

Upon the filing of the application, the Zoning Administrator or designated City official shall forthwith transmit to the Board of Adjustment the applications, records, and other pertinent data pertaining to the application. A public hearing before the Board shall be scheduled within forty-five (45) days of receipt of the

application by the Zoning Administrator. The hearing shall be held in accordance with the Hearing Procedures provided for in this Zoning Code.

(c) Notice of Hearing

For conditional use permit applications heard by the Board, the notices shall be in accordance with Idaho's Local Land Use Planning Act's notice provisions for special use permits. For variances and other appeals, notice shall be provided to property owners adjoining the parcel under consideration.

(d) Vote

The concurring vote of five (5) members of the Board shall be necessary to decide upon any matter upon which it is required to pass. The decision of the Board shall be based upon written findings of fact and conclusions of law. Such findings shall be supported by evidence in the record of the public hearing.

(e) Recourse from Decision.

The Board shall send written notice of its decision to the appellant and to all protestants whose names appear on the record of the Board within five (5) days from the date of the decision. The written notice shall provide that any appeals to the Council must be filed within fifteen (15) days from the date of such notice.

(i) Board of Adjustment. The Board of Adjustment shall be final unless a written appeal is made to the Council within fifteen (15) days of approval of the written decision. A written request for appeal shall be filed with the Zoning Administrator together with a fee set by resolution of Council. Such request shall set forth specifically where the Board erred in its decision. Upon receipt of an appeal, the Zoning Administrator shall forward to the Council the record of the Board and the written findings of fact, conclusions of law, and decision adopted by the Board of Adjustment. The concurring vote of a majority of the members of the Council shall be required to reverse any requirement, decision, or condition of the Board of Adjustment.

(ii) City Council. Any person aggrieved by a decision of the Council may seek recourse as provided in Idaho Code Section 67-6521, as amended.

(5) Expiration of a Variance or Conditional Use Permit Issued by Board.

Each variance or conditional use permit issued shall expire if a building permit is not issued or if no work is undertaken or if the use is not established within one (1) year from the date of Board approval and diligently prosecuted to its completion thereafter.

(I) Duties of the Planning Commission. It shall be the duty of the Planning Commission to make recommendations to the Council pertaining to amendments to the Zoning Code and Zoning Map and to grant conditional use permits as permitted by this Zoning Code or

to make recommendations concerning conditional use permits to the Council. The concurring vote of a majority of a quorum of the Planning Commission shall be necessary to decide upon any recommendation for an amendment to the Zoning Code or Zoning Map or to grant or deny a conditional use permit or to make a recommendation thereon.

(J) Conditional Use Permits.

(1) Purpose. The purpose of this Section is to allow integration of various uses into the community which may be prohibited by the Zoning Code in a particular zone but which may be permitted at a specific location subject to conditions specified by the Zoning Code, which conditions will ensure the use will not substantially disrupt the character and harmony of the surrounding area and will ensure the proposed use does not materially contravene the objectives of the particular Zone or conflict with the general characteristics of the particular area designated in the Comprehensive Plan.

(2) Authority of Planning Commission. The Planning Commission, without approval of the Council, may grant the following conditional use permits:

(a) Permits for public and semi-public parks, playgrounds and schools, subject to the conditions and standards as set forth in the Special Provisions Applying to Miscellaneous Uses section of this Zoning Code.

(b) Permits for churches, clubs, lodges and similar buildings, subject to the conditions set forth in Special Provisions Applying to Miscellaneous Uses section of this Zoning Code.

(c) Permits for a mortuary or funeral home, subject to the conditions set forth in the Special Provisions Applying to Miscellaneous Uses section of this Zoning Code.

(d) Permits for a cemetery, crematory, mausoleum or columbarium, subject to conditions set forth in the Special Provisions Applying to Miscellaneous Uses section in this Zoning Code.

(e) Permits for a motel or hotel in the Medical Services Zone, subject to conditions set forth in Planned Transition Zone and Residential Shopping Center Zone Sections of this Zoning Code.

(f) Permits for a building greater in height than twenty-four (24) feet above original grade in the Medical Services Zone, subject to conditions set forth Planned Transition Zone and Residential Shopping Center Zone Sections of this Zoning Code.

(g) Permits for indoor shooting ranges, subjects to the conditions as set forth in the Special Provisions Applying to Miscellaneous Uses section of this Zoning Code.



(K) Other Conditional Use Permits. All other conditional use permits may be granted only as expressly permitted by other sections of this Zoning Code and after recommendation of the Planning Commission and approval by the Council.

(1) Application and Fee. Application for a conditional use permit shall be made by the property owner to the Zoning Administrator. The application shall be accompanied by a filing fee set by Resolution of the Council. Application fees shall not be refundable. An application for a conditional use permit shall be accompanied by maps, site plans, and explanatory material as required by the terms of this Zoning Code and may be required by the Zoning Administrator to adequately present the matter to the Planning Commission or Council. Upon receipt of the application for a conditional use permit, the Zoning Administrator shall transmit all papers, records, and other pertinent data pertaining to the application to the Planning Commission. The Planning Commission shall review the application and render its decision or recommendation thereon within a reasonable time after the application has been filed and deemed to be complete by the Zoning Administrator.

(2) Procedure for Approval or Denial. Upon submission of the application, the Planning Commission shall hold a public hearing thereon. If the application does not require the approval of the Council, the Planning Commission shall approve or deny the application and shall issue written Findings of Fact, Conclusions of Law, and Decision in accordance with Idaho Local Land Use Planning Act. In the event the application is denied, the Planning Commission may make recommendations to the applicant or set forth conditions under which it would approve the application and applicant may resubmit his application any time thereunder. If the application requires approval by the Council, the Planning Commission shall, upon written request of the applicant, forward its recommendations to Council and the Council shall, within a reasonable time thereafter, hold at least one public hearing to consider the application. Public notice of all hearings shall be given as required by notice provisions of the Idaho Local Land Use Planning Act and all hearings shall be conducted in accordance with Idaho Local Land Use Planning Act, and a transcribable record kept thereof. All Findings of Fact, Conclusions of Law, and Decisions shall be delivered to the applicant and any person who requests a copy of the same. In the event the permit is granted, all conditions attached thereto shall likewise be set forth in writing.

(L) Additional Conditions. In addition to the conditions specified by the Zoning Code for conditional uses in each particular Zone, the Planning Commission or Council may impose additional conditions not inconsistent with the purposes set forth in this section, including, but not limited to those:

- (1) Minimizing adverse impact on other developments or adjacent properties.
- (2) Controlling the sequence and timing of development.
- (3) Controlling the duration of development.

- (4) Assuring the development is maintained properly.
- (5) Designating the exact location and nature of development.
- (6) Requiring landscaping of on-site or off-site public facilities or services.
- (7) Restricting the hours of operation of any business or other commercial activity conducted on the premises.

(8) Such other conditions as may be necessary to preserve the character and harmony of the zone and avoid conflict with the general characteristics of the area designated in the Comprehensive Plan.

Prior to granting a conditional use permit, the Planning Commission or Council may require studies of the social, economic, fiscal or environmental effects of the proposed conditional use, and may require the submission of a development plan in accordance with Development Plan requirements of the Residential Shopping Center Zone Subsection of this Zoning Code.

(M) Transferability. A conditional use permit is not transferable from one parcel of land to another and may not be transferred from one party to another without approval of the Council. Abandonment of or non-use of a conditional use permit for a period of twelve (12) consecutive months shall terminate said conditional use permit, and any privileges granted thereunder shall be null and void.

(N) Recourse from The Determination of the Planning Commission. Any decision under Conditional Use Permits Subsection of this Zoning Code by the Planning Commission shall be final, unless a written appeal is made to the Council within fifteen (15) days from the date of the written decision. The written notice of appeal shall be filed with the City Clerk, and shall set forth specific objections to the determination made by the Planning Commission. Upon receipt of an appeal, the Council shall refer one copy of the appeal to the Planning Commission, and thereupon, the Planning Commission shall forward a copy of its Findings of Fact, Conclusions of Law, and Decision to the Council. The concurring vote of a majority of all of the members of the Council shall be required to reverse any order, requirement, decision or determination of the Planning Commission.

(O) Failure to Comply with Conditions. Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a conditional use permit shall be cause for termination of the approval thereof and shall be deemed to be a violation of this Zoning Code.

### **10-3-7 Establishment of Zones**

(A) City Divided into Zones. \

In order to more fully accomplish the objectives and purposes of this Zoning Code, the City of Idaho Falls is divided into Zones, which shall be known by symbols and names as follows:

<b>RP</b>	<b>RESIDENCE PARK ZONE</b>
<b>RP-A</b>	<b>RESIDENCE PARK ZONE</b>
<b>R-1</b>	<b>RESIDENCE ZONE</b>
<b>R-2</b>	<b>RESIDENCE ZONE</b>
<b>R-2A</b>	<b>RESIDENCE ZONE</b>
<b>R-3</b>	<b>RESIDENCE ZONE</b>
<b>R-3A</b>	<b>RESIDENCE ZONE</b>
<b>P-B</b>	<b>PROFESSIONAL BUSINESS OFFICE</b>
<b>RSC-1</b>	<b>RESIDENTIAL SHOPPING CENTER</b>
<b>C-1</b>	<b>LIMITED BUSINESS ZONE</b>
<b>HC-1</b>	<b>HIGHWAY COMMERCIAL</b>
<b>CC-1</b>	<b>CENTRAL COMMERCIAL</b>
<b>GC-1</b>	<b>GENERAL COMMERCIAL</b>
<b>M-1</b>	<b>MANUFACTURING ZONE</b>
<b>I&amp;M-1</b>	<b>INDUSTRIAL &amp; MANUFACTURING</b>
<b>I&amp;M-2</b>	<b>INDUSTRIAL &amp; MANUFACTURING</b>
<b>O-1</b>	<b>OVERLAY ZONE</b>
<b>MS</b>	<b>MEDICAL SERVICES ZONE</b>
<b>R&amp;D-1</b>	<b>RESEARCH AND DEVELOPMENT</b>
<b>RMH</b>	<b>RESIDENTIAL MOBILE HOME</b>
<b>PT-1</b>	<b>PLANNED TRANSITION</b>
<b>PT-2</b>	<b>PLANNED TRANSITION</b>
<b>LNC-1</b>	<b>LIMITED NEIGHBORHOOD COMMERCIAL</b>
<b>T-1</b>	<b>TOWER ZONE</b>
<b>T-2</b>	<b>TOWER ZONE</b>

(B) Map - Part of Zoning Code.

The location and boundaries of each of the Zones are shown on the Official Zone Map of Idaho Falls, Idaho, and said Zoning Map with all notations, references and other information shown thereon is hereby declared to be an official record and a part of this Zoning Code.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City under the following words:

*"I hereby certify that this is the Official Zoning Map of Idaho Falls, Idaho, which was adopted by the City Council of said City on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_."*

The Official Zoning Map shall be located in the office of the Zoning Administrator and shall accurately designate the current boundary lines of the several Zones within Idaho Falls, Idaho.

Whenever amendments are made in Zone boundaries or other matter portrayed on the Official Zoning Map, said Official Zoning Map shall be promptly changed by the Zoning Administrator.

No amendment to the Official Zoning Map shall become effective, however, until the Zoning Map has been duly changed in accordance with the amending ordinance, and the amending ordinance has been signed by the Mayor and attested to by the City Clerk.

In the event of a conflict between the Zoning Code and Zoning Map, the Zoning Code shall govern.

(1) Determination of Zone Boundaries. Where uncertainty exists with respect to the boundaries of various Zones, the following rules shall apply:

(a) Where the intended boundaries on the Zoning Map are approximately street or alley lines, said street or alleys shall be construed to be the Zone boundaries.

(b) Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the Zone boundaries, unless otherwise indicated.

(c) Where land has not been subdivided into lots, the Zone boundary shall be determined by the use of a scale of measurement shown on the Zoning Map.

(d) Where other uncertainty exists, the Board of Adjustment shall interpret the Zoning Map, subject to review by the Council.

(C) Application of Zone Regulations.

The regulations set by this Zoning Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

(1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

(2) No building or other structure shall hereafter be erected or altered:

(a) To exceed the height.

(b) To accommodate or house a greater number of families.

(c) To occupy a greater percentage of lot area.

(d) To have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required; or in any other manner be contrary to the provisions of this Zoning Code, except that encroachment into yards shall be permitted on lots occupied by buildings which were in existence prior to the effective date of this Zoning Code, but not to an extent greater than the existing encroachment.

### **10-3-8 RP - RESIDENCE PARK ZONE**

(A) General Objectives and Characteristics of Zone.

The objective in establishing the RP Residence Park Zone is to encourage the creation and maintenance of residential areas within the City which are characterized by large lots, at least ten thousand square feet (10,000 ft<sup>2</sup>), on which single-family dwellings are situated, surrounded by well-kept lawns, trees and other plantings. A minimum of vehicular and

pedestrian traffic and quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this Zone.

In order to accomplish the objectives and purposes of this Zoning Code, and to promote the essential characteristic of this Zone, the following regulations shall apply in the R-P Residence Zone.

(B) Use Requirements.

The following uses shall be permitted in the RP Zone:

(1) One (1) family dwelling and the following accessory buildings and structures:

(a) Private garage and/or carport for the storage of automobiles owned by persons residing on the premises.

(b) Greenhouses for private use only.

(c) Private swimming pools.

(d) Pergolas and arbors.

(2) Gardening, for private use only.

(3) Fences, walls, and hedges.

(4) Customary household pets, including, but not limited to, cats, dogs, and canaries, but not including the breeding of dogs and cats for sale.

(5) Homes for mentally and/or physically handicapped, as provided in the Idaho Local Land Use Planning Act.

(C) Area Requirements.

An area of not less than ten thousand square feet (10,000 ft<sup>2</sup>) shall be provided and maintained for each one-family dwelling and uses accessory thereto.

(D) Width Requirements.

The minimum width of any building site for a dwelling shall be one hundred feet (100').

(E) Location of Buildings and Structures.

(1) Setback. All buildings shall be set back a minimum distance of thirty feet (30') from any public street, except as herein provided and required under the provisions of this Zoning Code. (See also, Supplementary Regulations to Zones).

(2) Side Yard. There shall be a side yard on each side of a building of not less than twenty feet (20').

(3) Rear Yard. There shall be a rear yard of not less than twenty-five feet (25') for both interior and corner lots.

(F) Height of Buildings.

No building shall be erected to a height of greater than two (2) stories. Roofs above the square of the building, chimneys, flag poles, television antennas and similar structures not used for human occupancy, are excluded in determining height.

(G) Size of Building.

No requirement.

(H) Lot Coverage.

The total area of structures on a lot shall not exceed forty percent (40%) of lot area.

(I) See Supplementary Regulations.

### **10-3-9 RP-A RESIDENCE PARK**

(A) General Objectives and Characteristics.

The objective in establishing the RP-A Residence Park Zone is to provide a residential environment within the City which is characterized by smaller lots and somewhat denser residential environment than is characteristic of the RP Zone. Nevertheless, this Zone is characterized by spacious yards and other residential amenities adequate to maintain desirable single-family residential conditions. The principal uses permitted in this Zone shall be one-family dwellings and certain other public facilities needed to promote and maintain stable residential neighborhoods.

In order to accomplish the objectives and purposes of this Zoning Code, and to promote the essential characteristics of this Zone, the following regulations shall apply in the RP-A Residence Park Zone.

(B) Use Requirements.

The following uses shall be permitted in the RP-A Zone:

(1) Any use permitted in the RP Residence Park Zone.

(2) Public utility buildings and structures when approved as required by this Zoning Code.

(3) Planned Unit Developments, when approved by the Planning Commission as required by this Zoning Code.

(4) Religious Institutions, when approved by the Planning Commission as a conditional use, but not including temporary revival tents or buildings, and not including night lighting for outdoor recreational purposes, except when permitted under the terms of the Special Provisions applying to Public and Semi-Public Parks, Playgrounds, and Schools.

(5) Public and parochial schools, and public and semi-public parks and playgrounds, and similar public and semi-public uses when approved by the Planning Commission as a conditional use, as set by this Zoning Code.

(6) Temporary uses of land and buildings when approved by the Board of Adjustment.

(C) Area Requirements.

An area of not less than eight thousand square feet (8,000 ft<sup>2</sup>) shall be provided and maintained for each one-family dwelling and uses accessory thereto. No minimum area shall be required for other main buildings, except as required for conditional uses permitted in the Zone.

(D) Width Requirements.

The minimum width of any building site for a dwelling shall be eighty feet (80'), measured at the setback line.

(E) Location of Buildings and Structures.

(1) Setback. All buildings shall be set back a minimum distance of thirty feet (30') from any public street, except as herein provided and required under the provisions of this Zoning Code. (See also, Supplementary Regulations to Zones).

(2) Side Yards. For main buildings there shall be a side yard of not less than eight inches (8") for each foot of building height, except that no side yard shall be less than ten feet (10'). Side yard requirements for accessory buildings shall be the same as for main buildings, except that the side yard may be reduced to five feet (5') for accessory buildings which are located more than twelve feet (12') feet in the rear of the main building.

(3) Rear Yards. For main buildings there shall be a rear yard of not less than twenty-five feet (25') on all lots. For accessory buildings the rear yard may be reduced to five feet (5') when the building is located more than twelve feet (12') feet from the rear of the main building.

(F) Height of Building.

No building shall be erected to a height of greater than two (2) stories, provided, however, no accessory building may be erected to a height of greater than one (1) story. Roofs above the square of the building, chimneys, flagpoles, television antennas, church towers, and similar structures not used for human occupancy, are excluded in determining height.

(G) Size of Building.

No requirements.

(H) Lot Coverage.

The total area of structures on a lot shall not exceed forty percent (40%).

- (I) See Supplementary Regulations.

### **10-3-10 R-1 RESIDENCE ZONE**

- (A) General Objectives and Characteristics.

The objective in establishing the R-1 Zone is to provide a residential environment within the City which is characterized by somewhat smaller lot widths, and a somewhat denser residential environment than is characteristic of the RP-A Residence Park Zone. Also characteristic of this Zone are residential amenities adequate to maintain desirable residential neighborhoods. The principle permitted uses in the R-1 Residence Zone shall be one (1) family dwelling and certain other public facilities which are necessary to promote and maintain stable residential neighborhoods.

In order to accomplish the objectives and purposes of this Zoning Code and to promote the essential characteristics of this Zone, the following regulations shall apply in the R-1 Zone:

- (B) Use Requirements.

The following uses shall be permitted in the R-1 Zone:

- (1) Any use permitted in the RP Residence Park Zone, and in the RP-A Residence Park Zone.
- (2) Home occupations.
- (3) Cemeteries, when approved by the Planning Commission as a conditional use.
- (4) Day Care Centers when approved by the Planning Commission and City Council as a conditional use.
- (5) Single-family attached dwellings when found to be in accordance with the Special Provisions Regarding Single-Family Attached Dwellings subsection and approved by the Planning Commission and Council as a conditional use.

- (C) Area Requirements.

An area of not less than six thousand square feet (6,000 ft<sup>2</sup>) shall be provided and maintained for each dwelling. No minimum area shall be required for other main buildings, except as may be required for conditional uses permitted in the Zone.

- (D) Width Requirements.

The minimum of any building site for a dwelling shall be fifty feet (50') measured at the building setback line.

- (E) Location of Buildings and Structures.



(1) Setback. All buildings shall be set back a minimum distance of thirty feet (30') from any public street, except as herein provided and required under the provisions of this Zoning Code.

(2) Side Yards. For main buildings there shall be a side yard of not less than eight inches (8") for each foot of building height, except that no side yard shall be less than seven feet (7') six inches (6"). Side yard requirements for accessory buildings shall be the same as for main buildings, except that no side yard shall be required for accessory buildings which are located more than twelve feet (12') in the rear of the main building.

Single-family attached dwellings shall have no side yard setback requirement at the property line separating the attached or party wall or walls; however, all accessory buildings shall comply with the setback requirements set forth above.

(3) Rear Yards. For main buildings there shall be a rear yard of not less than twenty-five feet (25') on both interior and corner lots. For accessory buildings, no rear yard shall be required, except where an alley is located at the rear of a lot, in which case a three foot (3') rear yard is required.

(F) Height Requirements.

No building shall be erected to a height of greater than two (2) stories. Roofs above the square of the building, chimneys, flagpoles, television antennas, church towers, and similar structures not used for human occupancy, are excluded in determining height.

