

**SUGAR CITY
ORDINANCE 382_2023**

REGIONAL COMMERCIAL ZONING

AN ORDINANCE ADDING A REGIONAL COMMERCIAL ZONE DISTRICT OF THE SUGAR CITY, IDAHO MUNICIPAL CODE, AMENDING THE LAND USE MAP AND SCHEDULE AND ZONING MAP; UPDATING REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: **AMENDMENT** “9-3-2 ZONING DISTRICTS” of the Sugar City Municipal Code is hereby *amended* as follows:

AMENDMENT

9-3-2 ZONING DISTRICTS

SINGLE-FAMILY RESIDENTIAL (R1): Provides stable neighborhoods of detached, single-family dwellings on larger lots, medium to large landscaped yards, low building heights, ample setbacks and side yards, predominantly off street parking, low traffic volumes, and low nuisance potentials. Maximum density shall be four (4) dwellings per acre.

MEDIUM DENSITY RESIDENTIAL (R2): Provides stable neighborhoods of detached, single-family dwellings and/or twin homes on smaller lots compatible with medium to small landscaped yards, low building heights, ample setbacks and side yards, predominantly off street parking, low to medium traffic volumes, and low nuisance potentials. Maximum density shall be five (5) dwelling units per acre.

HIGH DENSITY RESIDENTIAL (R3): Provides for high density residential use typically located near collector and arterial streets and characterized by multi-family dwellings, ample off street parking with a minimum of 2.0 spaces per unit, higher traffic volumes, open space, and low nuisance potential. Maximum density shall be sixteen (16) dwelling units per acre. All units shall be subject to approval by the Design Review Committee for the City.

MULTIPLE USE 1 (MU1): Provides for a mixture of uses such as residential coupled with business, professional and commercial. This district is intended to permit diversity within a planned community or set of uses and to encourage open space and other amenities. Residential units are small and have a minimum parking requirement of 2.0 spaces per unit. Maximum density shall be sixteen (16) dwelling units per acre. All units shall be subject to approval by the Design Review Committee for the City.

MULTIPLE USE 2 (MU2): Provides a mixture of uses such as high density residential coupled with business, professional and commercial. This district is intended to permit diversity within a planned community or set of uses and to encourage some open space and other amenities. Residential units shall have a minimum parking requirement of 2.0 spaces per unit and twenty percent (20%) open space. Maximum density shall be twenty-four (24) units per acre. All units shall be subject to approval by the Design Review Committee for the City.

OPEN (O): Provides for parks, walking trails and other recreational facilities, conservation of land and natural resources, and preservation of historic or scenic sites.

DOWNTOWN COMMERCIAL (CD): Provides for preservation and redevelopment of the city's historic center and a compact commercial space emphasizing pedestrian friendliness and a traditional downtown atmosphere. Business units are relatively small and tightly clustered.

NEIGHBORHOOD COMMERCIAL (C1): Provides for local commercial services at the perimeter of residential neighborhoods and with a primarily local clientele, for example at a street intersection or as a modestly sized strip mall. C1 districts are relatively small and businesses in them are generally small and few in number.

COMMUNITY COMMERCIAL (C2): Provides for general shopping and business needs. All businesses permitted in C1 are also permitted in C2, as are larger businesses and some that entail relatively more intense uses.

HIGHWAY COMMERCIAL (C3): Provides for travel related uses such as hotels and motels, service stations, truck stops, drive-in restaurants, and offices; also limited warehousing, commercial services, and retail sales. C3 districts are located on or near major roads to serve the motoring public.

REGIONAL COMMERCIAL (C4): Provides for a Regional Commercial Zone that includes a cohesive and complimentary mixture of land uses, including commercial, residential, recreational, and/or business park. A Regional Commercial Zone shall largely include facilities and venues that have a destination orientation and encourage use by tourists and visitors from outside the City. Uses should focus on services for tourists, visitors, and the local community. A unifying design and operating theme should unite the varied and mixed uses. Developments should promote creative property configuration with usable public and private recreation areas, parks, pedestrian areas, and open space. Developments within the Regional Commercial Zones shall comply with the development standards in Section 9-3-8.2

BUSINESS PARK (BP): Provides for technical laboratories, research and development facilities, offices and office complexes, and limited manufacturing, including small scale production, storage, and distribution. Support activities may also be permitted. Business parks are free of hazardous or objectionable levels of such elements as noise, odor, dust, smoke, or glare. Work is conducted indoors and generates minimal industrial traffic.

