

EXHIBIT "I"

SUMMARY OF ORDINANCE 196

AN ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO, PROVIDING FOR THE ESTABLISHMENT OF ZONING REGULATIONS WITHIN THE CITY AND THE CITY IMPACT AREA; ESTABLISHING LAND USE CLASSIFICATIONS; DIVIDING THE CITY AND IMPACT AREA INTO ZONES; IMPOSING REGULATIONS, PROHIBITIONS AND RESTRICTIONS FOR THE PROMOTION OF HEALTH, SAFETY, CONVENIENCE AND GENERAL WELFARE; GOVERNING THE USE OF LAND FOR RESIDENTIAL AND NONRESIDENTIAL PURPOSES; REGULATING LOT AND OPEN SPACE OCCUPANCY, SIZE AND USE; ADOPTING MAPS OF CITY ZONING AND IMPACT AREA ZONING; PRESCRIBING PROCEDURES FOR CHANGES OF ZONE, SPECIAL USE PERMITS, VARIANCES, PLANNED UNIT DEVELOPMENTS; REPEALING ORDINANCE 112, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PRESCRIBING PENALTIES FOR VIOLATIONS AND PROVIDING FOR AN EFFECTIVE DATE.

Section I. This section repeals Ordinance 112 and all other ordinances or parts of ordinances in conflict with Ordinance 196.

Section II. This section provides for the adoption of the Sugar City Zoning Ordinance consisting of fifteen chapters and accompanying maps. Each of the chapters is summarized as follows:

CHAPTER I. States the title, authority, purpose and intent of the ordinance.

CHAPTER II. States the purpose of carrying out the provisions of the ordinance, administration of the ordinance and the configuration of the planning and zoning commission, its duties and powers.

CHAPTER III. Establishes the boundaries and zoning classifications of the districts which are shown on the zoning map. There are nine different zones.

CHAPTER IV. Deals with off street parking and sign regulations.

CHAPTER V. Establishes a criterion for planned unit developments.

CHAPTER VI. Establishes the Sugar City Impact Area, the criterion for the area of impact, the application of plans, ordinances, permits and codes within the area of impact.

CHAPTER VII. Defines the zoning districts within the area of impact. There are four different zones.

CHAPTER VIII. Sets forth the regulations for each district within the area of impact and sets forth the schedule of area of impact regulations.

CHAPTER IX. Describes the permits, fees and enforcement for the zoning ordinance.

CHAPTER X. Deals with special use permits.

CHAPTER XI. Defines non-conforming uses and the rules and regulations applicable to non-conforming uses.

CHAPTER XII. Deals with appeals, variances and actions by affected persons.

CHAPTER XIII. Establishes a procedure for amendment to the ordinance and any changes in the regulations, restrictions or classifications of property.

CHAPTER XIV. Establishes certain definitions used within the Sugar City Planning and Zoning Ordinance.

CHAPTER XV. Sets forth the criteria for various uses, classifications of uses and gives certain performance standards where problems are frequently encountered.

Section III. This section allows for the publication of a summary of this ordinance in lieu of publication in full.

Section IV. This section provides that the ordinance shall become effective upon its passage, approval and publication in the manner provided by law.

THE FULL TEXT OF THIS ORDINANCE IS AVAILABLE AT SUGAR CITY HALL,
10 EAST CENTER, SUGAR CITY, IDAHO.

DATED this 3 day of ~~March~~^{APRIL}, 1995.

By: Al Burton
Its Mayor

ATTEST:

Margarete Ball
City Clerk

CERTIFICATION

I, J. D. Hancock, city attorney for the City of Sugar, Idaho, certify that the summary set forth above is true and complete and provides adequate notice to the public.

J. D. Hancock
J. D. Hancock
Sugar City Attorney

SUGAR CITY ZONING ORDINANCE

AN ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO, PROVIDING FOR THE ESTABLISHMENT OF ZONING REGULATION WITHIN THE CITY AND THE CITY IMPACT AREA; ESTABLISHING LAND USE CLASSIFICATIONS; DIVIDING THE CITY AND IMPACT AREA INTO ZONES; IMPOSING REGULATIONS, PROHIBITIONS AND RESTRICTIONS FOR THE PROMOTION OF HEALTH, SAFETY, CONVENIENCE AND GENERAL WELFARE; GOVERNING THE USE OF LAND FOR RESIDENTIAL AND NONRESIDENTIAL PURPOSES; REGULATING LOT AND OPEN SPACE OCCUPANCY, SIZE AND USE; ADOPTING MAPS OF CITY ZONING AND IMPACT AREA ZONING; PRESCRIBING PROCEDURES FOR CHANGES OF ZONE, SPECIAL USE PERMITS, VARIANCES, PLANNED UNIT DEVELOPMENTS; REPEALING ORDINANCE 112, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PRESCRIBING PENALTIES FOR VIOLATIONS AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, IDAHO, AS FOLLOWS:

CHAPTER 1

1.0 TITLE AND PURPOSE

1.1 SHORT TITLE

This ordinance shall be known and may be recited and referred to as the SUGAR CITY ZONING ORDINANCE

1.2 REPEAL OF CONFLICTING ORDINANCES

Ordinance No. 112 and all other ordinances and parts of ordinances in conflict herewith are hereby repealed upon the effective date of this Ordinance.