(G) Size of Building.

No requirement.

(H) Lot Coverage.

The total area of structures on a lot shall not exceed forty percent (40%) percent of lot area.

(I) See Supplementary Regulations.

(J) Special Provisions Regarding Single-Family Attached Dwellings:

(1) All lots upon which a single-family home attached dwelling is located shall have frontage upon and vehicular access to a dedicated street.

(2) No single-family attached dwelling shall be located above another dwelling unit, either in whole or part.

(3) Each single-family attached dwelling shall have at least one direct pedestrian access from the interior of the dwelling to the exterior boundaries of the lot and no pedestrian access may be held in common with another single-family dwelling unit.

(4) No more than three (3) single-family dwellings may be attached together.

(5) Except as noted below, a single-family attached dwelling shall have no facilities or property in common with another single-family attached dwelling and all dwellings shall be structurally and functionally independent from each other. All single-family attached dwellings shall have separate electrical service, water service lines and sanitary sewer service lines. Common facilities or property are allowed for the following:

(a) Common party walls constructed in accordance with the Uniform Building Code.

(b) Foundations supporting attached or party walls.

(c) Flashing at the termination of the roof covering any attached walls.

(d) Roofs.

(e) Vehicular access to a dedicated street from off-street parking facilities or garages.

(6) No building permit shall be issued for the construction of a single-family attached dwelling unless a common facilities or party wall agreement for Declaration of Condominium has been filed with the Bonneville County Recorder's Office for each such dwelling which shares common facilities with another unit. Such agreement shall include a legal description of the lots sharing common facilities and shall allocate responsibility as between the owners of such lots for the use, maintenance, and ownership of all common facilities.

(7) All single-family attached dwellings shall meet the dwelling unit separation requirements of the officially adopted and applicable building codes of Idaho Falls.

(8) Any lots upon which a single-family attached dwelling is located need not comply with R-1 Residence Zone's Area Requirements and Width Requirements, provided such lot complies with R-1 Residence Zone Location of Buildings provisions and the side yard requirements of the R-1 Residence Zone's Special Provisions Regarding Single-Family Attached Dwellings.

(9) The net density of single-family attached projects shall not exceed seven (7) units per acre. The area within public rights-of-way shall not be included in the calculations for net density.

(10) When applications for single-family attached dwellings are submitted for conditional use review, a plat, site plan showing the location of proposed buildings,

driveways, sidewalks, and other improvements, and preliminary elevations of the proposed buildings shall be submitted.

(11) The side yard adjacent to detached single-family homes shall be fifteen feet (15').

### **10-3-11 R-2 RESIDENCE ZONE**

(A) General Objectives and Characteristics.

The objective in establishing the R-2 Residence Zone is to encourage the creation and maintenance of residential areas within the City which are characterized by smaller dwellings, somewhat more compact and denser residential development, and somewhat higher volumes of vehicular and pedestrian traffic than are characteristic of the RP, RP-A and R-1 Zones.

The principal uses permitted in the R-2 Residence Zone shall be one-family dwellings, duplexes, triplexes, four-plexes, and certain other public facilities which are necessary to promote and maintain stable residential areas.

In order to accomplish the objectives and purposes of this Zoning Code and to promote the essential characteristics of this Zone, the following regulations shall apply in the R-2 Residence Zone:

(B) Use Requirements.

The following uses shall be permitted in the R-2 Zone:

- (1) Any use permitted in the RP, RP-A and R-1 Residence Zones.
- (2) Two (2), Three (3) and Four (4) Family Dwellings.
- (3) Day-Care Centers.
- (4) Single-Family Attached Dwellings

(C) Area Requirements.

An area of not less than six thousand square feet (6,000 ft.<sup>2</sup>) shall be provided and maintained for each one-family dwelling, plus one thousand additional square feet (1,000 ft.<sup>2</sup>) of lot area for each additional dwelling unit. For child day-care centers, a lot area of at least eight thousand (8,000 ft.<sup>2</sup>) shall be required. No minimum area shall be required for other main buildings except as may be required for conditional uses permitted in the Zone.

(D) Width Requirements.

The minimum width of any building site for a dwelling shall be sixty feet (60') for each one-family dwelling and eighty feet (80') feet for each two-family, three-family, and four-family dwelling and child day-care center, measured at the building setback line.

(E) Location of Buildings and Structures.

(1) Setback all buildings shall be set back a minimum distance of thirty feet (30') from any public street, except as herein provided and required under the provisions of this Zoning Code.

EXCEPTION: On a side street where a maximum of two (2) lots face the street, a setback of not less than fifteen feet (15') is permitted on the side street. (See also, Supplementary Regulations to Zones)

(2) Side Yards. For main buildings there shall be a side yard of not less than eight inches (8") for each foot of building height, except that no side yard shall be less than seven feet (7'), six inches (6"). Side yard requirements for accessory buildings shall be the same as for main buildings, except that no side yard shall be required for accessory buildings which are located more than twelve feet (12') in the rear of the main building. EXCEPTION: Single-family attached dwellings shall have no side yard setback requirement at the property line separating the attached or party wall or walls; however, all accessory buildings shall comply with the setback requirements set forth above.

(3) Rear Yards. For main buildings there shall be a rear yard of not less than twenty-five feet (25') on both interior and corner lots. For accessory buildings no rear yard shall be required, except where an alley is located at the rear of a lot, in which case a three foot (3') rear yard is required.

(F) Height Requirements.

No building shall be erected to a height greater than two (2) stories. Roofs above the square of the building, chimneys, flagpoles, television antennas, church towers, and other similar structures not used for human occupancy, are excluded in determining height.

(G) Size of Buildings.

No requirement.

(H) Lot Coverage and Landscaping.

(1) Maximum Lot Coverage. Lot coverage, including all area under roofs and paved or concrete surfaces, shall not exceed eighty percent (80%) of the total lot and parking area. The maximum lot coverage of single-family attached dwelling units shall be sixty-five percent (65%) for interior lots and fifty percent (50%) for corner lots. The remaining lot area shall be landscaped in accordance with Landscaping subsection of this Zoning Code.

(2) Lot Coverage Exemption. The landscaped area on a lot will be considered to include such hard-surface outdoor recreation facilities as tennis courts, basketball courts, shuffleboard courts, and swimming pools, provided that:

(a) The hard-surface outdoor recreation facilities make up no more than forty percent (40%) percent of the required landscaped area, and

(b) Those facilities are available for the use of all residents of the development.

(3) Required Buffers. Wherever a development in the R-2 Zone adjoins land zoned RP, RP-A, R-1 or RMH, or unincorporated land designated for single family residential use in the City's Comprehensive Plan, a minimum ten foot (10') foot wide landscaped buffer shall be provided. This buffer may be included in the twenty percent (20%) percent minimum landscaped area required in A. above.

(4) Required Perimeter Landscaping. The required front setback and side yard which faces on a public street shall not be used for parking but shall be landscaped except for permitted driveways. Required landscaping shall include lawn or other ground cover and trees spaced at no less than forty (40) foot centers.

(I) See Supplementary Regulations to Zones.

(J) Special Provisions Regarding Single-Family Attached Dwellings:

(1) All lots upon which a single-family home attached dwelling is located shall have frontage upon and vehicular access to a dedicated street.

(2) No single-family attached dwelling shall be located above another dwelling unit either in whole or in part.

(3) Each single-family attached dwelling shall have at least one direct pedestrian access from the interior of the dwelling to the exterior boundaries of the lot and no pedestrian access may be held in common with another single-family dwelling unit.

(4) No more than four (4) single-family attached dwellings may be attached together.

(5) Except as noted below, a single-family attached dwelling shall have no facilities or property in common with another single-family attached dwelling and all dwellings shall be structurally and functionally independent from each other. All single-family attached dwellings shall have separate electrical service, water service lines and sanitary sewer service lines. Common facilities or property are allowed for the following:

(a) Common party walls constructed in accordance with the Uniform Building Code.

(b) Foundations supporting attached or party walls.

(c) Flashing at the termination of the roof covering over any attached walls.

(d) Roofs.

(e) Vehicular access to a dedicated street for off-street facilities or detached garages.

(6) No building permit shall be issued for the construction of a single-family attached dwelling unless a common facilities or party wall agreement or Declaration of Condominium has been filed with the Bonneville County Recorder's office for each such dwelling unit which shares common facilities with another unit. Such agreement shall include a legal description of the lots sharing common facilities and shall allocate responsibility as between the owners of such lots for the use, maintenance and ownership of all common facilities.

(7) All single-family attached dwellings shall meet the dwelling unit separation requirements of the officially adopted and applicable building code of Idaho Falls.

(8) Any lots upon which a single-family attached dwelling is located need not comply with R-2 Residence Zone's Area Requirements and Width Requirements, provided such lot complies with the provisions of R-2 Residence Zone's Location of Buildings and Structures.

(9) When preliminary and final plats for single-family attached dwellings are submitted for review, a site plan showing the location of proposed buildings, driveways, sidewalks, and other improvements shall be submitted with the plat.

### **10-3-12 – R-2A RESIDENCE ZONE**

(A) General Objectives and Characteristics.

The objective in establishing the R-2A Residence Zone is to designate appropriate areas within the City where the residential density is limited to eight (8) families on any given lot. In general, this Zone is situated in the central part of the City where the need for rental units is greatest, and along major streets on the borders of neighborhoods.

In order to accomplish the objectives and purposes of this Zoning Code, and to promote the essential characteristics of this Zone, the following regulations shall apply in the R-2A Zone:

(B) Use Requirements.

The following uses shall be permitted in the R-2A Zone:

- (1) Any use permitted in the RP, RP-A, R-1 and R-2 Zones.
- (2) Rest homes for not more than ten (10) guests.
- (3) Foster family care homes.

(4) Single-family attached dwellings.

(5) Residence courts containing not more than eight (8) dwelling units. Apartment buildings containing not more than eight (8) dwelling units.

(6) Wall signs showing only the name and address of the building, not to exceed ten percent (10%) of total area of building front and directional signs not to exceed two square feet (2 ft<sup>2</sup>) in area and maximum height four feet (4') feet above grade to top of sign.

(C) Area Requirements.

An area of not less than five thousand square feet (5,000 ft<sup>2</sup>) shall be provided and maintained for each one-family dwelling; six thousand square feet (6,000 ft<sup>2</sup>) for a two-family dwelling; and seven hundred and fifty additional square feet (750 ft<sup>2</sup>) for each unit above two (2) dwelling units. For rest homes, an area of at least six thousand square feet (6,000 ft<sup>2</sup>) shall be provided, plus two square feet (2 ft<sup>2</sup>) of lot area for each square foot of floor space in the building in excess of one thousand square feet (1,000 ft<sup>2</sup>).

(D) Width Requirements.

The minimum of any building site for dwellings shall be fifty feet (50') measured at the building setback line, and sixty feet (60') for units with two (2) or more dwellings. The minimum width for any building site for a rest home or other main building shall be sixty feet (60') feet, plus five feet (5') feet of additional width for each one hundred square feet (100 ft<sup>2</sup>) of floor area devoted to bedrooms for the accommodation of guests or roomers.

(E) Location of Buildings.

(1) Setback. All buildings shall be set back a minimum distance of twenty feet (20') from any public street, except as herein provided and required under the provisions of this Zoning Code.

EXCEPTION: On a side street where a maximum of two (2) lots face the street, a setback of not less than fifteen feet (15') is permitted on the side street. (See also, Supplementary Regulations to Zones.)

(2) Side Yards. For main buildings there shall be a side yard of not less than eight inches (8") for each foot of building height, except that no side yard shall be less than seven feet (7'), six inches (6"). Side yard requirements for accessory buildings shall be the same as for main buildings, except that no side yard shall be required for accessory buildings which are located more than twelve feet (12') in the rear of the main building.

EXCEPTION: Single-family attached dwellings shall have no side yard setback requirement at the property line separating the attached or party wall or walls; however, all accessory buildings shall comply with the setback requirements set forth above.

(3) Rear Yards. For main buildings there shall be a rear yard of not less than twenty-five feet (25') feet on both interior and corner lots. For accessory buildings no

rear yard shall be required, except where an alley is located at the rear of a lot, in which case a three foot (3') rear yard is required.

(F) Height Requirements.

No building shall be erected to a height greater than twenty-five feet (25'). Roofs above the square of the building, chimneys, flagpoles, television antennas, church towers, and similar structures not used for human occupancy, are excluded in determining height.

(G) Size of Building.

No requirement.

(H) Lot Coverage and Landscaping.

(1) Maximum Lot Coverage. Lot coverage, including all area under roofs and paved surfaces, including driveways, walks, and parking areas, shall not exceed eighty percent (80%) of the total lot and parking area. The maximum lot coverage of single-family attached dwelling units shall be sixty-five percent (65%) for interior lots and fifty percent (50%) for corner lots. The remaining lot area shall be landscaped in accordance with Landscaping subsection of this Zoning Code.

(2) Lot Coverage Exemption. The landscaped area on a lot will be considered to include such hard-surface outdoor recreation facilities as tennis courts, basketball courts, shuffleboard courts, and swimming pools, provided that:

(a) The hard-surface outdoor recreation facilities make up no more than forty percent (40%) of the required landscaped area, and

(b) Those facilities are available for the use of all residents of the development.

(3) Required Buffers. Wherever a development in the R-2A Zone adjoins land zoned RP, RP-A, R-1 or RMH, or unincorporated land designated for single family residential use in the City's comprehensive plan, a minimum ten foot (10') wide landscaped buffer shall be provided. This buffer may be included in the twenty percent (20%) percent minimum landscaped area required in A. above.

(I) See Supplementary Regulations to Zones.

(J) Special Provisions Regarding Single-Family Attached Dwellings

(1) All lots upon which a single-family home attached dwelling is located shall have frontage upon and vehicular access to a dedicated street.

(2) No single-family attached dwelling shall be located above another dwelling unit, either in whole or in part.



(3) Each single-family attached dwelling shall have at least one (1) direct pedestrian access from the interior of the dwelling to the exterior boundaries of the lot and no pedestrian access may be held in common with another single-family dwelling unit.

(4) No more than eight (8) single-family attached dwellings may be attached together.

(5) Except as noted below, a single-family attached dwelling shall have no facilities or property in common with another single-family attached dwelling and all dwellings shall be structurally and functionally independent from each other. All single-family attached dwellings shall have separate electrical service, water service lines and sanitary sewer service lines. Common facilities or property are allowed for the following:

(a) Common party walls constructed in accordance with the Uniform Building Code.

(b) Foundations supporting attached or party walls.

(c) Flashing at the termination of the roof covering over any attached walls.

(d) Roofs.

(e) Vehicular access to a dedicated street for off-street parking facilities or garages.

(6) No building permit shall be issued for the construction of a single-family attached dwelling unless a common facilities or party wall agreement or Declaration of Condominium has been filed with the Bonneville County Recorder's office for each such dwelling unit which shares common facilities with another unit. Such agreement shall include a legal description of the lots sharing common facilities and shall allocate responsibility as between the owners of such lot for the use, maintenance and ownership of all common facilities.

(7) All single-family attached dwellings shall meet the dwelling unit separation requirements of the officially adopted and applicable building code of Idaho Falls.

(8) Any lots upon which a single-family attached dwelling is located need not comply with R-2A Residence Zone's Area Requirements and Width Requirements provided such lot complies with the provisions of R-2A Residence Zone's Location of Buildings requirements.

(9) When preliminary and final plats for single-family attached dwellings are submitted for review, a site plan showing the location of proposed buildings, driveways, sidewalks, or other improvements shall be submitted with the plat.

### **10-3-13 – R-3 RESIDENCE ZONE**

(A) General Objectives and Characteristics.

The objective in establishing the R-3 Residence Zone is to designate appropriate areas within the City for rental dwelling units, multiple family dwellings and similar buildings where living accommodations for groups may be located. This Zone is characterized by a variety of dwelling types having widely varying forms and shapes, with somewhat denser residential environment and a greater movement of vehicular traffic than is characteristic of the R-2A Zone. In general this Zone is situated in the central part of the City where the need for rental units is greatest, and along major streets, and on the borders of neighborhoods where quiet, tranquil conditions are not as necessary as they are in the interior of low density residential neighborhoods.

In order to accomplish the objectives and purposes of this Zoning Code and to promote the essential characteristics of this Zone, the following regulations shall apply in the R-3 Zone:

(B) Use Requirements.

The following uses shall be permitted in the R-3 Zone:

- (1) Any use permitted in the RP, RP-A, R-1, R-2 and R-2A Zones.
- (2) Apartment buildings and residence courts.
- (3) Boarding houses, lodging houses, rooming houses, and rest homes.
- (4) Incidental retailing of goods and services, such as newspapers, magazines, and tobacco, for the convenience of people living in apartment buildings, provided the facilities therefor shall be located within the main building, and provided no sign or display shall be used advertising the retail services offered within the building which can be seen from a public street. Provided further, the floor area devoted to the retailing of goods and services shall not exceed ten square feet (10 ft<sup>2</sup>) for each dwelling unit contained within the main building.
- (5) Any use permitted in the R-3A and RSC-1 Zones provided the following conditions are met:
  - (a) A conditional use permit is obtained in accordance with the provisions of this Zoning Code.
  - (b) The use is conducted only within existing buildings or structures located on the premises at the time the application is made, without substantial exterior remodeling or expansion of the existing building or buildings. Any use

requiring the construction of a new building for a use not otherwise permitted within this zone, shall not be permitted.

(c) The use contemplated is of such a nature that it may, with appropriate conditions as set forth in this Zoning Code, be conducted on the premises without substantially disrupting the character of the surrounding area or materially conflicting with the general characteristics of the area designated in the Comprehensive Plan.

(C) Area Requirements

An area of not less than five thousand square feet (5,000 ft<sup>2</sup>) shall be provided and maintained for dwellings, boarding houses, lodging and rooming houses, rest homes and child care centers. No development in this Zone shall exceed a gross density of thirty-five (35) dwelling units per acre.

(D) Width Requirements.

The minimum width of any building site for dwellings, boarding houses, lodging and rooming houses, shall be fifty feet (50') measured at the building setback line. The minimum width for any building site for a rest home or other main building shall be sixty feet (60').

(E) Location of Buildings and Structures.

(1) Setback. All buildings shall be set back a minimum distance of twenty feet (20') from any public street, except as herein provided and required under the provisions of this Zoning Code. One foot (1') shall be added to the front yard required for each two feet (2') feet of building height above twenty-five feet (25').

(2) Side Yards. For main buildings there shall be side yards of not less than six feet (6'). Side yard requirements for accessory buildings shall be the same as for main buildings, except no side yard shall be required for accessory buildings which are located more than twelve feet (12') in the rear of the main building.

(3) Rear Yards. There shall be a rear yard of at least twenty-five feet (25') on both interior and corner lots. For accessory buildings no rear yard shall be required, except where an alley is located at the rear of a lot, in which case a three foot (3') rear yard is required.

(F) Height Requirements.

There shall be no height requirements, except as limited by yard requirements.

(G) Size of Buildings.

No requirements.

(H) Lot Coverage and Landscaping.

(1) **Maximum Lot Coverage.** Lot coverage, including all area under roofs and paved surfaces, including driveways, walks, and parking areas, shall not exceed eighty percent (80%) of the total lot area. The remaining lot area (at least twenty percent (20%) of the total lot area) shall be landscaped. See the Landscaping subsection of this Zoning Code for general landscaping requirements.

(2) **Lot Coverage Exemption.** The landscaped area on a lot will be considered to include such hard-surface outdoor recreation facilities as tennis courts, basketball courts, shuffleboard courts, and swimming pools, provided that:

(a) The hard-surface outdoor recreation facilities make up no more than forty percent (40%) percent of the required landscaped area, and

(b) Those facilities are available for the use of all residents of the development.

(3) **Required Buffers.** Wherever a development in the R-3 Zone adjoins Zones RP, RP-A, R-1, or RMH, or unincorporated land designated for single family residential use in the City's Comprehensive Plan, a minimum ten foot (10') wide landscaped buffer shall be provided. This buffer may be included in the twenty percent (20%) percent minimum landscaped area required in A. above.

(I) See Supplementary Regulations to Zones.