LIGHTING MANUFACTURING (M1): Provides for manufacturing and wholesale establishments that are free of hazardous or objectionable levels of such elements as noise, odor, dust, smoke, or glare, that are operated indoors, and that generate little industrial traffic.

Manufactured home park (see SCC Title 11)			S1	S1										
Mobile home (see SCC Title 11)			S1	S1										
Multi-family dwelling of just 2 units; twin home	S	Y	Y	S										
Multi-family dwelling of more than 2 units			Y	S			S			<u>Y</u>				
Patio home		Y	Y	S										
Planned unit development		S	S	S			S	S	S	<u>Y</u>				
Rooming/boarded house		S	S				S	S						
Shelter home (8 or fewer residents)	Y	Y	Y	S										
Single family dwelling	Y	Y	Y	S										Y
Townhouse		S	Y	S										
Vertical mixed use				S		S	S	S	S	<u>Y</u>				
Other residential		S	S	S		S	S	S	S					
BUSINESS COMMERCIAL:														
<u>Arboretums and gardens</u>										<u>Y</u>				
<u>Art gallery</u>										<u>Y</u>				
Assisted living facility			S	S			S							
Auction establishment				S		S	S	S	S		S			
Automotive body shop									S			Y		
Automotive repair						S	Y				Y			
Automotive sales/parts store						S	Y	S			Y			
Automotive service station				S		S	S	Y		<u>Y</u>	S			
Automotive storage							Y				Y			
Bakery/baked goods store				S		Y	Y	Y	Y	<u>Y</u>	S	Y		
Bank, savings and loan				S		Y	Y	Y	Y	<u>Y</u>	Y			
Barber, beauty shop				S		Y	Y	Y	Y	<u>Y</u>	S			
Bed and breakfast				S		S	S	S	S					
Bowling alley				S				Y	Y	<u>Y</u>				
Building supply outlet							S	Y				Y	Y	

Car wash				S		S	S	Y	Y			Y		
Cleaning, dry				S		S	Y	Y	S		S			
Contractor office				S		Y	Y	Y	Y		Y	Y	Y	
Convalescent/nursing home			S	S			S							
Convenience store				S		Y	Y	Y	Y	<u>Y</u>		S	S	
Convenience store with fuel service				S		S	Y	Y	Y	<u>Y</u>		S	S	
Dance, music, voice studio				S		Y	Y	Y	S	<u>Y</u>	S			
Daycare center				S		S	S	S	S	<u>Y</u> * -	S	S	S	
Daycare, group	S2	S	S			S	S	S				S	S	
Daycare, home	Y	Y	Y	S		S	S	S	S		S	S	S	
Detention facilities												S	S	
Drive-in restaurant				S				Y	Y		S			
Drugstore				S		Y	Y	Y	Y	<u>Y</u>				
Electronic/video sales/rental				S		Y	Y	Y	Y					
Entertainment facility, indoor				S		S	S	S	S	<u>Y</u>				
Entertainment facility, outdoor				S				S	S	<u>Y</u>		S	S	
Equipment rental/sales				S			S	S	Y		S	Y	Y	
Farm equipment sales/service									Y		S	Y	Y	
Food store				S		Y	Y	Y	S	<u>Y</u>				
Frozen food locker				S				S	Y		S	Y	S	
Furniture repair/refinishing				S				S	Y		Y	Y	Y	
Furniture store				S		S	S	Y	Y	<u>Y</u>				
Gift/flower shop				S		Y	Y	Y	Y	<u>Y</u>				
Health club, spa, reducing salon				S		S	S	Y	S	<u>Y</u>	S			
Hotel/motel				S		S		S	Y	<u>Y</u>				
Kennel, commercial								S	S			S	S	
Laboratory: medical, dental, optical				S		S	Y	Y	S		Y			
Laundromat, self-service				S		S	Y	Y	Y					
Laundry, commercial				S				S	Y		Y	Y	Y	