1.3 AUTHORITY

This zoning ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 and Title 50, Chapter 13; and Title 31, Chapter 7, of the Idaho Code, Article 12, Section 2, Idaho Constitution, as amended or subsequently codified. In the interpretation and application of this ordinance, the provisions contained herein are declared to be minimum requirements.

1.4 PURPOSE

The purpose of this Ordinance is to promote the orderly development of the City of Sugar City and the area of impact of the City of Sugar City; to conserve and stabilize the value of property; and otherwise to promote the public health, safety, convenience and general welfare; to avoid undue concentration of population.

1.5 COMBINING OF PERMITS

Where practical the City may combine related permits for the convenience of applicants. State and federal agencies should make every effort to combine or coordinate related permits within the City.

1.6 SEPARABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared unconstitutional or invalid.

1.7 GRANDFATHER RULE

The grandfather rule will apply to all existing lands or businesses. Owners can operate their farm or business including the addition of improvements as they now do or until they elect to change to a different land or business classification. Should the land or business pass to the heirs the grandfather rule will apply unless said heirs elect to enter a different classification.

CHAPTER 2
2.0 ADMINISTRATION

2.1 GENERAL

For the purpose of carrying out the provisions of this Ordinance, an Administrator and Commission are hereby created.

2.2 ADMINISTRATOR

The City Council shall appoint an Administrator to administer this Ordinance. The Administrator may be provided with the assistance of such persons as the Council may direct. Unless otherwise provided, the Administrator shall be the City Clerk.

For the purpose of this Ordinance, the Administrator shall have the following duties:

- 2.2.1 Advise interested persons of the Sugar City Zoning Ordinance provisions;
- 2.2.2 Notify the news media regarding matters of public interest;
- 2.2.3 Aid applicants in the preparation and expedition of required applications;
- 2.2.4 Make an on-site examination, with the permission of the owner, or see that such examination is made, of all permit applications;
- 2.2.5 Issue permits, notifications and such similar administrative duties;
- 2.2.6 Investigate all violations of this Ordinance and notify in writing the person responsible for such violation(s), recommending the action necessary to correct such violation(s);
- 2.2.7 Assist the Commission and City Council in carrying out the provisions of this Ordinance.

2.3 COMMISSION

The Planning and Zoning Commission shall consist of eight (8) voting members.

- 2.3.1 Five (5) members of the Commission shall be recommended by the Mayor and approved by the City Council. They must have resided in the City for two (2) years immediately prior to appointment and must remain a resident of the City during service to the Commission.

- 2.3.2 Three (3) members of the Commission having property within the impact area and reside in the city or in the impact area will be appointed by the County Commissioners according to Section 67-6526, item 3, sub-item b of the Idaho Code.
- a. Members must reside five (5) years in the county previous to appointment to the Commission.
 - b. One member can reside within the city and two members must reside within the Impact area.
- 2.3.3 Term of office shall be three (3) years. Vacancies shall be filled in the same manner as the original appointment. Members may be removed for cause by a majority vote of the Council. They will serve without compensation.
- 2.3.4 Organization--The Commission will appoint a Chairman and create and fill any other office it deems necessary at its first regular meeting of the calendar year. The Commission may also establish subcommittees, advisory committees, hearing examiners or neighborhood groups to advise and assist in carrying out their responsibilities under this Ordinance. The Council shall appoint a Council member to serve as liaison with the Commission who shall be a nonvoting ex official member of the Commission.
- 2.3.5 Rules, Records and Meetings--Where an appeal is provided for within this Ordinance, a transcribable verbatim record of the proceedings shall be made and kept for a period of not less than six (6) months after a final decision on the matter. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense. Minutes of meetings, hearings, resolutions, studies, findings, permits and actions shall be maintained indefinitely or as otherwise provided by law. All meetings and records shall be open to the public. At least one (1) regular meeting shall be held each month, unless there are no agenda items, for not less than nine (9) months in a year. A majority of voting members of the Commission shall constitute a quorum. Parliamentary rules will govern procedure of the quorum.
- 2.3.6 The Commission will be composed of five (5) appointed representatives from within the City of Sugar City and three (3) appointed representatives owning property within the Sugar City impact area and living within the City or the impact area. These eight (8) members will function with equal voting rights concerning zoning problems within the city limits.

- 2.3.7 When conditions arise outside city limits and within the impact area, then six (6) members, three (3) from within the city zoning group and the three (3) area of impact representatives shall have equal three votes.
- a. The three voting members from the city zoning area will be selected by the Commission at the first meeting of the year. If one of these selected members is absent at the time a vote is taken then another member from the city zoning group will be appointed by the chairman to stand in for the vote.
 - b. A quorum shall consist of at least two (2) impact area members and two (2) city members.
 - c. The Commission shall create an equal vote between impact area members and city members; i.e. two to two if only two impact area representatives are present for the vote.
 - d. A tie vote shall table the application until revisions are made and it is again submitted to the Commission.