### **10-3-14 – R-3A RESIDENCE ZONE**

(A) **General Objectives and Characteristics.**

The objective in establishing the R-3A Residence Zone is to establish an area within the City in which the primary use of the land is for residential purposes, but in which office buildings and certain other type uses of a semi-commercial nature may be located. Characteristic of this Zone is a greater amount of automobile traffic, greater density, and a wider variety of dwelling types and uses than is characteristic of the R-3 Residence Zone. While office buildings and certain other uses of a semi-commercial nature may be located in the Zone, the R-3A Zone is essentially residential in character; therefore, all uses must be developed and maintained in harmony with residential uses. Also, while a greater volume of automobile and pedestrian traffic is characteristic of this Zone, attractive lawns, shrubs, trees, both on the street and around the buildings, is also characteristic of this Zone.

In order to accomplish the objectives and purposes of this Zoning Code and to promote the characteristics of this Zone, the following regulations shall apply in the R-3A Zone:

(B) **Use Requirements.**

The following uses shall be permitted in the R-3A Zone:

(1) Any use permitted in the RP, RP-A, R-1, R-2, R-2A and R-3 Residence Zones.

(2) Off-street parking areas constructed in accordance with 4-23 for the use of adjacent and/or permitted uses.

(3) Office buildings for professional persons, such as doctors, dentists, accountants, attorneys, architects, and branch banks.

(4) Beauty salons, barber shops, and nail salons.

(5) Clinics and hospitals for the treatment of humans.

(6) The dispensing by or under the supervision of a professional pharmacist licensed by the State of Idaho of prescriptive or non-prescriptive medicines, drugs, orthopedic appliances or medical supplies for the treatment of human illness, disease or injury, excluding the sale of goods or commodities for general hygiene, diet, cosmetic or other general health purposes.

(7) Mortuaries and funeral parlors (subject to approval of the Planning Commission).

(8) Pet care clinics within a completely enclosed building but with no boarding or grooming of animals except as a use incidental to medical or surgical treatment.

(9) Non-flashing free standing pole signs advertising the services performed within the building, not to exceed two-hundred square feet (200 ft<sup>2</sup>) maximum and not to exceed fifteen feet (15') above grade to top of sign; and wall signs showing the name and address of the building, not to exceed ten percent (10%) of the total area of the building front.

(10) Directional signs not to exceed two square feet (2 ft<sup>2</sup>), also signs advertising the use of a lot for parking space, provided the signs advertising such use shall not exceed eight square feet (8 ft<sup>2</sup>), and shall not be constructed to a height greater than four feet (4').

(11) Other uses which have been ruled by the Council to be similar to the uses herein above listed.

(C) Area Requirements.

An area of not less than five thousand square feet (5,000 ft<sup>2</sup>) shall be provided and maintained for dwellings, boarding houses, lodging and rooming houses, rest homes and child care centers. No development in this Zone shall exceed a gross density of thirty-five (35) dwelling units per acre.

(D) Width Requirements.

The minimum width of any building site for a main building shall be fifty feet (50'), measured at the building setback line, except that the minimum width of a lot for mortuaries shall be one hundred feet (100').

(E) Location of Buildings and Structures.

(1) Setback. All buildings shall be set back a minimum distance of fifteen feet (15') from any public street, except as herein provided and required under the provisions of this Zoning Code.

(2) Side Yards For Main Buildings. There shall be side yards of not less than six feet (6'). Side yard requirements for accessory buildings shall be the same as for main buildings, except that no side yard shall be required for accessory buildings which are located more than twelve feet (12') in the rear of the main building.

(3) Rear Yards. There shall be a rear yard of at least twenty-five feet (25') feet for all residential buildings and at least ten feet (10') for all non-residential buildings, except as herein provided and required under the provisions of this Zoning Code.

(F) Height Requirements.

There shall be no height requirements, except as limited by yard requirements.

(G) Size of Buildings.

No requirements.

(H) Lot Coverage and Landscaping.

(1) Maximum Lot Coverage. Lot coverage, including all area under roofs and paved surfaces, including driveways, walks, and parking areas, shall not exceed eighty percent (80%) of the total lot area. The remaining lot area (at least twenty percent (20%) of the total lot area) shall be landscaped. See the Landscaping subsection of this Zoning Code for general landscaping requirements.

(2) Lot Coverage Exemption. The landscaped area on a lot will be considered to include such hard-surface outdoor recreation facilities as tennis courts, basketball courts, shuffleboard courts, and swimming pools, provided that:

(a) The hard-surface outdoor recreation facilities make up no more than forty percent (40%) of the required landscaped area, and

(b) Those facilities are available for the use of all residents of the development.

(3) Required Buffers. Wherever a development in the R-3A Zone adjoins land Zoned RP, RP-A, R-1, or RMH, or unincorporated land designated for single family residential use in the City's comprehensive plan, a minimum ten foot (10') wide landscaped buffer shall be provided. This buffer may be included in the twenty percent (20%) percent minimum landscaped area required in A. above.

(I) See Supplementary Regulations for Zones.

### **10-3-15 – P-B PROFESSIONAL-BUSINESS OFFICE ZONE**

(A) General Objectives and Characteristics.

The objective in establishing the P-B Professional-Business Office Zone is to provide for business and professional offices, governmental and cultural facilities and certain other uses of a semi-commercial nature. This Zone is characterized by relatively high traffic volumes and a wide variety of office type buildings.

In order to accomplish the objectives and purposes of this Zoning Code and to promote the characteristics of this Zone, the following regulations shall apply in the P-B Office Zone:

(B) Use Requirements.

Only the following uses shall be permitted in this Zone:

(1) Business and professional offices, including incidental storage, but excluding wholesale and retail stores, shops or markets.

(2) Off-street parking lots constructed in accordance with Required Parking and Loading Area subsection of this Zoning Code, in conjunction with permitted uses.

(3) Medical and dental clinics.

(4) Government offices, excluding those where storage of materials or equipment is other than incidental.

(5) Non-flashing free standing pole signs advertising the services performed within the building, not to exceed two hundred square feet (200 ft<sup>2</sup>) maximum and not to exceed fifteen feet (15') above grade to top of sign; and wall signs showing the name and address of the building, not to exceed ten percent (10%) of the total area of the building front.

(6) Directional signs not to exceed two square feet (2 ft<sup>2</sup>); also signs advertising the use of a lot for parking space, provided the signs advertising such use shall not exceed eight square feet (8 ft<sup>2</sup>), and shall not be constructed to a height greater than four feet (4').

(7) Other uses which have been ruled by the Council to be similar to the uses herein above listed.

(C) Area Requirements.

No area requirements, except that which is required for off-street parking and yards.

(D) Width Requirements.

The minimum width of any building site for a main building shall be fifty feet (50'), measured at the building setback line.

(E) Location of Building and Structures.

(1) Setback. All buildings shall be set back a minimum distance of twenty feet (20') from any public street, except as herein provided and required under this Zoning Code.

(2) Side Yards. For main buildings there shall be side yards of not less than six feet (6'). Side yard requirements for accessory buildings shall be the same as for main buildings, except no side yard shall be required for accessory buildings which are located more than twelve feet (12') in the rear of the main building.

(3) Rear Yards. There shall be a rear yard of ten feet (10') for all buildings, except as herein provided and required under the provisions of this Zoning Code.

(F) Height Requirements.

No building shall be erected to a height greater than two (2) stories. Roofs above the square of the building, chimneys, flagpoles, television antennas and similar structures not used for human occupancy, are excluded in determining height.

(G) Size of Buildings.

No requirements.

(H) Lot Coverage and Landscaping.

(1) Maximum Lot Coverage. Lot coverage, including all area under roofs and paved surfaces, including driveways, walks, and parking areas, shall not exceed eighty percent (80%) of the total lot area. The remaining lot area (at least twenty percent (20%) of the total lot area) shall be landscaped. See the Landscaping subsection of this Zoning Code for general landscaping requirements.

(2) Required Buffers. Wherever a development in the P-B Zone adjoins land zoned RP, RP-A, R-1, or RMH, or unincorporated land designated for single family residential use in the City's Comprehensive Plan, a minimum of a ten foot (10') wide landscaped buffer shall be provided. This buffer may be included in the twenty percent (20%) minimum landscaped area required in A. above.

(3) Required Perimeter Landscaping. The required front setback and side yard which faces on a public street shall not be used for parking but shall be landscaped except for permitted driveways. Required landscaping shall include lawn or other ground cover and trees spaced at no less than forty (40) foot centers.

(I) See Supplementary Regulations to Zones.

**10-3-16 RSC-1 RESIDENTIAL SHOPPING CENTER ZONE**



(A) General Objectives and Characteristics.

The objective in establishing the RSC-1 Residential Shopping Center Zone is to encourage shopping facilities which supply daily household items to locate near residential areas. Inasmuch as this Zone is usually surrounded by dwellings, it shall be characterized by a harmonious grouping of stores, shops and professional buildings; surrounded by lawns, trees, and shrubs planted and maintained in harmony with the surrounding residential areas. Clean, well-lighted parking lots and attractively maintained business buildings shall also be characteristics of this Zone.

In general, the RSC-1 Residential Shopping Center Zone shall be located from one (1) to one and one-half (1½) miles from each other, or from other Zones in which business is permitted, and shall be small in area, containing from two (2) to twenty (20) acres.

It is important the area selected for this Zone be actually developed as permitted. Otherwise, the surrounding residential area will lack the retail services needed for stable neighborhoods. Consequently, assurance that development will take place as planned shall be required. This assurance shall be in the form of a properly executed letter of intent and a surety bond running to the City of Idaho Falls, covering the construction of all drainage structures, hard-surfacing, landscaping, and sprinkler irrigation system.

Industries and other uses which tend to thwart and discourage the use of the land within this Zone for its primary purpose shall be excluded.

In order to accomplish the objectives and purposes of this Zoning Code and to stabilize and promote the characteristics of this Zone, the following regulations shall apply in the RSC-1 Residential Shopping Center Zone:

(B) Development Plan.

Before any building or structure is constructed within the RSC-1 Zone, a preliminary development plan shall be submitted to, and approved by, the Planning Commission and City Council.

(1) Contents of Preliminary Development Plan. All preliminary development plans shall consist of a complete site plan, showing: the proposed grading of the site and plans for handling storm water runoff; the location of all existing and proposed buildings and structures; off-street parking and loading areas required by the Required Parking and Loading Area subsection of this Zoning Code; surrounding public streets and points of access to and from those streets; sidewalks, crosswalks, and other pedestrian ways; solid waste disposal and pick-up areas; all landscaped areas; all fences or walls used for buffering or security; and the location, size, and design of all signs. Preliminary development plans may include proposals for the phasing of the proposed development.

(2) Findings. Before approving any preliminary development plan in the RSC-1 Zone, the Planning Commission shall find in writing that:

(a) It is compatible with surrounding land uses, including surrounding residential areas;

(b) It will not create any off-site nuisances, including excessive noise, improperly directed light or glare, blowing litter or dust, or improperly channeled storm water runoff;

(c) It provides adequate off-street parking (as required by the Required Parking and Loading Area subsection of this Zoning Code), a safe pattern of on-site traffic circulation, and safe access to and from public streets;

(d) Public streets in the area of the proposed development can safely accommodate the additional traffic it will generate;

(e) It adequately provides for the safe on-site movement of pedestrians and bicyclists and safe pedestrian and bicycle access to and from the site; and

(f) The proposed development can be adequately served by public services and utilities.

(C) Use Requirements.

(1) Uses permitted in the RSC-1 Residential Shopping Center Zone shall be limited to those uses which shall harmonize with the intent of the Zone. Accordingly, only the following uses shall be permitted in the RSC-1 Residential Shopping Center Zone in accordance with a development plan which has been approved by the Planning Commission and Council:

- Bakeries (on-site retail only)
- Banks & Financial Institutions
- Barber Shop
- Beauty Parlor
- Book and Stationery Stores
- Bowling Alleys
- Billiard and Pool Rooms
- Camera and Photo Supply Shops
- Child Care Facilities
- Clothing Stores
- Confectionery Stores
- Dairy Product Stores
- Delicatessens
- Department Stores
- Drug Stores
- Dry Cleaning and Laundry Pick-up Agencies, which do not clean clothes from other cleaners or Pick-up Agencies
- Dry Goods Stores
- Fix-it Shops

Florist Shop  
Food Catering Services  
Garden Supply Stores  
Gift Shops  
Grocery Stores  
Hardware Stores  
Ice Pick-up Stations  
Indoor Amusement and/or Recreational Facilities  
Jewelry Stores, including Sale and Repair of Jewelry, Watches, and Small Appliances  
Manufacturing, processing and/or fabrication limited to products sold at retail on premises  
Music Studios  
Office Buildings/Professional Buildings  
Pet Care Clinics, within a completely enclosed building, but with no boarding or grooming of animals except as a use incidental to medical or surgical treatment.  
Pet Shop, Hobby Supply Stores  
Pressing, Altering and Repairing of Wearing Apparel  
Public and Private Parking Lots  
Public Service Buildings  
Radio and television repair shops  
Record Shops  
Religious Institutions  
Restaurants  
Service Stations  
Shoe Stores and Repair Shops  
Sporting Goods Stores  
Stores selling a combination of items permitted in the zone  
Super Markets  
Variety Stores  
Wallpaper and Paint Stores  
Accessory uses and buildings ordinarily pertinent to any of the aforementioned uses.

Other uses similar to the foregoing which uses are ruled by the Council to be in harmony with the intent of this Zone.

(2) Signs Permitted in the RSC-1 Zone.

The signs permitted in the RSC-1 Zone shall be as follows:

(a) Directional signs for parking areas and access drives, each not exceeding eight square feet (8 ft<sup>2</sup>) in surface area or four feet (4') in height above grade.

(b) One (1) wall sign per street frontage for each business or occupancy or one combined wall sign per street frontage for all businesses or occupancies in one building or structure. Wall signs shall project no more than

eighteen inches (18") from the wall on which they are mounted and shall not cover more than ten percent (10%) of the total area of the wall on which they are mounted.

(c) One (1) free standing ground sign or one free standing pole sign for each full three hundred thirty feet (330') of street frontage.

(d) Pole signs shall be permitted only along arterial streets, shall be located at least fifty feet (50') from any intersection, and shall be limited to thirty feet (30') in height above finished grade. Ground signs shall not exceed four feet (4') in height above grade.

(e) Where the sidewalk in front of a business or occupancy is covered by a roof, awning, or canopy, one hanging sign not to exceed four square feet (4 ft<sup>2</sup>) in surface area shall be permitted.

(f) Signs may have indirect or direct lighting, but flashing signs are not permitted.

(g) Projecting signs shall not be allowed in an RSC-1 Zone except in the form of hanging signs, as set forth in e., above, but canvas or nylon awnings may include the name of the business or its logo, provided that the name or logo occupies no more than twenty percent (20%) of the surface area of the awning.

(h) No revolving, animated, roof, off-premise, or portable signs shall be permitted in the RSC-1 Zone.

(D) Area Requirements.

Each RSC-1 Residential Shopping Center Zone shall contain at least two (2) acres, but not more than twenty (20) acres, unless it can be shown the objectives of the land use plan can be better satisfied by designating a greater or lesser amount of land in said zone. There shall be no maximum area requirements for any individual lot or building contained within the RSC-1 Zone, except as required for setback and off-street parking space.

(E) Width Requirements.

Each RSC-1 Residential Shopping Center Zone shall have a width of at least four hundred feet (400') along an abutting street. However, there shall be no maximum or minimum width requirements for any individual building or lot contained within an RSC-1 Zone.

(F) Location Requirements.

All buildings and structures shall be located within the Zone so as to comply with the development plans as approved by the Planning Commission, except that in NO case shall buildings be set back less than fifty feet (50') from the front street line, or closer than thirty feet (30') from the side street line or side or rear zone boundary line.

(G) Height Requirements.

The maximum height of any building measured from the grade to the square of the building shall be thirty-five feet (35'). Chimneys, flagpoles, television antennas, and similar structures shall be excluded in determining height of a building. No minimum height shall be required for buildings.

(H) Size of Buildings.  
No requirements.

(I) Special Provisions.

(1) Development Time. It is intended the improvements as shown on the final site plan shall be started within a period of twenty-four (24) months after such plan is approved and shall be completed and ready for occupancy within a period of thirty-six (36) months from the date of Zone designation by the Council. In case of failure to properly construct the improvements covered by the bond within the time specified, the City may declare the bond forfeited. The Council may also reclassify into another Zone any or all of the territory covered by the Zone, if actual development and completion does not occur within the specified time.

(2) Landscaping. The privilege of providing the services to their residents in the surrounding neighborhood carries with it a corresponding responsibility to construct and maintain the premises in harmony with the characteristics of the surrounding Zone. Therefore, a landscaped strip of lawn or shrubbery and/or trees, at least thirty feet (30') in width for a shopping center containing more than five (5) acres or not less than fifteen feet (15') in width for a shopping center containing less than five (5) acres where recommended by the Planning Commission, shall be provided and maintained along the entire length of any street within the zone, and along the development side of any street bordering said development, except for permitted driveways. The landscaping plan shall show the location and species of all plants along with plans for sprinkler irrigation and other landscape features.

(3) Storage. All storage and activities, except loading and unloading, and automobile parking and refueling, shall be conducted entirely within a building, provided that Christmas trees and other seasonal items may be stored and sold outside of a building.

(4) Maintenance of Premises. No dust, odor, smoke, vibration or intermittent light, glare, or noise shall be permitted which is discernable beyond the premises, except from normal movement of automobile traffic.

(5) Off-Street Parking Space. All off-street parking and loading spaces shall be hard surfaced. No off-street parking space shall be located in between a street and any building unless the building is located at least sixty feet (60') from the street. Bumper guards or curbs shall also be provided along the edges of the off-street parking spaces, as required by the Planning Commission, so as to protect the landscaping.

(6) Residential Buildings, Churches, Schools, and Industrial Uses and Buildings shall not be permitted in any RBC-1 Zone.

(7) Building Standards. All buildings shall be designed by persons authorized in the State of Idaho to design commercial buildings and shall be constructed so as to be

architecturally harmonious, in the opinion of the Planning Commission, with the characteristics of the surrounding area. Constructural plans showing architectural design and specifications of materials to be used on the exterior of all buildings to be constructed shall be submitted to, and approved by, the Planning Commission before issuance of any building permit. Where a parking area abuts adjacent residential property, a masonry wall, ornamental fence, or planter strip, as the Planning Commission shall determine to be most suitable, shall be erected. Additional landscaping may be required to further protect abutting land use or Zones.

(8) Lighting. All lighting shall be indirect or shielded and so designed as to reflect away from adjoining residences.

(9) Vehicular Access. No driveway shall be located closer than one hundred fifty feet (150') to the point of intersection of the front property line with the side property line which abuts upon a street, except the Planning Commission may authorize a lesser distance along a minor street when it can be shown that traffic congestion or hazards will not be increased thereby.

(10) Ownership. All land in the proposed Residential Shopping Center shall be held in one (1) ownership or in unified control so that all landscaping, off-street parking space, and other common areas can be properly maintained.

(J) Zone Change.

In the event that an amendment to the Official Zoning Map will be necessary, the developer shall proceed as set forth in the General Provisions of this Zoning Code.

(K) Final Site Plan.

After the preliminary development plan has been approved and after the Zoning of any necessary territories has been reclassified, the developer shall then submit a final site plan to the Planning Commission showing the following:

(1) The preliminary development plan, all sewer and water utilities for the site, and all architectural drawings for all buildings with appropriate dimensions. In the event the developer desires to construct the shopping center in progressive stages, architectural drawings for the first stage only shall be required at this time.

(2) If development of the shopping center is to be carried out in progressive stages, each stage shall be so planned that the requirements and intent of this Zoning Code shall be fully complied with at each stage. No final site plan for the initial stage of development shall be approved unless such stage comprises a total ground floor area of at least twenty-five thousand square feet (25,000 ft<sup>2</sup>) and at least three (3) of the principal uses.

(L) Action on the Final Site Plan.

The Planning Commission shall review the final plan for the conformance to the preliminary development plan. If the final site plan is in order, the Planning Commission shall recommend the same to the Council and shall so notify the developer. Upon approval of the final site plan by the Council and after a surety bond has been submitted to the City in the amount at least equal to the cost

of constructing all drainage structures, grading, hard surfacing, driveways, curbs, landscaping, and sprinkler irrigation systems, guaranteeing that construction will take place as approved, the Council shall authorize the Building Department to issue a permit therefor.

(M) Approval Required.

Construction of any buildings or structures in connection with a shopping center within an RSC-1 Residential Shopping Center Zone before final site plans have been approved for the same by the Council shall be deemed to be a violation of this Zoning Code.

(N) Approval Required.