Personal wireless service facility (by type of support structure):														
Guyed support tower														
Lattice frame tower														
Leased utility pole			S	S	S	Y	Y	Y	Y		Y			
Monopole tower				S	S				S		Y			
Stealth tower			S	S	S	S	S	S	Y		Y			
Virtually invisible on building or alternate support structure			S	S	S	Y	Y	Y	Y		Y			
Visible on building or alternate support structure				S	S	S	S	S	S		Y			
Wind turbine	S	S	S	S	S	S	S	S	S		S	S	S	
Other auxiliary use	S	S	S	S	S	S	S	S	S		S	S	S	
PUBLIC/QUASI-PUBLIC³:														
Cemetery		S	S											
Cemetery, private														
Church	S	S	S	S			S	S	S	<u>Y</u>				
City park	S	S	S	S	Y	S	S	S	S	<u>Y</u>	S	S	S	
Golf course	S	S	S	S	S				S	<u>Y</u>	S			
Governmental or public service	S	S	S	S	S	S	S	S	S	<u>Y</u>	S	S	S	
Hospital			S	S				S	S	<u>Y</u>	S			
Library		S	S	S		S	S	S	S	<u>Y</u>	S			
Museum		S	S	S		S	S	S	S	<u>Y</u>	S			
School	S	S	S	S		S	S	S	S	<u>Y</u>				
<u>Splash pad</u>										<u>Y</u>				
<u>Swimming pool/aquatic center</u>										<u>Y</u>				
Waste treatment plant										<u>S</u>			S	
Other public or quasi-public	S	S	S	S	S	S	S	S	S		S	S	S	

Notes:

* In conjunction with another business only

¹Subject to approval and licensing as provided in SCC Title 11.

²The maximum number of children at a given time is 12.

³A public or quasi-public facility is sometimes desirable in a zoning district whose description it does not fit. These facilities may be permitted as indicated.

SECTION 3: **ADOPTION** “9-3-8.2 REGIONAL COMMERCIAL DESIGN AND DEVELOPMENT STANDARDS” of the Sugar City Municipal Code is hereby *added* as follows:

ADOPTION

9-3-8.2 REGIONAL COMMERCIAL DESIGN AND DEVELOPMENT STANDARDS(*Added*)

SECTION 4: **ADOPTION** “9-3-8.2-1 PURPOSE AND INTENT” of the Sugar City Municipal Code is hereby *added* as follows:

ADOPTION

9-3-8.2-1 PURPOSE AND INTENT(*Added*)

The intent of the Regional Commercial Zone and this Chapter is to recognize and provide for the orderly development of certain properties as a tourist, convention, hospitality, business, and gathering destination and to provide for the implementation of Sugar City's Comprehensive Plan. Furthermore, this ordinance and the standards for development contained herein are intended specifically to accomplish the following:

- A. Recognize and promote the potential of Sugar City as a premier destination community in Idaho, with is strategic locale centralized at the junction of two State Highways (US20 and State Hwy 33) leading to internationally recognized tourist destinations.
- B. Recognize the uniqueness of a family-oriented tourist destination and encourage the development and operation of facilities catering to tourists, local families, and convention/group-related events which will ultimately bring all levels of consumers to the city.
- C. capture previously unreachable tax revenues by providing an incentive for business owners and retail operators from inside and outside the state to locate in the new destination area in Sugar city.
- D. Accommodate the mixed and progressive development of land, facilities, and buildings that inter-mingle various uses while maintaining a harmonious relationship, and while protecting the health, safety, and long-term welfare of the community.

- E. Enhance local property values by creating a property use zone that is completely unique to the State and surrounding states, and that attracts world-class business operators.
- F. Support public service entities such as Police and Fire Departments by dedicating land or utilizing certain space within the Regional Commercial Zone at no cost to the City.
- G. Allow the City to more quickly realize tax revenues by providing for the timely development of the regional commercial property through an expedited approval and permit process of individual projects as described below in 9-3-8.2-9.
- H. Allow the City to encourage and facilitate more detailed and specific planning and analysis for the Regional Commercial Zone area of the City.
- I. Establish provisions and requirements which enable the City to address unique areas of the City or where other characteristics exist that warrant a comprehensive set of land use policies and standards which will encourage an efficient and imaginative development pattern. An application for approval of a Regional Commercial Zone is a request by the applicant for additional flexibility beyond that allowed by the traditional zones within the City. It is the sole responsibility and burden of the applicant to convince the Planning Commission and City Council that the proposed Regional Commercial Zone is preferable to traditional zoning. Approval for use of the Regional Commercial Zone lies at the discretion of the city Council.

SECTION 5: ADOPTION “9-3-8.2-2 REGIONAL COMMERCIAL DESCRIPTIONS” of the Sugar City Municipal Code is hereby *added* as follows:

A D O P T I O N

9-3-8.2-2 REGIONAL COMMERCIAL DESCRIPTIONS(*Added*)

A regional Commercial Zone shall include a cohesive and complimentary mixture of land uses, including commercial, residential, recreational, and/or business park. A Regional Commercial Zone shall largely include facilities and venues that have a destination orientation and encourage use by tourists and visitors from outside the City. Uses should focus on services for tourists, visitors, and the local community. A unifying design and operating theme should unite the varied and mixed uses. Development should promote creative property configuration with usable public and private recreation areas, parks, pedestrian areas, and open space.

SECTION 6: ADOPTION “9-3-8.2-3 MINIMUM ELIGIBILITY REQUIREMENTS” of the Sugar City Municipal Code is hereby *added* as follows:

A D O P T I O N

9-3-8.2-3 MINIMUM ELIGIBILITY REQUIREMENTS(*Added*)

A property that is eligible for establishment as a Regional Commercial Zone must meet the following requirements:

- A. The property must include a minimum area of Forty (40) contiguous acres.
- B. Sixty percent (60%) of the property shall be used for facilities and venues that are considered tourist, hospitality, or resort destinations. The remaining for percent (40%) of the property may be used as non-resort commercial, business park and resort related residential uses (residential uses not to exceed 10% of the total property) as defined in an approved Proposed Master Plan.
- C. The property in a Regional Commercial Zone is considered highly dependent upon traffic and visitors from outside the City, and shall be located in the US-20/State Hwy 33 corridor, being immediately adjacent to the Highways or adjacent to a major arterial transportation corridor feeding those highways. If the arterial corridor is not an existing corridor, the developer of the proposed Regional Commercial Zone shall be responsible for the construction of the corridor. Maintenance of the corridor shall also be the responsibility of the developer unless otherwise agreed upon between the City and the developer.

SECTION 7: ADOPTION “9-3-8.2-4 ALLOWED USES” of the Sugar City Municipal Code is hereby *added* as follows:

ADOPTION

9-3-8.2-4 ALLOWED USES(*Added*)

Each requested use must be authorized through a proposed Master Plan that has been approved and adopted by the City Council. Proposed uses will be reviewed for compatibility within the Regional Commercial Zone as well as compatibility with allowed uses in adjacent zones.

SECTION 8: ADOPTION “9-3-8.2-5 PUBLIC SUPPORT REQUIREMENTS” of the Sugar City Municipal Code is hereby *added* as follows:

ADOPTION

9-3-8.2-5 PUBLIC SUPPORT REQUIREMENTS(*Added*)

The large scale and public nature of a Regional Commercial Zone requires the specialized support of various public services. As part of the approval process, the City may require the property owners to make certain allowances within the Regional Commercial Zone property for public facilities and public support operations as follows:

- A. Fire/EMS Sub-station. One half (1/2) acre of property shall be dedicated to the City without cost whereon a Fire Sub-station may be constructed and operated by the City.
- B. Police Sub-station. A facility or space within a facility shall be provided to the City without cost wherein a Police Sub-station may be operated.
- C. Public Facilities. Space shall be provided wherein the public and City may develop needed public facilities.
- D. Security Services. A professional security staff may be employed by the property owners in an effort to help promote public safety. The Regional Commercial Zone's security staff shall cooperate with the Sheriff Department and Fire Department, but shall in no way or at any time replace or assume the responsibilities of the Sheriff and Fire Departments.

SECTION 9: ADOPTION “9-3-8.2-6 PROCEDURES FOR ESTABLISHMENT OF REGIONAL COMMERCIAL ZONES” of the Sugar City Municipal Code is hereby *added* as follows:

ADOPTION

9-3-8.2-6 PROCEDURES FOR ESTABLISHMENT OF REGIONAL COMMERCIAL ZONES(*Added*)

- A. Comprehensive Plan Amendment. All areas proposed for development as a Regional Commercial Zone shall require a Comprehensive Plan Amendment in accordance with this Code.
- B. Master Development Concept Plan. Concurrent with any request to amend the Land Use Element of the Comprehensive Plan to a Regional Commercial Zone, a Master Development Concept Plan shall be submitted. A Master Development Concept Plan must be reviewed by the City Council, following Planning Commission and Reviewing Departments' evaluation, prior to property being designated as a Regional Commercial Zone Land Use.
 - 1. The Master Development Concept Plan gives the applicant, Reviewing Departments, Planning Commission, and City Council an opportunity to discuss the development prior to the Comprehensive Plan land use being established and prior to the preparation of a more detailed Proposed Master Plan. The applicant can use the Master Development concept Plan meetings to ask questions and receive direction on project layout, as well as discuss the procedure for approval, specifications and requirements for layout of streets, drainage, water, sewerage, fire protection, mitigation of environmental impacts, and similar matters, and the availability of existing services.
 - 2. The Master Development Concept Plan shall cover the entire area proposed as a Regional Commercial Zone and shall identify in general terms the followg:
 - a. Proposed land uses
 - b. Overall layout and locations of uses including potential civic/religious

Proposed Master Plan.