Construction of any buildings or structures in connection with a shopping center within an RSC-1 Residential Shopping Center Zone before final site plans have been approved for the same by the Council shall be deemed to be a violation of this Zoning Code.

### **10-3-17 – C-1 LIMITED BUSINESS ZONE**

(A) General Objectives and Characteristics.

The C-1 Limited Business Zone has been established as a district in which the primary use of the land is for retail stores and service establishments of a kind which sell the types of goods and services needed to fill the daily household and personal service requirements of the people living in the surrounding area. This Zone is usually located at specific locations along major streets and is characterized by buildings having a wide variety of architectural forms and shapes.

The objectives in establishing this Zone are to:

- (1) Encourage the development and continued use of the land within the zone for business purposes.
- (2) To promote the development of serviceable and convenient retail and service facilities.
- (3) To provide appropriate areas for the development of business uses within the City and to prevent the scattering of business uses into surrounding Zones.
- (4) To prohibit industrial uses within the Zone and to discourage any other use which tends to thwart or militate against the continued use and development of the land within the Zone for its primary purposes.

In order to accomplish the objectives and purposes of this Zoning Code, the following regulations shall apply in the C-1 Limited Business Zone.

(B) Use Requirements.

The following uses shall be permitted in the C-1 Zone:

- (1) Any use permitted in the RSC-1 Residence Shopping Zone.
- (2) Appliance Shops and appliance service establishments.

- (3) Bakeries.
- (4) Motels.
- (5) Beer Parlors, and taverns, as a secondary use only, when incidental to such uses as clubs, lodges and restaurants.
- (6) Commercial garages, but NOT including the storage of wrecked or dismantled automobiles.
- (7) Dwellings and Home Occupations.
- (8) Radio and T.V. studios and antennas.
- (9) Glass cutting and installation.
- (10) Public buildings and public utility buildings and structures.
- (11) Plumbing and carpenter shops and similar craft shops.
- (12) Drive-in restaurants, or restaurants with drive-up windows.
- (13) Signs identifying the buildings and signs advertising products sold on the premises as permitted by the City's Sign Code.
- (14) Enclosed rental storage facilities.
- (15) Other uses ruled by the Council to be similar to the above listed uses and in harmony with the objectives and characteristics.

(C) Area Requirements.

There shall be no lot area requirements for commercial buildings and structures constructed in accordance with adopted building codes of Idaho Falls, except as may be required for off-street parking, yards and the requirements of the Effect of Street Plan subsection of this Zoning Code. Dwellings shall comply with the R-3A Residence Zone's area requirements and width requirements.

(D) Width Requirements.

There shall be no lot width requirements for commercial buildings and structures constructed in accordance with the Building Code of Idaho Falls. For dwellings, the minimum width of lots shall be fifty feet (50').

(E) Location of Buildings and Structures.



(1) Setback. All buildings shall be set back a minimum of thirty feet (30') from any public street, except as herein provided and required under the provisions of this Zoning Code.

(2) Side Yards. There shall be no side yards required for any commercial buildings or structures. For dwellings, there shall be a side yard at least six feet (6').

(3) Rear Yards. There shall be no rear yards required for any commercial buildings or structures. For dwellings, there shall be a rear yard of at least twenty-five feet (25') for all main residential buildings. For accessory residential buildings, no rear yard shall be required except where an alley is located at the rear of the lot, in which case a three foot (3') rear yard is required.

(F) Special Provisions.

(1) Off-street parking shall be provided as required in this Zoning Code and shall be hard-surfaced.

(2) All merchandise, equipment, and other materials, except seasonal merchandise such as nursery stock, fruits and vegetables, and vehicles in running order shall be stored within an enclosed building.

(3) No dust, odor, smoke, vibration or intermittent light, glare or noise shall be emitted which is discernible beyond the premises, except for normal movement of automobile traffic.

(4) Residential developments shall comply with Location of Parking Facilities subsection of this Zoning Code and the Lot Coverage and Landscaping requirements of the R-3A Residence Zone.

(5) When a development in the C-1 Zone adjoins land zoned RP, RP-A, R-1, or RMH or unincorporated land designated for single-family residential use in the Idaho Falls Comprehensive Plan, either a minimum ten foot (10') foot landscape buffer with trees spaced at twenty foot (20') intervals or a six foot (6') opaque fence shall be provided.

(6) A landscaped strip of lawn, ground cover, shrubbery, and trees at forty foot (40') centers at least fifteen feet (15') in width shall be provided and maintained along the entire length of any street bordering a development except for permitted driveways.

(G) See Supplementary Regulations to Zones.

### **10-3-18 – HC-1 LIMITED BUSINESS ZONE**

(A) General Objectives and Characteristics.

The HC-1 Limited Business Zone has been established as a district in which the primary use of the land is for retail stores and service establishments to serve the traveling public. This Zone is usually located at specific locations along highways leading into the City, and is characterized by buildings set back from the right-of-way line and having a wide variety of architectural forms and shapes.

The objectives in establishing this zone are to:

- (1) Encourage the development and continued use of the land within the Zone for business purposes.
- (2) To promote safety on the highway.
- (3) To maintain maximum use of highway right-of-way for travel purposes.
- (4) To prohibit uses which tend to thwart or militate against the continued use and development of the land within the zone for its primary purpose.

In order to accomplish the objectives and purposes of this Zoning Code and to promote the essential characteristics of this Zone, the following regulations shall apply in the HC-1 Limited Business Zone:

(B) Use Requirements.

The following uses shall be permitted in the HC-1 Zone:

- (1) Any use permitted in the RSC-1 Residential Shopping Center Zone, and in the C-1 Limited Business Zone, except that dwellings shall not be permitted unless such dwellings are custodial or caretaker's dwellings incidental to the use of the land for commercial purposes.
- (2) Super service stations.
- (3) Automobile sales lots.
- (4) Drive-in eating establishments.
- (5) Machinery sales establishments.
- (6) Amusement enterprises, such as merry-go-rounds, penny arcades, etc.
- (7) Retail establishments with incidental wholesaling, but excluding establishments the principle activity of which is a storage warehouse.
- (8) Auto body shops.
- (9) Beer parlors, taverns and cocktail lounges.

(10) Open storage areas, provided they are buffered from public streets by:

(a) Site planning that uses structures to buffer open storage areas from public streets, or

(b) A minimum seven foot (7') foot wide landscaped buffer, which may include a fence or wall at the rear of the buffer.

(11) Indoor shooting ranges when approved by the Planning Commission as a conditional use.

(12) Other uses ruled by the Council to be similar to the above listed uses, and in harmony with the objectives and characteristics of this zone.

(C) Area, Width, Location, Height, and Size Requirements.

No requirements, except that all buildings shall be setback a minimum distance of thirty feet (30') feet from any public street except as herein provided and required under the provisions of this Zoning Code.

(D) See Supplementary Regulations to Zones.

(E) Special Provisions.

(1) No dust, odor, smoke, vibration, or intermittent light, glare or noise shall be emitted which is discernible beyond the premises, except for normal movement of automobile traffic.

(2) When a development in the HC-1 Zone adjoins land zoned RP, RP-A, RMH, or unincorporated land designated as single-family residential in the Idaho Falls Comprehensive Plan, a thirty foot (30') foot wide landscape buffer with landscaped berm to a height of six feet (6') and trees spaced at twenty foot (20') intervals shall be provided on the property line shared with such residential designation. Natural buffers such as canals may be included within this thirty foot (30') buffer and shall eliminate the need for berms where the canal is elevated or at least twenty feet (20') in width; however, landscaping with trees spaced at twenty foot (20') intervals shall still be provided.

(3) A landscaped strip at least twenty feet (20') feet in width with lawn, ground cover, shrubbery, and trees at forty foot (40') centers shall be provided and maintained along the development side of the property line bordering any street, except for permitted driveways.

### **10-3-19 – CC-1 CENTRAL COMMERCIAL ZONE**

(A) Objectives and Characteristics of Zone.

The objectives in establishing the CC-1 Central Commercial Zone is to create and maintain a dominant shopping and financial center of the City and surrounding territory. For

this reason the Zone has been located in the central part of the City where the street pattern makes the business buildings readily accessible to all parts of the City and surrounding region, and where business and shopping activities can be carried on with maximum convenience. The CC-1 Central Commercial Zone is characterized by clean, well-lighted streets, ample pedestrian ways and vehicular parking lots for the convenience and safety of the public. Attractive, inviting, and well maintained shops, stores, offices and other buildings are also characteristic of this Zone. On the other hand, uses which tend to create business "dead spots," cause undue scattering of business, and generally tend to thwart the use of the land for its primary purpose, have been excluded from this Zone.

In order to accomplish the objectives and purposes of this Zoning Code and to promote the characteristics of this zone, the following regulations shall apply in the CC-1 Zone:

(B) Use Regulations.

The following uses shall be permitted in the CC-1 Zone:

Uses in RSC-1

- (1) Air Conditioning Service Establishments
- (2) Amusement Enterprises (Penny Arcades, Carousels, Swimming Pools, Dance Halls) Auction Houses
- (3) Antique Shops
- (4) Apartment Houses
- (5) Appliance Shops
- (6) Assembly of Appliances from previously prepared parts
- (7) Auto Body and Fender Shops
- (8) Auto Painting
- (9) Automobile Sales lots
- (10) Automobile Supply Shops
- (11) Bakeries (wholesale & Retail)
- (12) Beer Parlors, Taverns, and Cocktail Lounges
- (13) Boat Sales and Repair
- (14) Broadcasting Studios

- (15) Building Supply Stores except material sales yards and accessory storage buildings
- (16) Canvas Products Sales and Fabrication (onsite sale only)
- (17) Catering Services (food)
- (18) Clubs and Fraternal Societies
- (19) Engraving, Printing
- (20) Furniture Stores
- (21) Garages - Commercial, but not including the storage of wrecked or dismantled automobiles
- (22) Glass Cutting and Installation
- (23) Hotels, Motels
- (24) Laundries
- (25) Manufacturing and assembling of material accomplished with building
- (26) Offices and Office Buildings
- (27) One (1), Two (2), Three (3) Family Dwellings when located above the ground floor
- (28) Parking Lots and Structures
- (29) Pawn Shops
- (30) Plumbing and Carpenter and, similar craft shops Public and Utilities Buildings and Facilities and
- (31) Structures
- (32) Service Stations
- (33) Signs as permitted by sign code
- (34) Taxi Stands, Bus Depots, Heliport & Passenger Railroad Stations
- (35) Upholstery Stores and Repair Shops

- (36) Wholesale with Stock on Premises, excluding storage warehouse
- (37) Other Similar Uses as Ruled by City Council

(C) Area, Frontage, Location, Height, and Size Requirements.

There shall be no area, frontage, location, height, and size requirements for commercial buildings and structures constructed in accordance with the Building Code, except for gasoline pumps and area needed to comply with off-street parking requirements.

For apartment houses, court apartments, and other multiple dwellings, area, frontage, location, height and size requirements shall be the same as for dwellings in the R-3 Zone, except that no requirements shall apply to dwellings located above the ground floor when said ground floor is devoted exclusively to a commercial use permitted in the zone.

(D) Special Provisions.

(1) All off-street parking spaces shall be hard surfaces.

(2) All merchandise, equipment, and other materials (except for seasonal items on a temporary basis such as nursery stock and except for vehicles in running order) shall be stored within an enclosed building or within a sight obscuring enclosure.

(3) No dust, odor, smoke, vibrations, glare or noise shall be emitted which is discernible beyond the premises, except from normal movement of automobile traffic.

(E) See Supplementary Regulations to Zones.

**10-3-20 – GC-1 GENERAL COMMERCIAL ZONE**

(A) General Objectives and Characteristics.

The GC-1 General Commercial Zone has been established as a district in which the primary use of the land is for heavy commercial establishments and for non-nuisance industries. The objectives in establishing this Zoning Code are to:

(1) Designate the most appropriate land within the City for retail and wholesale establishments and to prevent the scattering of commercial uses into surrounding Zones.

(2) To encourage the construction of and continued use of the land for commercial and industrial buildings.

(3) To discourage the use of the land for dwellings and for nuisance industries or any other use which would thwart or substantially interfere with the use of the land for its primary purpose.

This Zone is characterized by a mixture of businesses, warehouses, craft shops, and manufacturing and industrial enterprises which are incidental to retail and wholesale establishments. Since the Zone permits such a wide variety of uses, owners and developers of property should bear in mind that many of the protective features which

Zoning normally affords are largely nonexistent and should develop and maintain their property in recognition thereof.

Representative of the uses within this Zone are retail and wholesale establishments, plumbing, carpentry and other craft shops, warehousing, equipment yards and equipment sales yards.

In order to accomplish the objectives and purposes of this Zoning Code and to promote the characteristics of this Zone, the following regulations shall apply in the GC-1 Zone:

(B) Use Requirements.

The following uses shall be permitted in the GC-1 Zone:

- (1) Any use permitted in RSC-1, C-1, HC-1 and in CC-1, except dwellings and apartment houses.
- (2) Wholesale distributing houses and warehouses.
- (3) Service establishments such as dyeing, cleaning or laundry plants, printing plants, machine shops, and blacksmith shops.
- (4) Food preparation plants, the operation of which is not obnoxious by reason of emission of odors, smoke, or noise.
- (5) Bottling works and similar businesses.
- (6) Public garages and public parking lots.
- (7) Veterinary hospitals.
- (8) Carting, express hauling and storage, including railroad trackage and stations.
- (9) Stone cutting and monument works.
- (10) Wholesale and bulk gasoline.
- (11) Oil and L-P Gas storage or sales.
- (12) Other uses ruled by the City Council to be similar to the foregoing uses provided that such other uses are not inconsistent with the objectives and characteristics of this zone. (Ord. 3038, 11-12-15)

(C) Area, Frontage, Location, Height, and Size Requirements.

There shall be no area, frontage, location, height and size requirements for commercial buildings and structures constructed in accordance with the City's Building Code, except for gasoline pumps and the area needed to comply with off-street parking requirements.

For buildings which were originally arranged, intended, or designed primarily for residential use, area, frontage, location, height, and size requirements shall be the same as for dwellings in the R-3 Zone, except that no requirements shall apply to dwellings located above the ground floor when said ground floor is devoted exclusively to a commercial use permitted in this zone.

(D) Landscaping. A landscaped strip at least fifteen (15) feet in width with lawn or other ground cover, shrubbery, and trees at forty (40) foot centers shall be provided and maintained along the development side of the property line boarding any street, except for permitted driveways.

(E) See Supplementary Regulations to Zones.

### **10-3-21 – M-1 MANUFACTURING ZONE**

(A) General Objective and Characteristics.

The M-1 Manufacturing Zone has been established as a district in which the primary use of the land is a business park for research, science, and manufacturing purposes. Representative uses within this Zone are office buildings, research laboratories and related educational buildings, and manufacturing establishments used for such purposes.

This Zone is characterized by relatively flat, open land, conveniently located close to transportation, public utilities and other facilities necessary for large employment centers and successful manufacturing operations. This Zone is also characterized by buildings and off-street parking lots situated among spacious lawns, trees, shrubs and other landscape features. Most distinguishing about the characteristics of this Zone, however, is the attractively designed buildings and park-like appearance of the grounds surrounding the buildings.

As a means of attracting such uses into this Zone, regulations designed to encourage and maintain an attractive park-like environment have been adopted. Also dwellings and other uses which tend to thwart or prevent the use of the land for a business park have been excluded. The objectives in establishing the M-1 Zone are:

(1) To provide space for office buildings, research laboratories, and certain types of manufacturing establishments which require a location among spacious landscaped surroundings free from smoke, noise, fumes, vibrations, etc.

(2) To broaden the tax base.

(3) To encourage existing employers to expand and new industry to locate within the City, so that the economic and social well-being of the City and its inhabitants may be enhanced thereby.

In order to accomplish the objectives and purposes of this Zoning Code and to promote the characteristics of this Zone the following regulations shall apply in the M-1 Zone:

(B) Use Requirements.

The following uses shall be permitted in the M-1 Zone:



- (1) Manufacturing, processing, and fabricating establishments except those in which explosives or other dangerous materials are used.
- (2) Assembling of material from previously prepared parts.
- (3) Research laboratories, excluding activities hazardous to explosion of fire.
- (4) Business and professional offices.
- (5) Government offices.
- (6) Distribution and warehousing related to research laboratories, assembling of material from previously prepared parts, and manufacturing, processing, and fabricating.
- (7) University and higher education buildings in accordance with a master plan approved by Planning Commission under Section 4-26-B.
- (8) Day care facilities operated in conjunction with other permitted uses in the zone.
- (9) Public buildings, public recreational buildings, and public utilities buildings.
- (10) Airports, flying fields, flying instruction schools and airport terminal services, including fixed base operations; servicing, repairing, maintaining, storing and hangaring of aircraft; furnishing coordinated handling services for air freight, air mail and passengers at airports.
- (11) Parking lots.
- (12) Signs as delineated in the City of Idaho Falls Sign Code.
- (13) Buildings accessory to and incidental to uses permitted in the zone.
- (14) Other uses similar to the foregoing uses which are ruled by the Council to be in harmony with the intent of this Zone.

(C) Area Requirements.

No single M-1 Zone shall contain less than thirty (30) acres; however, there shall be no requirements for individual buildings or lots, except the area shall be sufficient to provide for setbacks, landscaping and off-street parking.

(D) Width Requirements.

There shall be no requirements for individual buildings or lots.

(E) Location Requirements.

All buildings shall be set back a minimum distance of thirty feet (30') from any public street, except as herein provided and required under the provisions of this Zoning Code. All buildings shall be located a minimum of twenty feet (20') from all residential Zones including R3-A if the R3-A Zone is occupied by residential uses or from land designated for low or higher density residential use in the City's Comprehensive Plan.

(F) Height Requirements.

No requirements except those prescribed by the approach Zones of the airport.

(G) Size Requirements.

No requirements.

(H) Special Provisions.

(1) Maintenance of premises. The entire lot shall be kept free from refuse, debris and waste material, and all such refuse, debris and waste material shall be kept in approved containers and stored so that the containers cannot be seen from any public street or adjacent residential properties. No dust, odors, smoke, vibrations, intermittent lights, glare, noise, fumes, ash or sound shall be emitted which is discernible beyond the premises, except that which arise due to normal traffic movements.

(2) Storage. All storage and activities except loading and unloading and automobile parking shall be conducted within a building.

(3) Landscaping. All areas not covered by buildings or by off-street parking and loading space shall be planted into a lawn, trees and shrubs and otherwise landscaped and maintained in accordance with good landscaping practice.

(4) Setback. The required setback space shall not be used for automobile parking, but shall be landscaped and maintained with lawns and trees and shrubs, except for permitted driveways.

(5) Coverage. All buildings on any lot shall not occupy more than fifty percent (50%) of the total area of any lot. All buildings, parking areas, loading areas, and sidewalks shall not occupy more than eighty percent (80%) percent of any lot. The remaining lot shall be landscaped.

(6) Loading Areas. All loading and unloading areas shall be screened from public streets in accordance with Section 4-23.X. All loading and unloading areas as well as parking areas shall be hard-surfaced.

(7) Site plan and design review. Before any building permit is issued in the M-1 Zone, a development plan shall be submitted to and approved by the Zoning Administrator. The development plan shall include a complete site plan, lighting plan, landscape plan, and proposed elevations of the buildings. The site plan shall be drawn to scale showing the actual dimensions and the shape of the lot to be built upon; the

exact size and location of existing buildings on the lot, if any; the exact location and dimensions of the proposed building, sidewalk, structure or alteration; the location, layout, and access of proposed on-site parking; and the location and type of landscaping, fencing, and screening proposed on the lot.

(8) Performance Standards. All uses within the M-1 Zone shall comply with the following performance standards as determined by the Zoning Administrator:

(a) No use, except those on airport property, shall create 70dBA or greater at the property lines of adjacent residential uses or places of assembly, 55dBA or greater within the interior of adjacent residential uses and places of assembly, or 75dBA or greater at the property lines for all other adjacent land uses.

(b) No use shall create traffic generation that decreases the level of service (LOS) to LOS D or below on the adjacent arterial street unless the developer or owner agrees to provide all improvements necessary to retain the existing level of service on the adjacent street.

(c) All sources of illumination shall be directed and shielded to avoid direct glare onto adjacent properties. No use shall cause a level of illumination exceeding 0.5 foot candles on any part of a neighboring residential area.