E. Additions to Regional Commercial Zone Boundaries. Properties adjacent to an existing Regional Commercial (RC) Zone may be added to the Zone according to the provisions of the Code for amendments to the comprehensive Plan and Zoning District Map and subject to the following conditions:

1. There is a mutual agreement between the principal owner(s) of property located within the existing Regional Commercial Zone and the party or parties requesting to be added to the Zone.
2. The Proposed Master Plan for the Regional Commercial Zone shall be amended to reflect the additional property.
3. Any approval for expansion of an existing Regional Commercial Zone by Sugar City does not grant the applicant for expansion an automatic right to force existing entities within the established Regional Commercial Zone to amend their CC&Rs.

SECTION 10: ADOPTION “9-3-8.2-7 DEVELOPMENT STANDARDS”
of the Sugar City Municipal Code is hereby *added* as follows:

ADOPTION

9-3-8.2-7 DEVELOPMENT STANDARDS*(Added)*

Where a Regional Commercial Zone proposes a mix of recreational and commercial or business park uses, the following development standards shall apply in addition to any other commercial development standards contained in this Code or the Design Standards and Public Works Standard:

- A. Building Design. The proposed structures shall be complimentary to the surrounding architecture in terms of scale, massing, roof shape, and exterior materials. Buildings shall be scaled down into groupings of smaller attached structures. Buildings adjacent to single family detached units should be limited to 2 stories or 35 fee.
- B. Parking. Shall be reduced and broken into smaller parking areas through the use of parking lot landscaping and or off site lots linked to the site by intermodal or public transportation. Parking lots shall include ample landscaping to buffer cars from neighboring properties including the use of berms and landscaped islands and parking structures are encouraged.
- C. Access and Traffic. Adequate vehicular and pedestrian access must be provided. A traffic impact study shall be required as part of the Proposed Master Plan, in order to project auto and truck traffic generated by the uses proposed.
- D. Roof Design. Rooflines shall blend with surrounding buildings in a way that promotes an attractive, unified architectural design. Roof design may be further defined as part of an approved Proposed Master Plan.
- E. Materials. New buildings shall blend with the material of surrounding buildings. Building materials may be further defined as part of an approved Proposed Master

Plan.

- F. Signage. Signage of buildings shall be part of a coordinated signage system for the entire Regional Commercial Zone development. Signage shall help unify the development and provide a positive image. Natural materials such as wood, stone, rock and metal with external illumination shall be used. The size and location of signage shall conform to the requirements and design guidelines of this Code.
- G. Lighting. Outdoor lighting shall be screened by shields or hoods to prevent glare onto adjacent properties. The intensity of large fixtures shall be reduced by utilizing a larger number of smaller light poles of twelve (12) to eighteen (18) feet. Incandescent lights shall be used in smaller pedestrian spaces where quality light is especially important.

SECTION 11: ADOPTION “9-3-8.2-8 RESIDENTIAL DESIGN STANDARDS” of the Sugar City Municipal Code is hereby *added* as follows:

ADOPTION

9-3-8.2-8 RESIDENTIAL DESIGN STANDARDS(*Added*)

The following design standards shall apply to any residential developments within a Regional Commercial Zone including any defined sug-area or pod, or any residential project or development or any portion of a residential project or development.

- A. Single Family Design Standards. For all single family detached units, the following standards shall apply:
1. Product Mix. Single family detached areas shall provide a variety of home styles to insure a diverse and interesting street scene. Neighborhoods that have nearly identical homes and streets without variation in product placement and form are not allowed. In order to ensure that the neighborhood is non-repetitive, the same home elevation or homes with the same color scheme shall not be built on adjacent lots on the same street or on lots directly or diagonally across the street from one another.
 2. Corner Lots. Attention should be paid to corner lots. At least one home plan per neighborhood shall be designed specifically for corner home sites. This home plan is required to include wrap-around architecture to provide visual interest on both the front and corner side yard of the home, and the ability to turn the garage for side entry. An example would be continuing a full-wrap of material accent onto the side facade, adding a wraparound porch, or facing the home on a diagonal towards the intersection.
 3. Garages. The home and front yard rather than the garage shall be the primary emphasis of the front elevation. The garage shall not extend forward of the main architecture of the home. The use of side load/swing-in type garages is highly encouraged.
 4. Wall Variations. Each exterior wall of the home shall have architectural

variations. At least four (4) or more of the following architectural features shall be incorporated into the design; a change in building materials, building projections measuring at least three (3) feet in depth, roof line variations measuring at least three (3) feet in height, awnings and lighting, or another architectural variation that creates visual interest.