(d) All uses shall provide access for pedestrians through the provision of sidewalks and designated pedestrian access through parking areas. When the use is adjacent to an existing or proposed path designated in the *Comprehensive Plan Pedestrian and Bicycle Plan* or an existing park or bicycle/path facility, the administrator may require a on-site path to allow employees access to the neighboring facility.

(e) Access points shall be in compliance with *The Access Management Plan*, February, 1998 Edition, on file at the office of the City Clerk.

(f) The materials of the proposed buildings are in harmony with the existing development in the immediate area. The use of prefabricated metal or block masonry for the exterior of an entire structure is prohibited unless the building is a hangar facility, is located immediately adjacent to such type of existing structure, has veneer in harmony with adjacent buildings, or is broken into smaller components by sufficient expanse of windows, insets, projections, or exterior trim to avoid a blank wall of metal or masonry. Brick, sandstone, stucco, colored and textured concrete, and textured concrete masonry units are encouraged.

(g) Where the main entrance of a building does not face a street, other street side entrances, windows and doors shall be highlighted to provide interest and appear accessible to pedestrians.

(h) All uses in the M-1 Zone shall be buffered from adjacent residential uses, land designated residential in the City's Comprehensive Plan, or land Zoned residentially, including R3-A zones when the R3-A Zone is used for housing, by a combination of landscaping, berms, and fencing at least twenty feet (20') in width. Landscaping shall include evergreens spaced to form a solid screen within ten (10) years and a berm at least two and one-half feet (2.5') in height. Natural buffers such as canals may be included within this twenty foot (20') buffer and shall eliminate the need for fencing where the canal is elevated or at least twenty feet (20') in width; however, landscaping with evergreens at least ten feet (10') in width shall still be provided.

(i) No building with a height greater than thirty feet (30') shall be closer than seventy-five feet (75') from adjacent residential uses, land zoned residentially, or land designated residential in the City's Comprehensive Plan unless approved as a conditional use permit by the Planning Commission.

(j) No electronic message board, animated sign, revolving, roof, off-premise, or portable signs shall be permitted in the M-1 Zone.

(k) The Zoning Administrator may waive the performance standards of d, f, g, and h above as well as the Coverage Special Provision when the building is an aviation facility on land owned by the City of Idaho Falls at the Idaho Falls Regional Airport.

(I) See Supplementary Regulations to Zones.

### **10-3-22 – I&M-1 INDUSTRIAL AND MANUFACTURING ZONE**

(A) General Objectives and Characteristics.

The I&M-1 Industrial and Manufacturing Zone has been established as a district in which the primary use of the land is for manufacturing, fabricating, processing and warehousing establishments. This Zone is characterized by relatively flat land particularly suited for industrial uses because of the proximity to railroad tracks and streets, and the availability of utilities necessary for successful industrial use. While much of the land within this Zone is currently devoted to agriculture and other open land uses, it is intended that manufacturing and industrial uses shall be directed into this Zone as the needs arise.

Representative of the uses within this Zone are manufacturing, fabrication and processing, storage, warehousing and wholesale distribution, and railroad trackage, switch yards and terminal facilities. Uses which give rise to excessive noise, vibration, smoke, odor or dust, fumes or danger of explosion have been excluded from this Zone. As a means of attracting manufacturing and industrial establishments into this Zone, certain regulations concerning the

external appearance of buildings and structures and the maintenance and use of land have been adopted. Also, dwellings and other uses which tend to thwart or prevent the use of the land for its primary purposes have been excluded from this Zone. The objectives in establishing the I&M-1 Zone are:

- (1) To provide space for manufacturing and industrial uses within the City in appropriate locations and to discourage uses which tend to thwart the use of land for industrial purposes from locating within this Zone.
- (2) To encourage the expansion of industrial establishments already existing within the Zone.
- (3) To encourage new industry to locate within the Zone to the end that the economic well-being of the City and its inhabitants shall be enhanced thereby.
- (4) To prevent the encroachment of industrial uses into non-industrial Zones.
- (5) To prevent the co-mingling of incompatible uses and the attending depreciation of property values and the unwholesome social conditions resulting therefrom.

In order to accomplish the objectives and purposes of this Zoning Code, and to encourage the most appropriate use of land within this Zone, the following regulations shall apply in the I&M-1 Zone:

(B) Use Requirements.

The following uses shall be permitted in the I&M-1 Zone:

- (1) Any use permitted in the GC-1 zone, except dwelling units, group quarters, motels and other transient lodgings, and taverns.
- (2) Manufacturing, processing, and fabricating establishments with the exception of:
  - (a) Manufacturing of cement, lime, gypsum, rock, wood, or plaster of Paris.
  - (b) Manufacturing of acid
  - (c) Manufacturing and storage of explosives
  - (d) Manufacturing of glue
  - (e) Fat rendering
  - (f) Manufacturing of organic fertilizer

- (g) Petroleum refining and manufacturing of paving mixtures or asphalt coatings
  - (h) Milling and smelting of ores
  - (i) Manufacturing of rubber
  - (j) Gravel and sand excavation
- (3) Sexually oriented businesses as defined by City of Idaho Falls' Code of Ordinances.
  - (4) Railroad rights-of-way, yards, and terminals.
  - (5) Bus terminals and maintenance yards.
  - (6) Motor freight terminals, garaging, and maintenance.
  - (7) Public utility facilities and structures.
  - (8) Research laboratories.
  - (9) Contract construction services.
  - (10) Correctional institutions.
  - (11) Daycare and education facilities accessory and incidental to permitted uses within the Zone.
  - (12) Drive-in theaters.
  - (13) Caretaker's residence as an accessory and incidental use to permitted uses within the Zone.
  - (14) Building materials storage yards.
  - (15) Assembling and the sale of farm equipment, mining machinery, vehicles and similar articles, but excluding junk yards and auto wrecking yards.
  - (16) Similar uses by the Council as a conditional use. (Ord. 3038, 11-12-15)

(C) Area Requirements.

There shall be no area requirements except that an area sufficient to accommodate off-street parking, loading and unloading and vehicular access shall be provided and maintained.

(D) Width Requirements.

No requirements.

(E) Location Requirements.

All buildings shall be set back a minimum distance of thirty feet (30') from any public street, except as herein provided and required under the provisions of this Zoning Code.

(F) Height Requirements.

No requirements.

(G) Size of Buildings.

No requirements.

(H) Landscaping. A landscaped strip at least fifteen (15) feet in width with lawn or other ground cover, shrubbery, and trees at forty (40) foot centers shall be provided and maintained along the development side of the property line boarding any street, except for permitted driveways.

(I) See Supplementary Regulations to Zones.

### **10-3-23 – I&M-2 INDUSTRIAL AND MANUFACTURING**

(A) General Objectives and Characteristics.

The I&M-2 Industrial and Manufacturing Zone has been established as a district in which the primary use of the land is for the selling of livestock. In order to accomplish the objectives and purposes of this Zoning Code, the following regulations shall apply in the I&M-2 Zone.

(B) Use Requirements.

The following uses shall be permitted in the I&M-2 Zone:

- (1) Any use permitted in the I&M-1 Zone.
- (2) Livestock auctions and activities related to the handling, transporting and selling of livestock.

(C) Area, Width, Location, Height, and Size of Building Requirements.

No requirements.

### **10-3-24 – O-L OVERLAY ZONE**

(A) General Objectives and Characteristics.

The objectives in establishing the O-L Overlay Zone are to improve and stabilize property values along major streets; to mitigate the adverse effects of heavy vehicular travel on buildings and uses; to facilitate the movement of traffic; and to promote safety. This Zone is usually located along major streets. In order to accomplish the purposes of this Zoning Code and the objectives of this Zone, the following regulations shall apply in the O-L Overlay Zone.

(B) Use, Area, Width, Location, Height, and Size of Building Requirements.

Regulations pertaining to use, area, width, location of buildings and structures, height and size of buildings, and special provisions shall be the same as in the underlying basic Zones, except that all buildings shall be set back from the right-of-way line of any street within the O-L Overlay Zone a minimum distance according to the following schedule:

- O-L-1 10-Foot Setback from Right-of-Way Line
- O-L-2 20-Foot Setback from Right-of-Way Line
- O-L-3 30-Foot Setback from Right-of-Way Line
- O-L-4 40-Foot Setback from Right-of-Way Line
- O-L-5 50-Foot Setback from Right-of-Way Line

**10-3-25 – PT-(x) PLANNED TRANSITION ZONE**

(A) Purpose of Zone.

The Planned Transition Zone (hereinafter referred to as the "PT Zone") is designed to maintain land use compatibility and enhance the functioning of arterial streets by requiring conformity to the performance standards set forth herein with respect to land use changes in areas experiencing transition. Such transitional areas have been identified in the Comprehensive Plan.

(B) Definitions.

(1) Commercial Use: All uses defined and included in groups 4731, 52 through 59, inclusive; group 6 and group 7 of the Standard Land Use Coding Manual, excluding the following classifications: 521 (Lumber and other building materials - retail), 5211 (Lumber yards - retail), 5212 (Building materials - retail), 5252 (Farm equipment - retail), 5511 ( Motor vehicles [new and used cars] - retail), 5512 (Motor vehicles [used cars only] - retail), 5520 (Tires, batteries, and accessories - retail), 5591 (Marine craft and accessories - retail), 5592 (Aircraft and accessories - retail), 5599 (other retail trade - automotive, marine craft, aircraft, and accessories, NEC), 582 (Drinking places [alcoholic beverages], 5820 (Drinking places [alcoholic beverages], 598 (Fuel and ice - retail), 637 (Warehousing and storage services), 641 (Automobile repair and services), 662 (Special construction and trade services), 674 (Correctional institutions), 675 (Military bases and reservations), 721 (Entertainment assembly), 722 (Sports assembly), 731 (Fairgrounds and amusement parks), 739 (Other amusements, NEC).

(2) High Density Residential Use: Any housing for human occupation with two or more attached dwelling units.

(3) Standard Land Use Coding Manual: The Standard Land Use Coding Manual, B. A. Standard System for Identifying and Coding Land Use Activities, 1977 Edition, published by the Federal Highway Administration, U.S. Department of Transportation.



(C) Permitted Uses.

The following uses shall be permitted in the PT Zone:

(1) PT-1 All high density residential uses, and any accessory buildings and public utilities used in conjunction therewith.

(2) PT-2 All commercial uses, high density residential uses and any accessory buildings and public utilities used in conjunction therewith.

(a) Standard Land Use Coding Manual Adopted. The Standard Land Use Coding Manual, B. A. Standard System for Identifying and Coding Land Use Activities, 1977 Edition, published by the Federal Highway Administration, U.S. Department of Transportation, including only those classifications defined as “commercial use” in this Section, is hereby adopted as an official code of the City.

(b) Code on File. Three copies of the Manual shall be retained by the City for use and examination by the public. One (1) copy shall be filed in the office of the City Clerk. Two (2) copies shall be filed in the office of the Zoning Administrator.

(D) Performance Standards.

(1) No use shall be made of any property within a PT Zone without first obtaining a permit pursuant the requirements of this Zoning Code.

(2) All uses of property in the PT Zone shall comply with the following performance standards.

(3) All development in the PT Zone shall comply with the supplementary regulations established in Article IV of this Zoning Code and the Idaho Falls Subdivision Ordinance, unless the performance standards established in this Section impose more stringent requirements then the performance standards shall control. The following performance standards shall apply to all uses in the PT Zone:

(a) Minimum Size Land Use Changes. All uses shall have a minimum size of at least thirty thousand contiguous square feet (30,000 ft<sup>2</sup>). A use may have a size less than thirty thousand contiguous square feet (30,000 ft<sup>2</sup>) if the use is contiguous to any existing use for which a permit has been issued under this Section, and the Commission and Council find that the use cannot be practicably developed and that the applicant can satisfy the performance standards set forth by use of the improvements, premises and facilities of the contiguous use. The issuance of a permit having less than thirty thousand square feet (30,000 ft<sup>2</sup>) may be conditioned upon the conveyance, dedication, grant or joint use agreement between the applicant and the owner of the contiguous use as may be required by

the Commission and Council in order to demonstrate the applicant's ability to meet the performance standards set forth herein. The documents of conveyance or agreement shall include a provision that the document of conveyance or agreement shall be irrevocable without the express written consent of the Council.

(b) Connections. All uses shall be designed to share functional connections with adjoining uses. Connections that should be considered include shared access from the street, shared parking and service access, and shared pedestrian circulation between uses.

(c) Land Use. Land use shall be in accordance with the uses permitted in the PT Zone.

(d) Hazards and Nuisances. No use shall create a hazard or nuisance for neighboring properties or on or along public streets. Such hazards and/or nuisances may include but are not limited to:

(i) Excessive noise. Excessive noise shall be 70dBA exterior of residential uses or places of assembly, 55dBA interior of residential uses and places of assembly, and 75dBA for all other land uses, as defined in Procedures for Abatement of Highway Traffic Noise and Construction Noise, 23 CFR Part 772, which is hereby incorporated in this Zoning Code and by this reference made a part thereof. One copy of the manual has been filed with the Office of the City Clerk prior to the adoption of this Zoning Code, which copy shall be kept on file at that office. Two additional copies shall be kept on file at the Office of the Zoning Administrator. Exterior noise shall be measured at the property line on the adjacent residential property;

(ii) Improperly directed light or glare not in accordance with Lighting requirements of this Section;

(iii) Electrical interference that adversely affects other uses;

(iv) Odors, dust, or other air pollutants which are injurious to the health or offensive to the sense or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property;

(v) Improperly stored or handled solid waste;

(vi) The storage or handling of radioactive toxic, or hazardous materials or waste, explosives or flammable materials;

(vii) Traffic generation that decreases the level of service (LOS) one level on the external street system, as defined in the "Highway

Capacity Manual,” 1985 edition, published by the Transportation Research Board, which is hereby incorporated in this Zoning Code and by this reference made a part thereof. One copy of the manual has been filed with the Office of the City Clerk prior to the adoption of this Zoning Code, which copy shall be kept on file at that office. Two additional copies shall be kept on file at the Office of the Zoning Administrator;

(viii) Inadequate access for emergency or public service vehicles and equipment; or

(ix) Unfavorable soils, geological hazards, or other site conditions that pose a threat to the immediate health or safety of neighborhood or the environment.

(e) Lighting. All sources of illumination shall be directed and, when necessary, shielded to avoid direct glare onto adjacent properties. No commercial use shall cause a level of illumination exceeding one-half foot (0.5') foot candles on any part of a neighboring residential area. The Zoning Administrator may require a development to produce evidence that its proposed lighting will comply with this standard.

(f) Storm Water Runoff. No use shall generate storm water runoff that adversely impacts neighboring properties or public streets or drainage systems. The Zoning Administrator may require an applicant to produce evidence that storm water flows will be adequately handled on-site or through an existing or proposed storm water system as a condition for issuing a permit.

(g) Lot Coverage. Lot coverage shall include driveways, parking, loading, and service or storage areas, and rooftops. Maximum lot coverage shall be limited to fifty percent (50%) for high density residential uses and seventy percent (70%) for commercial uses.

(h) Building Height. The height of all buildings for the proposed use shall not be higher than four feet above the highest point of any building located on any property contiguous to the proposed use.

(i) Additional Right-of-Way. All uses shall provide additional street right-of-way as needed to implement the comprehensive plan for major streets.

(j) Sidewalks. All uses shall provide sidewalks along streets and a safe and adequate system of pedestrian circulation within the property.

(k) Parking.

(i) All uses shall provide the minimum number of parking spaces required by Required Parking and Loading Area subsection of the Supplementary Regulations of this Zoning Code

(ii) All uses shall meet the design and construction standards for parking areas established in Required Parking and Loading Area subsection of the Supplementary Regulations of this Zoning Code.

(iii) All uses shall provide safe pedestrian access through or around their parking lots.

(iv) All parking lots with more than twenty-four (24) parking spaces shall have internal landscaping.

(l) Use of and Access to Streets.

(i) No uses shall create a traffic or pedestrian safety hazard or generate traffic in excess of the capacity of the public streets serving it or of its own proposed access points to those streets.

(ii) All uses shall provide adequate visibility to avoid traffic hazards at points of access to public streets, as required by the Clear View of Intersecting Streets and Ways subsection of the Supplementary Regulations to this Zoning Code.

(iii) Access points to public streets shall be designed and constructed to meet the City Standards Drawings and Engineering Specifications.

(iv) Access to arterial streets shall be minimized.

(m) Service and Loading Areas

(i) All developments shall provide off-street loading areas as required by Required Parking and Loading Area subsection of the Supplementary Regulations of this of the Zoning Code.

(ii) Outdoor storage, loading, and service areas shall be screened from public streets or adjoining properties. Separate screening is not required where required buffers fulfill this standard.

(n) Buffering. All uses shall be effectively buffered in order to screen adjoining streets or uses from sight, sound, micro climatic or other adverse impacts. Such buffers shall be installed in accordance with the standards set forth below:

(i) The effectiveness of a proposed buffer shall be evaluated on the basis of its width, height, density, the nature of the materials selected, and plans for its maintenance. Use of fences or walls only as buffers is generally ineffective and should not be allowed except where needed for site security or where space is extremely limited.

(ii) Whenever practical, existing trees shall be saved and used in buffers or other landscaping on the site.

(iii) All commercial uses shall provide an effective buffer along arterial streets that includes street trees in a seven foot (7') to ten foot (10') foot wide planting strip, and an effective landscaping or shrubbery buffer between the sidewalk and parking lots and buildings.

(iv) Where high density residential uses border an arterial street, parking shall be used as part of a buffer that includes street trees in a seven foot (7') to ten foot (10') wide planting strip, the sidewalk, and an effective buffer between sidewalk and the parking area.

(v) All uses shall provide a buffer along non-arterial streets, including street trees in a seven foot (7') to twelve foot (12') foot planting strip between the sidewalk and parking lots or buildings. The buffer shall cause the non-arterial streets to appear residential in character, even when used for access to commercial uses.

(vi) All uses provide an effective buffer for adjoining residential uses along their side or rear property lines or the alley.

(vii) All parking lots containing twenty-four (24) or more parking spaces shall have an effective buffer from the adjoining street.

(viii) An effective buffer shall be a berm, landscaping, or a combination.

(o) Handicapped Access. All developments shall provide handicapped access in accordance with the Americans with Disabilities Act and the International Building Code, as adopted by the City of Idaho Falls.

(p) Signs.

(i) All signs and the construction and installation thereof shall comply with the requirements of the Sign Code of the City of Idaho Falls and the additional requirements set forth below. All terms used in this Zoning Code shall have the same definitions as ascribed in the Sign Code.

(ii) The following signs are permitted in the PT Zone, and no other:

[1] High density residential uses.

[a] Directional signs for parking areas and access drives, each not exceeding four square feet (4 ft<sup>2</sup>) in surface area.

[b] Name plate signs, each not exceeding two square feet (2 ft<sup>2</sup>) in surface area, identifying the number and occupants of a residential use, or identifying a manager's office, common use areas or other similar joint use facilities.

[c] One (1) identification sign for each street frontage upon which a structure fronts, identifying the use by name and street address. Identification signs shall carry no commercial message except a "For Rent or Lease" or other substantially similar message. Identification signs may be free standing, ground or wall signs, not exceeding thirty-two square feet (32 ft<sup>2</sup>) in surface area.

[d] No sign for high density residential use shall have direct lighting. Flood lights may be used if directed at the sign.

[2] Commercial uses:

[a] Directional signs for parking areas and access drives, each not exceeding eight square feet (8 ft<sup>2</sup>) in surface area.

[b] One wall sign for each business or occupancy, not exceeding thirty-two square feet (32 ft<sup>2</sup>) in surface area, provided if the business or occupancy fronts upon two streets, then two such wall signs shall be permitted.

[c] One (1) free-standing pole sign for each separate building or occupied structure, each not exceeding one hundred square feet (100 ft<sup>2</sup>) in area.

[d] Signs for commercial uses may have direct or indirect lighting, but flashing signs are not permitted.

[3] Projecting signs shall not be allowed in a PT Zone except for a hanging sign consisting of a canvas or nylon awning

that includes the name of the business or its logo, provided the lettering or logo occupies no more than twenty percent (20%) of the surface area of the awning.

[4] Directional and ground signs shall not be more than four and one-half feet (4½') above grade in height.

(iii) No revolving, animated, roof, off-premise or portable signs shall be permitted.

(q) Hours of Operation. A business within the PT Zone shall not be open to the public between the hours of 11:00 p.m. and 6:00 a.m. of the following day.

(r) Radio Studio Towers and Antennas. As an accessory use to a radio studio.

(i) The tower and antenna shall be less than seventy feet (70') in height.

(ii) No more than two microwave dishes less than five feet (5') in diameter shall be located on the tower.

(iii) The base of the tower shall be at least one hundred percent (100%) of the height of the tower from the closest property line of the nearest residence.

(E) Conditions.

The Commission may recommend and the Council may impose conditions upon the approval of any permit for a use within a PT Zone, provided such conditions are reasonably necessary to implement or achieve the performance standards set forth in this Section. Such conditions shall be binding upon the applicant and in the event of any breach, the applicant or any successor in interest to the property subject to such conditions shall be deemed to be in violation of this Zoning Code. All conditions for the permit shall be set forth in writing and attached to the permit.

(F) On-Site Inspections.

The filing of an application for a permit shall be deemed as consent for any agent or employee of the City to enter upon the proposed development site for the purpose of inspecting the premises to determine the applicant's ability to comply with the terms and conditions of this Section.

(G) Pre-Application Conference.

Prior to the filing of an application for a permit, the applicant shall request and the Zoning Administrator shall schedule a pre-application conference with the Planning Department staff and other City staff as deemed necessary. At the pre-application conference, the applicant

shall submit a sketch plan of the proposed use and shall outline and generally discuss the nature of the development and proposed land use.

(H) Application Procedure.

(1) All applications for a permit shall be made on a form provided by the City and shall be accompanied by a filing fee as set by resolution of the Council.

(2) All applications for a permit shall be filed not later than one hundred twenty (120) days after the date of the pre-application conference.

(3) All applications for a permit shall include a site plan, a proposed maintenance plan for Required Improvements, and any other information required by the Zoning Administrator. The contents of the application shall be of sufficient clarity, quality and detail to allow the City to determine compliance with the performance standards in this Section and the other standards imposed by the Zoning Code.

(4) To provide the information necessary to determine compliance with the provisions of this Zoning Code, the application shall require the following:

- (a) Name, address, and phone number of applicant.
- (b) Name, address, and phone number of owner of the property, if owner is not the applicant.
- (c) Legal description of the property.
- (d) Existing use.
- (e) Proposed use.
- (f) Zoning district.
- (g) A site plan drawn to scale showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; the exact location and dimensions of the proposed building, sidewalk, structure or alteration; the location, layout, and access of proposed on-site parking; and the location and type of landscaping, fencing, and screening proposed on the lot.
- (h) Building heights.
- (i) Number and dimensions of off-street parking spaces and loading berths.
- (j) Proposed water and sewer facilities.



(k) Existing and proposed easement.

(l) Proposed storm drainage for multi-family and commercial and industrial development.

(m) Exterior lighting plan.

(n) Such other matters as may be necessary to determine compliance with City Ordinances.

(5) All representations made by the applicant in the site plan and other application materials in the application shall be binding upon the applicant unless a change is approved or required by the Council. If the permit is granted, all representations shall be incorporated into the permit as a condition of continued use of the premises. Such representations shall also be binding upon all successors in interest to the property subject to the application.

(I) Review by Zoning Administrator.

Within five (5) days after any application for a permit is filed, the Zoning Administrator shall review the application and determine if the application is complete. If the application is complete, the Zoning Administrator shall schedule a public hearing before the Planning and Zoning Commission and shall give public notice in the manner set forth below, not less than fifteen (15) days prior to the date of such hearing. If the application is incomplete, the Zoning Administrator shall advise the applicant that the application has been determined to be incomplete, and shall provide the applicant with a written statement of the items necessary to complete the application.

(J) Public Notice.

Public notice of all hearings before the Planning and Zoning Commission shall be given in the manner provided in Section 10-3-4(B)(5) of the Zoning Code. All notices shall include the street address of the property for which the permit is requested and any other information necessary to adequately describe the location of the property, a brief description of the use proposed, and the date, time, and location of the hearing.

(K) Planning and Zoning Commission Hearing.

At the hearing, the Planning and Zoning Commission shall review the application for compliance with this Section and the performance standards set forth in this Section. If the Commission finds that the proposed use does not comply with this Section and the performance standards set forth herein, it shall make a finding in writing specifying the reasons why the application is not in compliance with such standards and shall deliver the same to the applicant and the Council within a reasonable time thereafter. The Planning and Zoning Commission may, at any time, recess such hearing to a later date and no further public notice shall be necessary, provided the motion to recess and the date of the recessed hearing is duly noted in the minutes of the Planning and Zoning Commission.

(L) Recommendation to Council.

Following the conclusion of the hearing on any application, the Planning and Zoning Commission shall, upon request of the applicant, forward its recommendation in writing to the Council, which recommendation shall include proposed findings in accordance with its recommendation. Copies of the recommendation shall be made available upon request to any interested citizen or member of the news media. Notwithstanding the foregoing, the applicant may, at any time prior to the consideration of the application by the Council, request that application be withdrawn and resubmitted at a later date to the Commission for purpose of making modifications recommended by the Planning and Zoning Commission. In the event the applicant requests reconsideration of the application within ninety (90) days after the date of the hearing before the Planning and Zoning Commission, no filing fee shall be required for such amended application.

(M) Hearing Before Council.

Upon receipt of the recommendation of the Commission, the Zoning Administrator shall schedule a hearing before the Council. The Zoning Administrator shall give public notice of such hearing at least fifteen (15) days prior to the date of the hearing, using the same procedure established in this Section. At the hearing, the Council shall approve or deny the application. If the Council denies the application, it shall prepare specific written findings indicating the basis of its denial and the performance standards not met by such application. If the Council approves the application, it shall adopt the findings of the Commission, together with any additional findings or modifications it deems necessary, and order the Zoning Administrator to issue a permit which incorporates the representations made in the application and any other conditions required by the Council in order to meet the performance standards established in this Section.

(N) Required Improvements.

Any site improvements required in order to comply with the performance standards established in this Section shall be referred to herein after as "Required Improvements." Required improvements shall include all site improvements proposed by the applicant and any site improvements required by the Council in order to meet the performance standards set forth in this Section. Required improvements may include, but are not limited to, the following: streets or street improvements, including turn lanes or bays and traffic signals; sidewalks and other pedestrian ways; parking and loading areas; drainage improvements, including grading, channels and retention basins; utilities; lawns; buffers; berm or fences; plantings and other landscape treatments; and irrigation systems.

(O) Standards.

The installation of all required improvements shall conform to the City Standard drawings and Engineering specifications and any other design or construction standards adopted by ordinance. The Council may specify the manner of installing or constructing all required improvements if necessary to assure compliance with the performance standards set forth in this Section. The applicant shall file improvement drawings and specifications for all required improvements and shall obtain the approval of the Planning Administrator prior to the commencement of their construction. Improvement drawings and specifications shall not be

required in the application for a permit, but shall be filed prior to commencement of construction.

(P) Inspection.

The City may inspect all required improvements during construction, and upon a finding that such improvements are not being constructed in conformity with the specifications set forth in the preceding section, the City may order construction to cease and may withhold the issuance of any Certificate of Occupancy.

(Q) Installation of Required Improvement.

All required improvements shall be installed at the applicant's expense. Phased installation of required improvements may be permitted if the phasing is approved by the Council and included as a condition for the issuance of the permit. All proposals for phasing shall be submitted as part of the application for a permit. Phasing shall be permitted only upon a specific finding by the Commission and by the Council that such phasing will not violate the performance standards set forth in this Section and upon the following additional conditions:

(1) All required improvements located within at least one-half (1/2) of the area on which the land use change is proposed shall be commenced within one (1) year from the date the permit is issued.

(2) All required improvements shall be completed within three (3) years from the date the permit is issued.

(R) Completion of Required Improvements.

All required improvements shall be completed prior to occupancy or use of any portion of the property, but in no event later than one (1) year after the permit is issued for developments. In the event the applicant fails to timely complete the required improvements within the time periods set forth above, each applicant shall be deemed to be in violation of this Zoning Code for each day after the completion date during which the required improvements shall remain uncompleted, and, the City may complete the improvements and collect from the applicant all costs incurred in completing the required improvements, including a reasonable fee for time expended by City staff and employees. Extensions of time for completion of the required improvements may be approved by the Council, upon a showing by the applicant that diligent efforts to install the required improvements have been made and that their installation will be completed in a period not exceeding six months after the original completion date. Written application for such extension shall be filed with the Zoning Administrator not later than thirty (30) days prior to the original completion date. If the applicant desires to construct the required improvements in phases, the applicant shall post a letter of credit or a performance or cash bond in the amount of one hundred twenty-five percent (125%) of the cost, as estimated by the City, of the required improvements included within phases contemplated for completion more than one year after the date the permit is issued. In the event the applicant requests phasing for a period in excess of two (2) years, the City may, as a condition for approval of the permit, require that the amount of the performance or cash bond be adjusted annually based upon the United States Consumer Price Index for all urban consumers. The condition for such bond shall be the timely construction of all required improvements or letter of credit in accordance with the terms and

conditions of the permit or any other applicable Zoning Code within the time frames set forth in the permit.

(S) Warranty.

An applicant shall, as a condition for approval of the permit, warrant that all required improvements dedicated to the public shall be free from defects in materials and workmanship for a period of one (1) year after the date the improvements are completed. In the event of such defect, the applicant shall forthwith repair or replace such public improvements.

(T) Maintenance Plan.

All required improvements not dedicated to the public shall be maintained in a good state of care, condition and repair at all times. All such required improvements which become functionally obsolete or worn out shall be replaced with a comparable improvement. All applicants shall submit a maintenance plan with their application for a permit, which plan shall specify in detail the manner, means and frequency with which all required improvements not dedicated to the public shall be maintained. The Council may deny the application for a permit in the event the maintenance plan is inadequate to properly maintain and care for all privately owned required improvements. All plats recorded in conjunction with any application for a permit within the PT Zone shall bear the following legend:

*NOTICE: ALL PROPERTY SHOWN WITHIN THIS PLAT IS SUBJECT TO THE TERMS OF A MAINTENANCE AGREEMENT WITH THE CITY OF IDAHO FALLS, IDAHO, DATED \_\_\_\_\_, 20\_\_ AND FILED WITH THE ZONING ADMINISTRATOR OF THE CITY OF IDAHO FALLS, IDAHO.*

In the event no plat is filed in conjunction with an application for a permit, then the applicant shall, as a condition for approval of the permit, record a covenant, in favor of the City, running with the land, the terms of which shall give notice that all property included within the permit is subject to the terms and conditions of the maintenance plan. All plats bearing such legend, or any covenants required hereby, shall be recorded prior to the issuance of any certificate of occupancy. All maintenance plans shall be attached to and become a part of the permit.

(U) Plats and Plans.

All plats and site or building plans submitted for approval by the City shall be in accordance with the terms of the permit as approved.

(V) Certificate of Occupancy.

No certificate of occupancy shall be issued for any development within a PT Zone, or any part or phase thereof, until the development has been inspected and determined to be in compliance with all terms and conditions of the permit, including but not limited to, proper installation of all required improvements.

(W) Enforcement of Maintenance Plans.

(1) Any applicant or owner of property within a PT Zone who fails to maintain any privately owned required improvement in accordance with the maintenance

plan shall be deemed to be in violation of this Zoning Code. City may enforce any maintenance plan using the procedure set forth below.

(2) A written notice of failure to maintain the required improvements shall be served upon all owners of record of the property within the PT Zone. The notice shall be in writing and shall be mailed by certified mail, return receipt requested, to the owner's or owners' address last shown on the records of the Bonneville County Assessor. Service of the notice shall be deemed to be complete upon its deposit in the U.S. mail, postage prepaid in the manner set forth above. The notice shall contain a brief description of the terms of the maintenance plan that have not more than sixty (60) days from the date of the notice within which the required improvement shall be completely repaired, replaced or otherwise maintained in accordance with the maintenance plan.

(3) Any person receiving the notice, may, within five (5) days of the date of service, request a hearing before the Board of Adjustment, which request shall be delivered to the Zoning Administrator. Following receipt of the request, the Zoning Administrator shall deliver the request to the Board of Adjustment which shall hold a hearing within twenty (20) days from the date thereof. At the hearing, the person may request a reasonable extension of time for curing their failure to comply with the maintenance plan or otherwise demonstrate good cause why he or she should not be required to comply with the maintenance plan.

(4) If compliance with the maintenance plan is not completed within sixty (60) days after the date the notice of failure to maintain the public improvements was served, or any extension allowed by the Board of Adjustment, the owner or owners of the property subject thereto shall be deemed to be in violation of this Zoning Code, and shall be subject to the penalties set forth in this Section.

(X) Penalties.

(1) Any person who violates this Zoning Code shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of three hundred dollars (\$300), or imprisonment for a period not to exceed six (6) months, or both.

(2) It shall be unlawful for any applicant or owner of property to occupy or use property in violation of this Zoning Code. Any person occupying or using such property may be prosecuted in the manner set forth in subsection A hereof, or the City may seek a restraining order from a court of competent jurisdiction prohibiting any further use or occupancy of the premises.

(3) In the event the City determines that any property within a PT Zone is in violation of the terms of this Zoning Code, it may post a notice upon the premises stating that the property is in violation of the Zoning Code and that it is a misdemeanor to occupy or use the premises at any time after a period of ten (10) days following the date such notice is physically posted upon the premises, which date shall be set forth on the notice. Any person so occupying or using the premises in violation of this section shall

also be guilty of a misdemeanor and subject to punishment in the manner set forth in subsection A hereof.

### **10-3-26 – LNC LIMITED NEIGHBORHOOD COMMERCIAL ZONE**

(A) General Objectives and Characteristics. The LNC Zone is designed to permit carefully regulated development of a limited range of commercial uses on small parcels in appropriate locations for the convenience of persons living in residential neighborhoods.

(B) Use Requirements. The following uses shall be permitted in the LNC Zone:

- (1) Grocery stores, including convenience stores.
- (2) Gasoline pumps as an accessory use.
- (3) Self-service laundries.
- (4) Day care centers and group day care facilities.
- (5) Beauty and barber shops.
- (6) Accessory buildings or public utilities used in conjunction with the permitted uses listed above.

(C) Performance Standards.

(1) No use shall be made of any property within an LNC Zone without first obtaining a permit pursuant to this Zoning Code and the Planned Transition Zone.

(2) All uses of property in an LNC Zone shall comply with the following performance standards:

(a) Location of LNC Zones. LNC Zones shall be located at the intersection of an arterial with a collector street in an area zoned residential or designated as such on the Comprehensive Plan. Only one LNC Zone shall be located at any one intersection. LNC Zones shall be designated on the preliminary and final plats of the subdivision served by such centers.

(b) Maximum Size of LNC Zoned Parcels. The maximum size of any LNC parcel shall be two (2) acres.

(c) Lot Coverage. The maximum lot coverage permitted in the LNC Zone shall be seventy percent (70%). Lot coverage includes driveways, parking, loading, and service or storage areas or rooftops.

(d) Access to LNC Zones. LNC uses shall be served by the adjacent collector street and shall have no direct access to the arterial street.

(e) Signs. Revolving, animated, roof, off premise, portable, or pole signs shall not be permitted in an LNC Zone. All signs in an LNC Zone shall comply with the standards set forth in the Planned Transition Zone's Performance Standards for Signs, excepting only 10-3-25-D.p.2.ii.d.

(f) Other Standards. All uses of property in LNC Zones shall comply with all the performance standards of the Planned Transition Zone, except for the following standards:

- (i) Minimum size land use changes
- (ii) Connections
- (iii) Land use
- (iv) Lot coverage
- (v) Arterial street restrictions of the Use of and Access to Streets standard
- (vi) The high density residential subsection of Signs
- (vii) The commercial uses flashing sign restriction subsection of Signs
- (viii) The revolving, animated, roof, off-premise or portable sign restriction subsection of Signs.

(3) All development in LNC Zones shall comply with the Supplementary Regulations of this Zoning Code and the City Code of the City of Idaho Falls, Idaho, as amended, except where the above performance standards impose more stringent requirements, in which event such requirements shall control.

(D) Application Procedures. Applications for a permit in the LNC Zone shall be processed in accordance with procedures established under the Planned Transition Zone of the Zoning Code.

(E) Required Improvements. Any required improvements shall be constructed and maintained in accordance with standard established under the Planned Transition Zone of the Zoning Code.

(F) Penalties.

(1) Any person who violates this Zoning Code shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of three hundred dollars (\$300), imprisonment for a period not to exceed six months, or both.

(2) It shall be unlawful for any applicant or owner of property to occupy or use property in violation of this Zoning Code. Any person occupying or using such property may be prosecuted in the manner set forth in subsection A above, or the City may seek a restraining order from a court of competent jurisdiction prohibiting any further use or occupancy of the premises.

(3) In the event the City determines that any property within an LNC Zone is in violation of the terms of this Zoning Code, it may post a notice upon the premises stating that the property is in violation of the Zoning Code and that it is a misdemeanor to occupy or use the premises at any time after a period of ten (10) days following the date such notice is physically posted upon the premises, which date shall be set forth on the notice. Any person so occupying or using the premises in violation of this section shall be guilty of a misdemeanor and subject to punishment in the manner set forth in subsection 1 above.

### **10-3-27 – MS MEDICAL SERVICES ZONE**

(A) General Objectives and Characteristics of Zone. The purpose of the MS Medical Services Zone is to provide for health, medical, and related uses near the major medical institutions of Idaho Falls. The Zone encourages the provision of support services to health and medical providers and is characterized by relatively high traffic volumes, a variety of office types, and a limited number and type of supportive retail services for employees and visitors within the Zone.

(B) Use Requirements. The following uses shall be permitted in the MS Zone:

(1) Assisted living centers and nursing homes.

(2) Day care centers.

(3) Professional and business offices.

(4) Medical and dental clinics, including emergency care clinics.

(5) Government offices.

(6) Branch banks and credit unions, including related drive-in windows.

(7) Pharmacies less than fifteen thousand square feet (15,000 ft<sup>2</sup>) in size, including related drive-in windows.



- (8) Coffee shops, bakeries, and delicatessens less than two thousand square feet (2,000 ft<sup>2</sup>), including related drive-in windows.
- (9) Copy, mail, and computer centers less than two thousand square feet (2,000 ft<sup>2</sup>) in size.
- (10) Florist shops less than two thousand square feet (2,000 ft<sup>2</sup>) in size.
- (11) Medical supplies and equipment sales less than three thousand square feet (3,000 ft<sup>2</sup>) in size.
- (12) Medical laboratories, excluding live animal testing.
- (13) Motel/hotels when found to be in compliance with
  - (a) The Hazards and Nuisances Planned Transition Zone performance standard,
  - (b) The Service and Loading Area Planned Transition Zone performance standard, and
  - (c) The Findings subsection of the RSC-1 Zone's Development Plan requirements, approved by the Planning Commission as a conditional use.
- (14) Barber and beauty shops.
- (15) Pick-up and drop-off for dry cleaning.
- (16) Mortuaries when approved as conditional use by the Planning Commission.
- (17) Buildings greater in height than twenty-four feet (24') when found to be in compliance with:
  - (a) The Hazards and Nuisances Planned Transition Zone performance standard,
  - (b) The Service and Loading Area Planned Transition Zone performance standard, and
  - (c) The Findings subsection of the RSC-1 Zone's Development Plan requirements, approved by the Planning Commission as a conditional use.
- (18) Non-flashing free-standing pole signs advertising the sections performed within the building not to exceed one square foot per lineal foot of building frontage and not to exceed fifteen feet (15') above grade to the top of the sign and wall

signs showing the name and address of the building not to exceed ten percent (10%) of the total area of the building front.

(19) Other uses ruled by the Council to be similar to the above listed uses and in harmony with the objectives and characteristics of this Zone.

(C) Area Requirements. None

(D) Width Requirements. None

(E) Location of Buildings and Structures.

(1) Setback. All buildings shall be set back a minimum distance of fifteen feet (15') from any public street.

(2) Side Yard. Each building shall have a side yard of not less than six feet (6').

(3) Rear Yard. Each building shall have a rear yard of not less than fifteen feet (15'), except as herein provided and required under the provisions of this Zoning Code.

(F) Height of Buildings. No building shall be erected to a height greater than twenty-four feet (24') from original grade unless a conditions use is approved by the Planning Commission. Roofs above the square of the building, chimneys, flagpoles, television antennas, and similar structures not used for human occupancy are excluded in determining height.

(G) Lot coverage and Landscaping.