B. Multi-Family Design Standards. The standards found in 8-4-6 and 8-4-7 of this Code shall apply to all multi-family attached residential projects.

SECTION 12: **ADOPTION** “9-3-8.2-9 DEVELOPMENT APPROVALS AND PERMITS” of the Sugar City Municipal Code is hereby *added* as follows:

ADOPTION

9-3-8.2-9 DEVELOPMENT APPROVALS AND PERMITS(*Added*)

Following the establishment of a Regional Commercial Zone, and approval and adoption of a Proposed Master Plan by the city Council, the applicant may prepare and submit application for development approval including subdivision and site plan approval pursuant to Chapter 11, Application Requirements, of this Code with the exceptions to the review and approval procedures as noted below. The Applicant must make a complete submittal according to the requirements specified in Chapter 11 and the City's current application form(s) prior to the review of any development request by the City.

The City recognizes the importance of timely reviews when dealing with large scale resort projects. In order to facilitate and expedite the review process, the following review provisions shall apply to site plan and subdivision applications within the Regional Commercial Zone:

A. Expedited Subdivision Review Process.

1. Minor subdivisions. The Preliminary and Final plans may be submitted and reviewed simultaneously. The Zoning Administrator of the Public Works Director may request input from the Reviewing Departments, Planning Commission, or City Council as deemed necessary.
2. All other subdivisions shall require the City's standard procedures for review and approval of a subdivision plat but will be encouraged to process preliminary and final plan simultaneously.

SECTION 13: **ADOPTION** “9-3-8.2-10 HOSPITALITY INCENTIVES” of the Sugar City Municipal Code is hereby *added* as follows:

ADOPTION

9-3-8.2-10 HOSPITALITY INCENTIVES(*Added*)

The universal success of the City and the private developer within the Regional Commercial Zone is considered largely dependent upon the participation and use of certain hospitality services within the zone. The City is willing to consider the formation of an Urban Renewal District and use available public financial tools and resources to facilitate the success of the development.

SECTION 14: **ADOPTION** “9-3-8.2-11 INSPECTION AND OCCUPANCY” of the Sugar City Municipal Code is hereby *added* as follows:

ADOPTION

9-3-8.2-11 INSPECTION AND OCCUPANCY(*Added*)

- A. All development and construction shall be subject to inspection and inspection approval by City Officials. The applicant must make a complete submittal according the Building Department's building permit submittal checklist prior to review of any building permit by the City.
- B. If development exceeds the capacity of the City Inspection Staff, independent professional inspection services may be secured. The hiring of the independent professional shall be the responsibility of the City and the cost of inspection services shall be borne by the owner(s) of the Development. The hiring of the independent professional shall be done in mutual agreement between the City and the owners of the property.
- C. All development and construction shall be subject to occupancy approval by City Officials.

SECTION 15: **ADOPTION** “9-3-8.2-12 VARIATIONS FROM DEVELOPMENT CODE AND DESIGN STANDARDS” of the Sugar City Municipal Code is hereby *added* as follows:

ADOPTION

9-3-8.2-12 VARIATIONS FROM DEVELOPMENT CODE AND DESIGN STANDARDS(*Added*)

In the process of approving a Proposed Master Plan for a Regional Commercial Zone, the Planning Commission may recommend and City Council may approve variations from applicable standards of this Code or Sugar City Design Standards and Public Works Standard if all of the following conditions are met:

- A. That the granting of the variation will not adversely affect the rights of adjacent landowners or residents
- B. That the variation desired will not adversely affect the public health, safety or general welfare.
- C. That the granting of the variation will not be opposed to the general spirit and intent of this Chapter or the Comprehensive Plan.

PASSED AND ADOPTED BY THE SUGAR CITY COUNCIL MARCH 23, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Joy M Ball	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Catherine Nielsen	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Glenn Dayley	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Daniel Baird	<u> </u>	<u> X </u>	<u> </u>	<u> </u>

Attest

Presiding Officer

Steven Adams, Mayor, Sugar City



Wendy McLaughlin, City Clerk, Sugar City