(1) Maximum Lot Coverage. Lot coverage, including all areas under roofs and paved surfaces, including driveways, walks and parking areas, shall not exceed eighty percent (80%) of the total lot area. The remaining lot area (at least twenty percent (20%) percent of the total lot area) shall be landscaped. *See* the Landscaping subsection of the Supplementary Regulations of this Zoning Code for general landscaping requirements.

(2) Required Buffers. Whenever a development in the MS Zone adjoins land zoned RP, RP-A, R-1, or RMH, or unincorporated land designated for single-family residential land use in the City's Comprehensive Plan, a minimum twenty foot (20') wide landscaped buffer adjacent to such adjoining residential property shall be provided. If a utility easement is present in this setback, trees permitted under the City Code shall be spaced at twenty foot (20') intervals within this buffer. If no utility easement exists within this buffer, evergreen trees shall be planted within this buffer as approved by the City's urban forester.

(H) Special Provisions.

(1) Parking within the Setback. The front and side setbacks facing on a public street shall not be used for parking but shall be landscaped except for permitted driveways.

(2) No Exterior Storage. No exterior storage shall be permitted.

(3) Setback Adjacent to Residential. When a development in the MS Zone adjoins land zoned RP, RP-A, R-1, or RMH, or unincorporated land designated for single-family residential land use in the City's Comprehensive Plan and the height of the building is over twenty feet (20'), the building shall set back thirty feet (30') from the property line adjacent to such Zones or land designated for residential land uses.

(4) Location of Zone. All MS Zones shall be located contiguous to an arterial street. If located at the intersection of an arterial with a collector street, there shall be no direct access to the arterial street. If the property is served only by arterial streets, any direct access shall be in accordance with the guidelines of The Access Management Plan, February, 1998, and Section 10-1-7 of the Subdivision Ordinance.

### **10-3-28 – R&D-1 RESEARCH AND DEVELOPMENT ZONE**

(A) General Objective and Characteristics

The R&D-1 Research and Development Zone has been established as a district in which the primary use of the land is a center for research, development, and higher education. Representative uses within this Zone are office buildings, research laboratories, and related educational buildings. This Zone is more restrictive in order to have buildings which exhibit architectural excellence, grounds which have an abundance of landscaping, and land uses which do not create air, ground, noise, or water pollution. This Zone is characterized by a location close to transportation, public utilities and other facilities necessary to support research and development and higher education facilities. This Zone is also characterized by attractively designed buildings and off-street parking lots situated among spacious lawns, trees, shrubs, and other landscape features.

The objectives of the R&D-1 Zone are:

(1) To provide space for research and development laboratories, which require a location free from smoke, noise, fumes, vibrations, environmental hazards and other nuisances.

(2) To provide space in a campus-like setting for higher education facilities, especially those which enhance research and development.

(3) To encourage existing employers to expand and new employers to locate within the City, so the economic and social well-being of the City and its inhabitants may be enhanced thereby.

In order to accomplish the objectives and purposes of this Zoning Code and to promote the characteristics of this Zone, the following regulations shall apply in the R&D-1 Zone.

(B) Use Requirements. The following uses shall be permitted in the R&D-1 Zone:

- (1) Research laboratories.
- (2) Business and professional offices.
- (3) Government offices.
- (4) Warehousing, and exterior storage related to research laboratories.
- (5) University and higher education buildings in accordance with a master plan approved by the Planning Commission under the Public and Semi-Public Parks, Playgrounds, and Schools Special Provision of the Supplementary Regulations to Zones.
- [6] (F) Public buildings, public recreational buildings, and public utilities buildings.
- [7] (G) Parking lots related to the uses permitted in the Zone.
- [8] (H) Buildings accessory to and incidental to uses permitted in the Zone.
- [9] (I) Signs as delineated in the City of Idaho Falls Sign Code.
- [10] (J) Other uses similar to the foregoing uses which are ruled by the Council to be in harmony with the intent of this Zone.

(C) Area Requirements

No single R&D-1 Zone shall contain less than ten (10) acres; however, there shall be no requirements for individual buildings or lots, except the area shall be sufficient to provide for setbacks, landscaping and off-street parking.

(D) Width Requirements

All buildings and exterior storage areas shall be set back a minimum distance of thirty feet (30') from any public street, except as herein provided and required under the provisions of this Zoning Code. All buildings and exterior storage areas shall be located a minimum of twenty

feet (20') from all residential zones, including R-3A if the R-3A Zone is occupied by residential uses, or from land designated for low or higher density residential use in the City's Comprehensive Plan.

(E) Height Requirements

No requirements.

(F) Size Requirements

No requirements.

(G) Special Provisions

(1) Maintenance of premises. The exterior of the entire lot shall be kept free from refuse, debris and waste material and all such refuse, debris and waste material shall be kept in publicly owned refuse containers and stored so the containers cannot be seen from any public street or adjacent residential properties. No dust, odors, smoke, vibrations, intermittent lights, glare, noise, fumes, ash or sound shall be emitted which is discernible beyond the premises, except that which arise due to normal traffic movements.

(2) Exterior storage. Any exterior storage shall comply with the following standards:

(a) Exterior storage shall not exceed thirty percent (30%) of the developed parcel or platted lot, whichever is less. Under no conditions shall the area of exterior storage be greater than six (6) acres.

(b) Exterior storage shall be located at least seven hundred fifty feet (750') from the Snake River and not located within any A Zone or B Zone as defined by the Flood Insurance Rate Maps (FIRM).

(c) In order to ensure exterior storage is not visible from a public street or adjacent properties, any exterior storage shall be screened by landscaping, buildings, or masonry walls. If a masonry wall is used, it shall be combined with landscaping.

(d) The perimeter of storage area not immediately adjacent to buildings shall be screened by landscaping and berms or landscaping and masonry walls at least twenty feet (20') in width. This twenty foot (20') wide landscape screen shall include evergreen trees and shrubs spaced to form a solid screen at least ten feet (10') in height within five (5) years. If a masonry wall is used, the landscape screen shall be placed on the exterior side of the wall.

(e) Contents within the exterior storage area may not exceed the designed height of the screen.

(f) The proposed screen shall be approved by the Urban Forester. Deciduous trees and shrubs may be used for portions of the screen upon the approval of the Urban Forester and provided a solid screen will be maintained.

(g) Circulation within the exterior storage area shall be adequate for fire protection.

(h) Access to the exterior storage shall have sufficient stacking room for vehicles to assure delivery vehicles do not park on the public street during loading and unloading or block the public streets.

(i) If such exterior storage is no longer required for research in the principal building(s), such storage shall be removed within one (1) year of cessation of such research. The exterior storage area shall be restored to the landscape standards specified in this section.

(3) Landscaping. All areas not covered by buildings, off-street parking and loading space, and exterior storage shall be vegetated and maintained in accordance with good landscaping practice. All landscaping shall comply with the following:

(a) Landscape plans shall be designed by a licensed landscape architect. The minimum tree requirement shall be one (1) tree per five thousand square feet (5,000 ft<sup>2</sup>) of lot area. The minimum shrub ratio shall be two (2) shrubs per one (1) tree. There shall be a minimum ratio of deciduous shrubs to evergreen shrubs of 2:1. The use of native vegetation which reduces water consumption is encouraged.

(b) In order to reduce water consumption while enhancing the cooling effects in areas of human activity, at a minimum lawn areas or solid shrubbery and ground shall be located within forty feet (40') adjacent to any building perimeter, twenty-five feet (25') adjacent to surface walkways, patios, and surface parking lots, and thirty feet (30') adjacent to public streets. Nothing in this requirement shall prevent the voluntary extension of lawn or solid shrubbery and ground cover into other areas of the development.

(4) Setback. The required setback space contiguous to the public street shall not be used for automobile parking but shall be landscaped and maintained with lawns, trees, and shrubs except for permitted driveways.

(5) Coverage. All buildings on any lot shall not occupy more than fifty percent (50%) of the total area of any lot. All buildings, parking areas, loading areas,

outside storage, and sidewalks shall not occupy more than eighty percent (80%) of any lot. The remaining lot shall be landscaped.

(6) Loading Areas. All loading and unloading areas shall be screened from public streets in accordance with Section 4-23.X. All loading and unloading areas as well as parking areas shall be hard-surfaced.

(7) Use of Hazardous Materials. The use of explosive or radioactive materials or any other hazardous materials shall conform to all applicable local, state, and federal regulations.

(8) Site plan and design review. Before any building permit is issued in the R&D-1 Zone, a development plan shall be submitted to and approved by the Zoning Administrator. The development plan shall include a complete site plan, lighting plan, landscape plan, and proposed elevations of the buildings. The site plan shall comply with the Planned Transition Zone's site plan requirements.

All uses within the R&D-1 Zone shall comply with the following performance standards as determined by the Zoning Administrator:

(a) No use shall create 70dBA or greater at the property lines of adjacent residential uses and places of assembly, or 55dBA or greater within the interior of adjacent residential uses and places of assembly, or 75dBA or 123 greater at the property lines for other adjacent land uses.

(b) No use shall create traffic generation that decreases the level of service (LOS) to LOS D or below on the adjacent arterial street unless the developer or owner agrees to provide all improvements necessary to retain the existing level of service on the adjacent street. The Zoning Administrator may require a traffic impact study meeting the standards of *The Access Management Plan*, February, 1998 Edition, as filed in the Office of the City Clerk.

(c) All sources of illumination shall be directed and shielded to avoid direct glare onto adjacent properties. No use shall cause a level of illumination exceeding half foot (0.5') candles on any part of a neighboring residential area.

(d) All uses shall provide access for pedestrians through the provision of sidewalks and designated pedestrian access through parking areas. When the use is adjacent to an existing or proposed path designated in the *Comprehensive Plan Pedestrian and Bicycle Plan* or an existing park or bicycle/path facility, the administrator may require an on-site path to allow employees access to the neighboring facility.

(e) Access points shall be in compliance with *The Access Management Plan*, February, 1998 Edition.

(f) The materials of the proposed buildings shall be in harmony with the existing development in the immediate area. The use of prefabricated metal or block masonry for the exterior of an entire structure is prohibited unless the building is located immediately adjacent to such type of existing structure, has veneer in harmony with adjacent buildings, or is broken into smaller components by sufficient expanse of windows, insets, projections, or exterior trim to avoid a blank wall of metal or masonry. Brick, sandstone, stucco, colored and textured concrete, and textured concrete masonry units are encouraged.

(g) Where the main entrance of a building does not face a street, other street side entrances, windows and doors shall be highlighted to provide interest and appear accessible to pedestrians.

(h) All uses in the R&D-1 Zone shall be buffered from adjacent residential uses, land designated residential in the City's comprehensive plan, or land zoned residentially, including R-3A zones when the R-3A Zone is used for housing, by a combination of landscaping, berms, and fencing at least twenty feet (20') in width. Landscaping shall include evergreens spaced to form a solid screen within ten (10) years and a berm at least three feet (3') in height.

(i) No building with a height greater than thirty feet (30') or exterior storage area shall be closer than seventy-five feet (75') from adjacent residential uses, land zoned residentially, or land designated residential in the City's Comprehensive Plan unless approved as a conditional use permit by the Planning Commission.

(j) The Zoning Administrator may require additional landscaping when necessary to screen exterior storage, loading areas or security lights from public streets or adjacent residential properties.

(k) No electronic message board, animated sign, revolving, roof, off-premise, or portable signs shall be permitted in the R&D-1 Zone.

### **10-3-29 – RMH RESIDENTIAL MOBILE HOME ZONE**

(A) Definitions.

For the purpose of this Article, certain terms are defined as follows:

(1) Council. City Council of Idaho Falls.



(2) Mobile Home. A manufactured relocatable single-family living unit made prior to June 15, 1976, which does not meet the Federal Manufactured Home Construction and Safety Standards.

(3) Mobile Home Court. A tract of land retained under one (1) ownership for the purpose of lease or rental of spaces for the placement of mobile homes or manufactured homes as defined in this Zoning Code.

(4) Mobile Home Subdivision. A tract of land subdivided according to the rules and regulations of the Subdivision Ordinance of the City of Idaho Falls to provide for the sale of individual lots for the express purpose of placement of mobile homes or manufactured homes.

(5) Roadway. A means of vehicular access in a mobile home or travel trailer court which is not a dedicated street.

(6) Travel Trailer. The term "Travel Trailer" shall mean and include all living accommodation units which are capable of unrestricted highway use, and not placed upon any foundation. The term shall include, but not be limited to, travel trailers, motor home units, campers mounted on automotive vehicles and camping tents.

(7) Travel Trailer Court. A tract of land retained in one (1) ownership, for the purpose of rental of spaces for temporary placement of travel trailers, as defined in this Zoning Code.

(B) General Objectives and Characteristics.

The objective in establishing the RMH Zone is to provide an environment within the City which is characterized by the somewhat denser residential environment than is characteristic of the other residential Zones. A mobile home subdivision, mobile home court, or travel trailer court are special facilities specifically designed to accommodate mobile and/or manufactured homes, or recreational vehicles which may not conform to the requirements for permanent location within other residential Zones within the City. It is the intent of the travel trailer provisions to provide safe, sanitary, and attractive facilities for the tourist to park a recreational vehicle while visiting the City. Any mobile home which has been legally established and which was in use at the time of the effective date of this Zoning Code shall be deemed to be a non-conforming use. Such non-conforming use may be continued notwithstanding the fact that it may not comply with the provisions of this Zoning Code, provided that such non-conforming use does not constitute a hazard to health or a nuisance. Such non-conforming use shall not be extended, changed or enlarged except in compliance with this Zoning Code.

If any mobile home or mobile home court was illegally established at the effective date of this Zoning Code, the enactment of this Zoning Code shall not be deemed to render such use legal unless it is expressly authorized by the terms of this Zoning Code.

(C) Use Requirements.

The following uses shall be permitted in the RMH Zone:

- (1) Any use permitted in the R-1 Residence Zone.
- (2) Mobile Home Subdivisions when approved by the Planning Commission and Council as required by this Zoning Code.
- (3) Mobile Home Courts when approved by the Planning Commission and Council as a PUD, as required in Section 510 of this Zoning Code.
- (4) Travel Trailer Courts when approved by the Planning Commission and Council as required by this Zoning Code.
- (5) It shall be unlawful for any person to locate or maintain a mobile home or travel trailer on any lot in the City of Idaho Falls and to use the same for human habitation, except as follows:
  - (a) A mobile home may be located in a mobile home court or in an approved mobile home subdivision.
  - (b) A travel trailer may be located in a travel trailer court.

(D) Location Requirements.

No mobile home shall be located closer than thirty feet (30') from a public street.

(E) Construction.

Any portion of, or appendage, or any habitation, shelter, cabana, add-on or storage facility as permitted herein shall conform with the requirements of this Zoning Code and the Uniform Building Code, as determined by the Zoning Administrator. No person shall construct a habitation, shelter, cabana, add-on, or storage facility without first obtaining a permit from the Zoning Administrator.

**10-3-30 – TRAVEL TRAILER COURTS - APPROVAL OF PLANS AND DOCUMENTS NECESSARY**

Any person wishing to construct a travel trailer court shall obtain from the Zoning Administrator, information pertaining to the City's Plan of Land Use, streets, public facilities, and other requirements affecting the land within the development. Before a permit can be issued for any construction connected with a travel trailer court, the preliminary plans, required documents pertaining to the development and the final plan shall have been approved as hereinafter set forth.

(A) Preliminary Plan and Documents.

The preliminary plan and documents shall be prepared and submitted as follows:

(1) Plan Requirements. Six (6) copies of the preliminary plan must be submitted to the Zoning Administrator at least two (2) weeks prior to the meeting of the Planning Commission at which the plan will be considered. The preliminary plan shall be drawn to a scale not smaller than one inch equals one hundred feet (1"=100') or as otherwise recommended by the Zoning Administrator and shall show the following information:

(a) Proposed road and trailer space layout.

(b) Proposed reservation for parks, playgrounds, and other open space.

(c) Proposed location for service facilities.

(d) A generalized landscape plan.

(e) Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants, storm drains and facilities, curbs, and other improvements.

(f) Any other data that the Planning Commission may require.

(2) Standards and Requirements.

(a) Each travel trailer court shall be held in one (1) ownership and shall contain at least two (2) acres of land.

(b) All travel trailer courts shall abut upon a collector or arterial street, as set forth in the City's major street plan.

(c) All travel trailers shall be set back at least thirty feet (30') from any public street, and fifteen feet (15') from an interior private roadway.

(d) The roadway system shall provide convenient circulation through the travel trailer court and provide access to each travel trailer space. No travel trailer space will be permitted direct access to a public street, road, or highway other than by means of the travel trailer court roadway system. All entrances and exits from the travel trailer courts shall be by forward motions only. No exit or entrance from a travel trailer court shall be through a residential zone and no entrance or exit shall be located closer than seventy feet (70') to the intersection of two (2) streets.

(e) All one-way and two-way roadways shall have a curb-to-curb width of at least thirty-seven feet (37') and all roadways shall be hard-surfaced.

(f) All areas within the court which are not hard-surfaced shall be landscaped and maintained with lawns, trees, and shrubs designed to provide privacy and noise containment and shall be equipped with adequate sprinkling or watering devices as approved by the Zoning Administrator. A landscape screen at

least eight feet (8') in width shall be provided adjacent to the exterior boundaries of the court.

(g) Each travel trailer space shall be at least twenty feet (20') in width and at least forty feet (40') in length.

(h) No travel trailer space shall be rented for a period of more than thirty (30) days and no travel trailer which exceeds eight feet (8') in width shall be placed in a travel trailer court.

(i) A minimum of fifty percent (50%) of all travel trailer spaces shall be served by an approved water and sewage disposal system. In addition, each travel trailer court shall have a sewage dump for self-contained trailer units.

(j) In addition to meeting the above requirements, all travel trailer courts shall conform to the requirements of the State and City Health Regulations relating to travel trailer courts.

(k) The site of any travel trailer court shall be graded and/or filled and maintained so as to prevent the accumulation of storm or waste water of any kind. A travel trailer court shall not be permitted where there is inadequate drainage. Adequate drainage shall be provided and maintained for all patios, travel trailer stands, buildings, streets and other improvements.

(l) Signs as may be required by the Zoning Administrator shall be placed in all travel trailer courts indicating the direction of travel and the area where no automobile parking will be permitted on roadways.

(m) No permit to construct or enlarge a travel trailer court shall be issued until the plans for the proposed construction or enlargement have been approved by the Zoning Administrator and City Engineer.

(n) Both dependent and independent travel trailers shall be allowed to occupy travel trailer spaces in a travel trailer court.

(o) All improvements, including utilities, streets, paved areas and landscaping, must be completed within two (2) years of the date the plan is approved by the Council.

(p) Any exterior storage space shall be enclosed within a sight obstructing fence not less than six feet (6') and not more than eight feet (8') in height.

(q) Travel trailer courts with a minimum of twenty-five (25) spaces may include a launderette for the use by the occupants of the court, but not by the general public.

(r) An aggregate area of at least one-hundred square feet (100 sq ft) for each mobile home space contained within the mobile home court shall be provided for the storage of renter's items that cannot be stored in the mobile homes. This storage space shall be enclosed within a sight obstructing fence or other similarly effective screening of not less than six feet (6') and not more than eight feet (8') in height.

(s) Entrances shall be no closer than one hundred feet (100') from each other, nor closer than seventy feet (70') to the corner of an intersection. All mobile home courts shall have at least two (2) entrances and more may be required depending on the size of the development.

(t) Access shall be provided to each mobile home space by means of an access way reserved for maneuvering mobile homes into position and shall be kept free from trees, shrubs and other immovable obstructions. Paving the access way shall not be required. Use of planks, steel mats, or other means during placement of a mobile home shall be allowed so long as the same are removed immediately after placement of the mobile home.

(u) Off-Street parking shall be provided at the rate of two parking spaces per mobile home space contained within the mobile home court. In no case shall the parking space be located greater than one-hundred feet (100') away from the mobile home space it is designed to serve.

(B) Review and Approval.

The Planning Commission shall review the plan to determine its compliance with any portion of the City's Land Use Plan and Zoning Code. In considering approval of the development, the Planning Commission shall, among other things, make sure that such development will mesh harmoniously with the surrounding area; that it will not produce a volume of traffic beyond the capacity of the surrounding street system. Requirements for utilities, off street parking, traffic circulation, and other public requirements will be adequately met and that the standards and intent of this section shall be adequately complied with.

The Planning Commission may require changes to be made in the plan. They may also require additional yards or buffers or other improvements to be installed along with greater amounts of landscaping or parking spaces. Said changes may be imposed as conditions of approval where it is determined by the Planning Commission that such changes are necessary to insure that the development will mesh harmoniously with adjoining or nearby uses.

An application for approval of a travel trailer court shall be granted or denied only after a public hearing by the Planning Commission. Notice of the hearing shall be given in a newspaper of general circulation at least fifteen (15) days prior to said hearing.

After consideration by the Planning Commission, the application with the Planning Commission's recommendations shall be submitted to the Council for its approval. An application

denied by the Planning Commission may be appealed to the Council. Said appeal must be made in writing within ten (10) days after the denial is made by the Planning Commission. Approval of the preliminary plan shall be valid for a period of one (1) year.

(C) Final Site Plan.

Upon approval of the preliminary plan by the Council, the developer shall submit to the Planning Commission a final site plan of either the entire travel trailer court or the first stage of such development that is to be constructed. Such plan shall be drawn to scale and provide in detail, the information required under this Zoning Code.

Copies of the final approved documents shall also be filed in the office of the Zoning Administrator. No building permit shall be issued for said travel trailer court until final plans have been approved by the Planning Commission and Council, and the required documents filed in the office of the Zoning Administrator; and until the guarantee of performance required under 8-2-5 of this Zoning Code has been properly posted.

(D) Stage Construction Permitted.

Development may be carried out in progressive stages, in which events, each stage shall be so planned that the requirements and intent of this Zoning Code shall be fully complied with at the completion of each stage. No final plan for the initial stage shall cover less than one (1) acre.

(E) Guarantee of Performance.

(1) Ability to Perform. Prior to issuing a building permit for the construction of a travel trailer court, the developer must submit evidence satisfactory to the Council that the developer has the means and the ability to complete the stage of construction for which he has applied for a building permit. Such evidence shall consist of the contractor's bid or the engineer's or architect's estimate of the amount required to complete the development, together with the resources of the developer committed to such expenditure or the proof of the loan commitment sufficient to construct and complete such development.

(2) Possession and Occupancy. No possession or occupancy of the travel trailer court shall be allowed until the improvements as planned shall be fully constructed. Provided, however, that if the developer desires to have any occupancy of a portion of the partially developed staged construction, the developer shall post bond as security for the completion of all improvements. Included in these improvements, but not limited to, landscaping, road improvements, pedestrian ways, curbs, gutters, road surfacing, water, sanitary and storm drain lines and common facilities as shown in the final site plan. Upon the posting of bond, satisfactory in form and amount, to the Council for the completion of such improvements, occupancy may be granted upon a partially constructed and developed travel trailer court.

(3) Estimates. All cost estimates for completing the development shall be submitted to the City Engineer for his approval.

(4) Duration of Bond. The duration of any bonds or other insurance of completion of improvements and development of travel trailer courts shall be for a minimum of two (2) years from the date of the approval of the development by the Council. An extension of time may be granted by the Council upon application of the developer, provided such application is submitted at least sixty (60) days prior to the expiration of the bond and provided the issuer of the bond is willing to extend the time of assurance.

(5) Default. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within the time limitation, the Council may declare the bond or other assurance forfeited and the City may install or cause to be installed, the required improvements using the proceeds from the bonds or other assurance to defray the expense thereof.

(6) Release of Security. The developer shall be responsible for the quality of all materials and workmanship. All street and utility work shall be inspected by the City and upon the completion of installation of all such improvements the City Engineer shall make a final inspection of the improvements and shall submit a report to the Council. If the improvements do not meet the standards and the plans, the Engineer shall so report and the developer shall be obligated to correct the improvements and complete the installation to meet all such plans and the approval of the City Engineer. Upon the Engineer's approval of the installation of improvements, the bond or other assurance shall be released and exonerated.

(7) Continuing Obligation. Any failure on the part of the developer, or his assigns, to maintain the travel trailer court in accordance with the approved management policies, covenants, conditions, and restrictions and agreements shall be deemed a public nuisance endangering the health, safety, and general welfare of the public and a detriment to the surrounding area. All maintenance of private drives including, but not limited to, utilities, drainage, streets and snow removal, shall be the responsibility of the owner.

In addition to any other remedy provided by law for the abatement or removal of such public nuisance, the City may remove or abate the nuisance and charge the cost thereof, including reasonable attorney's fees to the owner.

### **10-3-31 – MOBILE HOME SUBDIVISIONS**

All mobile home subdivisions must be approved by the Planning Commission and by the Council and shall be made to comply with the provisions of the Subdivision Ordinance and the R-1 requirements shall apply, with the following exceptions:

- (A) The minimum lot size in a mobile home subdivision shall be five thousand square feet (5,000 ft<sup>2</sup>).
- (B) The minimum size of a mobile home subdivision shall be five (5) acres.

(C) Each dwelling shall be required to have off-street parking for a minimum of two (2) cars, and such parking shall be hard-surfaced.

(D) Use Requirements. Any use permitted in the RP, RP-A, and R-1 Residence Zones.

(E) No dwelling or add-on shall be closer than ten feet (10') to a side property or lot line.

(F) A rear yard of twenty-five feet (25') will be required except that a minimum rear yard of fifteen feet (15') will be accepted if one of the required side yards is a minimum of twenty-five feet (25').

### **10-3-32 – PERMIT FEES**

Prior to the issuance of any permit, the Building Official shall collect the following fees, in an amount set from time to time by Resolution of the Council:

(A) Mobile Home Courts.

(B) Mobile Home Subdivision.

### **10-3-33 - WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS**

(A) Purpose. The purpose of this article is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this article are to:

(1) Protect residential areas and land uses from potential adverse impacts of towers and antennas.

(2) Encourage the location of towers in non-residential areas.

(3) Minimize the total number of towers throughout the community.

(4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.

(5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.

(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.

(7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(8) Consider the public health and safety of communication towers.



(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(B) Definitions. As used in this Zoning Code, the following terms shall have the meanings set forth below:

(1) “Alternative Tower Structure” means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(2) “Antenna” means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.

(3) “Backhaul Network” means the lines that connect a provider’s towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(4) “FAA” means the Federal Aviation Administration.

(5) “FCC” means the Federal Communications Commission.

(6) “Guyed Tower” means a support structure of metal crossed strips or bars steadied by wires in a radial pattern around the structure.

(7) “Height” means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(8) “Lattice Tower” means a support structure consisting of metal crossed strips or bars supporting antennas and related equipment.

(9) “Monopole” means a structure composed of a single spire.

(10) “Preexisting Towers and Preexisting Antennas” means any tower or antenna for which a building permit has been properly issued prior to the effective date of this Zoning Code, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

(11) “Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier

towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(C) Applicability.

(1) Towers and Antennas. All towers or antennas in Idaho Falls shall be subject to these regulations, except as provided in Sections 3(b) through (e), inclusive.

(2) Amateur Radio Station Operators/Receive Only Antennas. This Zoning Code shall not govern any tower, or the installation of any antenna, that is under seventy feet (70') in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

(3) Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than to meet the requirements of State or Federal Law or to comply with the Uniform Building Code, as amended, and the National Electric Code. See this Section's Preexisting Towers subsection as to replacement of existing towers.

(4) AM Array. For purposes of implementing this Zoning Code, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(5) Radio and TV Towers and Antennas. Towers and antennas as accessory uses for radio and television stations as permitted under the C-1 Limited Business Zone shall not be required to meet the requirements of this Zoning Code unless modified for collocation as specified in this Section.

(D) General Requirements

(1) Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(2) Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(3) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Idaho Falls or within one mile of the border thereof, including specific information about the location, height, and

design of each tower. The Zoning Administrator may share such information with other applicants applying for approvals under this ordinance or other organizations seeking to locate antennas within the jurisdiction of Idaho Falls, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(4) Aesthetics. Towers and antennas shall meet the following requirements:

(a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness unless the tower is a laminated monopole.

(b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(c) If an antenna is installed on a structure other than a tower, the antenna and 137 supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(5) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(6) State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(7) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure it is maintained in compliance with standards contained in the Uniform Building Code, as amended, and the National Electric Code, as amended.

(8) Measurement. For the purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in Idaho Falls irrespective of municipal and country jurisdictional boundaries.

(9) Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this Zoning Code and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(10) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in Idaho Falls have been obtained and shall file a copy of all required franchises with the Zoning Administrator.

(11) Signs. No advertising signs shall be allowed on an antenna or tower.

(12) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the setback requirements of the applicable Zone unless the provisions of this Ordinance are more restrictive.

(E) Permitted Uses.

(1) General. The uses listed in this Section are permitted uses in the applicable overlay zone or in other areas of the City as enumerated in the Existing Structures below.

(2) Overlay Zones. The purposes of the T-1 Overlay Zone is to permit towers of limited height on publicly owned property or commercial areas near major highways and existing towers. The height of the towers is limited due to the proximity of residences.

The purpose of the T-2 Overlay Zone is to permit towers on commercially or industrially zoned properties near major highways. These Zones are buffered from residential areas by natural or manmade features such as rivers and railroads or physical distance.

(a) T-1 Overlay Zone. Antennas or towers, including the placement of additional buildings or other supporting equipment used in connection with said tower and antenna. The tower, including the antenna, shall meet the following requirements:

(i) The height shall not exceed ninety feet (90’).

(ii) The tower shall be constructed to permit another carrier to collocate.

(iii) The base of the tower shall be at least one hundred percent (100%) of the height of the tower from the closest property line of the nearest residence.

(iv) Towers shall meet the separation distances in Table 2, Section 10-3-4-26 (F).

(v) Towers and accessory buildings shall meet the setback requirements of the underlying Zone.

(vi) No equipment shelter shall produce noise levels separate or accumulative above 45dB as measured from the nearest property line on which the tower is located.

(b) T-2 Overlay Zone. Towers or antennas, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna. The tower, including the antenna, shall meet the following requirements:

(i) Height

[1] For a single user, up to ninety feet (90') in height.

[2] For two users, up to one hundred twenty feet (120') in height; and

[3] For three or more users, up to one hundred fifty feet (150') in height.

(ii) Setbacks:

[1] Towers must be setback a distance equal to at least seventy-five percent (75%) of the height of the tower from any public street.

[2] Guys and accessory buildings shall meet the setback requirements of the underlying Zone.

(iii) Separation. Towers shall meet the separation requirements of Table 1 and 2, Section 10-3-4-26 (F).

(iv) Noise levels. No equipment shelter shall produce noise levels separate or accumulative above forty-five decibels (45dB) as measured from the nearest property line of the closest residence.

(3) Existing Structures. Antennas on existing structures or towers consistent with the terms of subsections 1 and 2 below.

(a) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided:

(i) The antenna does not extend more than thirty feet (30') feet above the highest point of the structure;

(ii) The antenna complies with all applicable FCC and FAA regulations; and

(iii) The antenna complies with the Uniform Building Code and National Electric Code as amended.

(b) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.

(i) Height

An existing tower other than one in a T-1 Zone may be modified or rebuilt to a taller height, not to exceed thirty feet (30') feet over the tower's existing height, to accommodate the collocation of an additional antenna. However, this height change may only occur one time per tower.

The additional height shall not require an additional distance separation as set forth in Table 1 or 2. The tower's pre-modification height shall be used to calculate such distance separations.

(ii) Onsite location

[1] A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty feet (50') of its existing location.

[2] After the tower is rebuilt to accommodate collocation, the old tower must be removed.

[3] A relocated onsite tower shall be measured from the original tower location for purposes of calculating separation distances between towers pursuant Table 2. The relocation of a tower hereunder shall in no way be deemed to cause a violation of Table 2.

[4] The onsite relocation of a tower shall not come within the separation distances to residential units or residentially zoned lands as established in Table 1.

(4) Microcell network. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(5) Concealed antennas. Antennas placed and concealed within existing structures.

(6) Replacement of light standards and similar structures. Antennas attached to a light standard or flagpole on a commercial or institutional use, provided the height of the standard is not increased, the height of the antenna does not exceed the height of the standard replaced, and the equipment shelter can meet the location requirements of this Zoning Code.

(7) Application. The application for a permitted tower or antenna shall contain at the minimum the following information:

(a) Applicant's name, address, and telephone number.

(b) Name, address, and phone number of carrier.

(c) Scaled site plan, construction plans and engineering calculations, elevations, and other data as required by the Zoning Administrator.

(d) Lighting plans, if any.

(e) A statement as to whether construction of the tower will accommodate collation of additional antennas for future users.

(f) The separation distance from other towers.

(g) An inventory of existing sites of the carrier within the City of Idaho Falls in accordance with this Section's Existing Structures subsection.

(h) Written documentation that all applicable requirements of the FCC and FAA have been satisfied. If such documentation is older than one (1) year, new documentation shall be submitted.

(i) Certification of a professional engineer licensed in the State of Idaho that the proposed installation complies with the requirements of the Uniform Building Code.

(j) If a tower, color photo simulations showing the proposed tower as it will appear:

(i) From the nearest public street.

(ii) From the nearest residential property.

(k) A description of compliance with 10-1-4.D, E, J, and K.

(F) Separation. The following separation requirements as a minimum shall apply to all towers in the T-2 Overlay Zone:

(1) Separation from off-site uses/designated areas.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1.

(b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

**Table 1 – Separation Distance**

Residential zones or land shown as residential comprehensive plan	200 feet or 300% height of tower whichever is greater
Non-residentially zoned lands or land shown commercial/industrial on comprehensive plan	Setback as required for main buildings applicable zone

(4) Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower. The minimum separation distances (listed in lineal feet) shall be as shown in Table 2.

<b>Table 2</b>				
Lattice	Lattice	Guyed	Monopole 70 feet in height or greater	Monopole less than 70 ft in height
Lattice	2000	2000	1000	1000
Guyed	2000	2000	1000	500
Monopole 70 feet in height or higher	1000	1000	1000	500
Monopole less than 70 feet in height	500	500	500	500

(G) Buildings or other Equipment Storage.

(1) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall not contain more than one hundred-twenty



square feet (120 ft<sup>2</sup>) of gross floor area or be more than twelve feet (12') in height. Equipment storage buildings or cabinets shall comply with all applicable building codes and the zoning district setback requirements.

(2) Antennas Mounted on Utility Poles and Light Standards. The equipment cabinet or structure used in association with antennas shall not contain more than one hundred-twenty square feet (120 ft<sup>2</sup>) of gross floor area or be more than twelve feet (12') in height. Equipment storage buildings or cabinets shall comply with all applicable building codes and the Zoning district setback requirements. If the equipment cabinet/structure is located in a residential zone, it shall be screened by an evergreen hedge with an ultimate height of at least forty-eight inches (48") inches and a planted height of at least thirty-six inches (36"). The light standard, utility poles or similar existing structure on which the antenna are placed shall not be required to meet the setback requirements of the zone and separation distances in this section.

(H) Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, than this provision shall not become effective until all users cease using the tower.

(I) Nonconforming Uses.

(1) No Expansion of Nonconforming Use. Towers constructed and antennas installed in accordance with the provisions of this Zoning Code shall not be deemed to constitute the expansion of a nonconforming use or structure.

(2) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a tower of like construction and height) shall be permitted on such preexisting towers. Construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

(3) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding requirements on the removal of abandoned antennas and towers, bona fide nonconforming towers or antennas damaged or destroyed may be rebuilt without having to meet the separation requirements specified in this Section. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified by this Section.

(J) Requests for Tower Overlay Zones. When evaluating petitions for map amendments for T-1 and T-2 overlay zones, the Planning Commission and Council may consider the following as well as the considerations listed in Basis for Zoning Additions to the City and Zoning Amendments subsection to the General Provisions Section of the Zoning Code:

- (1) The purposes listed for Wireless Communication Towers and Antennas.
- (2) The purpose of the T-1 Overlay Zone which is to permit towers near major streets, yet protect nearby residences by limiting the height and visual impact of towers.
- (3) The purpose of the T-2 Overlay Zone which is to permit towers and antennas in commercial and industrial zones. To protect residential areas, such zones are generally at least two hundred feet from residentially zoned properties or separated from residentially zoned areas by geographic barriers such as railroad and highway rights-of-way.
- (4) The applicant demonstrates to the reasonable satisfaction of the Council that no existing tower, structure, property within an existing Zone, or alternative technology can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate no existing Zone or technology can accommodate the applicant's proposed antenna may consist of any of the following:
  - (a) No existing towers or structures are located within the existing Zones which meet applicant's engineering requirements in terms of location, height, or structural strength.
  - (b) No existing sites are located within the existing zones which meet engineering location requirements.
  - (c) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - (d) The fees, costs, or contractual provisions required by an owner in order to share an existing tower or structure, adapt an existing tower or structure for sharing, or locate a tower or antenna are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - (e) The applicant demonstrates an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

### **10-3-34- INTERPRETATION**

In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for promoting the public health, safety, convenience, comfort, and general welfare of the community. When the requirements of this Zoning Code impose higher requirements than are imposed or required by existing provisions of law or ordinance, the provisions of this Zoning Code shall govern.

It is the intent of this Zoning Code not to interfere with or nullify any easement, covenants or agreements which are not in conflict with the provisions of this Zoning Code.

### **10-3-35 - APPLICABILITY**

The provisions of this Zoning Code are applicable not only to private persons, agencies and organizations, but also to all public agencies and organizations, to the full extent that they may be enforceable in connection with the activities of any such public agencies or organizations.

### **10-3-36 - EFFECT ON PREVIOUS ORDINANCES AND MAPS**

The existing ordinances covering the Zoning of the property within the limits of Idaho Falls, Idaho, and particularly Ordinance No. 852 (1941), passed by the City Council on the *22nd day of September, 1955*, (May, 1989) and all subsequent ordinances amending said ordinance, together with all maps which are a part of such ordinances, be and the same are hereby superseded, amended, changed or modified to read as set forth herein. Any illegal or unauthorized use of land, buildings or structures, and any illegal building or structure which was illegal or unauthorized under the terms of Ordinance No. 852 (1941), or any subsequent amendment thereto, be, and the same shall remain illegal and unauthorized unless specifically permitted under the terms of this Zoning Code.

### **10-3-37 – VIOLATIONS - PUBLIC NUISANCE**

Any building or structure which has been set up, erected, constructed, altered, enlarged, converted, moved, remodeled or maintained contrary to the provisions of this Zoning Code, and any use of land or building or premises established, conducted, maintained or operated contrary to the provisions of this Zoning Code are hereby declared to be unlawful and opposed to the orderly development of the community and shall therefore be considered a public nuisance.

### **10-3-38 – FAILURE TO MAINTAIN LANDSCAPING - CONTINUING OBLIGATION**

Maintenance of required landscaping is a continuing obligation. In case of failure to maintain landscaping as required by the provisions of this Zoning Code, or as specifically made applicable thereto by action of the Board of Adjustment, Planning Commission or Council, in connection with the issuance of a permit, such failure or neglect shall be deemed to be a violation of this Zoning Code and shall be subject to the penalties prescribed for violation.

### **10-3-39 – RESPONSIBILITY FOR VIOLATION**

It shall be the duty of all architects, contractors, subcontractors, builders, and other persons having to do with the establishment of any use of land or the erection, altering, changing or remodeling of any building or structure to see that a proper permit has been granted before such work is begun. Any such architect, builder, contractor or other person doing or performing any such work without a permit having been issued is in conflict with the requirements of this Zoning Code in the same manner and to the same extent that the owner of the premises or the persons for whom the use is established, or for whom such buildings are erected or altered, and shall be subject to the penalties herein prescribed for violation.

#### **10-3-40 – PENALTY FOR VIOLATION OF ORDINANCE**

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, who fails to comply with any Notice to Correct within the time specified, or who shall erect, construct or reconstruct any building in any Zone within Idaho Falls, without first obtaining a permit therefore from the Zoning Administrator, and/or Building Official, or who fails to maintain or comply with conditions as required herein, shall be guilty of a misdemeanor. Any person, firm or corporation, whether as principal, agent, or employee or otherwise, who shall change the use of any building or other structure, or use of any land, or shall fail to comply with conditions applicable to the use of any land within the City of Idaho Falls, in violation of the provisions of this Zoning Code, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in Idaho Falls City Code.

Such person, firm or corporation violating this Zoning Code or any part thereof, shall be deemed to be guilty of a separate offense for each part and every day during which said violation is committed, continued or permitted by such person, firm or corporation, and shall be punishable as provided by law as a separate offense.