2.4 DUTIES & RELATED POWERS OF THE COMMISSION

For the purpose of this Ordinance the Commission may act consistent to the provisions of this Ordinance, and shall have the following duties:

- 2.4.1 Recommend amendments to the Plan to the Council, not more frequently than every six (6) months, to correct errors in the original Plan or to recognize substantial changes in the actual conditions in the City;
- 2.4.2 Refer any petition for amendment to the Plan received by the Commission to the Council;
- 2.4.3 Review and update the Plan as needed;
- 2.4.4 Review all proposed amendments to this Ordinance and make recommendations to the Council;
- 2.4.5 Review all Planned Unit Developments and make recommendations to the Council;
- 2.4.6 Review all subdivision applications and make recommendations to the Council;
- 2.4.7 Recommend Special Use Permits for approval of the City Council as herein specified with such additional safeguards as will uphold the intent of this Ordinance;

2.4.8 Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Administrator;

2.4.9 Recommend to the City Council for their approval such variances from the terms of this Ordinance as will be contrary to the public interest where, owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the intent of this Ordinance shall be observed and substantial justice done.

2.5 CONFLICT OF INTEREST

The Council shall provide that the area and interests within its jurisdiction are broadly represented on the Commission. A member or employee of the Council or Commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this Section shall be a misdemeanor.

2.6 FINDINGS OF THE COMMISSION & COUNCIL

The approval or denial of any application provided for in this Ordinance shall be based upon standards and criteria set forth in the Plan, this Ordinance or any other appropriate ordinance. The approval or denial of any application provided for in this Ordinance shall be in writing and accompanied by a statement in the form of findings of fact and conclusions of law that explain the criteria and standards considered relevant, state the facts relied upon, and explain the justification for the decision based on the criteria, standards and facts set forth.

CHAPTER 3
3.0 CITY OF SUGAR CITY ZONING DISTRICTS

3.1 ZONING DISTRICTS AND PURPOSE STATEMENTS

3.1.1 R-1 Single Family Residential

The purpose of the R-1 (Single Family Residential) Zone is to have land area set aside to preserve and enhance predominately single family living areas at a low density standard. Such areas are to have a full range of urban services available or projected to be established to enable lot sizes, development designs and other development criteria to be properly met.

3.1.2 R-2 Combined Medium to High Density Residential

The purpose of the R-2 (Combined Medium to High Density Residential) Zone is to provide medium density residential development areas located primarily in established urban neighborhoods and adjacent to shopping, recreational and cultural facilities. Higher density developments may also be located in these areas when desirable. Development concentrations should have a full range of community services and facilities available or projected for establishment.

3.1.3 C-1 Neighborhood Commercial

The purpose of the C-1 (Neighborhood Commercial) Zone is to provide distinct zones by zoning procedures and in accordance with the comprehensive plan regulated to provide local commercial service needs primarily located at selected places at the perimeter of low density residential neighborhoods and to restrict incompatible uses which may be better located in the community or service oriented shopping areas due to the size of the shopping center, location within the community, residential neighborhood areas being served and other factors.

3.1.4 C-2 Community Commercial

The purpose of the C-2 (Community Commercial) Zone is to establish distinct zones by zoning procedures and in accordance with the comprehensive plan regulated to fulfill general shopping retail needs including central business area preferences.

3.1.5 C-3 Service Commercial

The purpose of the C-3 (Service Commercial) Zone is to provide areas by zoning procedures and in accordance with the comprehensive plan where activities of the service nature which are more intensive in character than in other commercial zones and which may be semi-industrial in character, may be carried out.

3.1.6 I-P Industrial Park

The purpose of the I-P (Industrial Park) Zone is to provide industrial park development areas by zoning procedures and in accordance with the comprehensive plan and to create, preserve and enhance areas containing manufacturing and related establishments within an open and attractive setting, typically appropriate in locations near major thoroughfares, freeways and other suitable places.

3.1.7 M-1 Light Industrial

The purpose of the M-1 (Light Industrial) Zone is to provide areas by zoning procedures and in accordance with the comprehensive plan which encourage the grouping together of light industrial uses capable of being operated under such standards as to location, appearance of buildings and the treatment of the land about them so that they will be unobtrusive and not detrimental to surrounding commercial or residential uses.

3.1.8 M-2 Heavy Industrial

The purpose of the M-2 (Heavy Industrial) Zone is to provide areas by zoning procedures and in accordance with the comprehensive plan which encourage suitable areas in which heavy industrial uses may locate, substantially free from residential, light industrial or retail commercial activities.

3.1.9 T Mobile Home Overlay

The purpose of the T (Mobile Home Overlay) Zone is to provide medium density residential development areas for mobile homes in accordance with the guidelines and criteria of the comprehensive plan. These should be property located in the city with patterns compatible for mobile home users and in harmony with immediately surrounding area wide facilities.

3.2 CITY ZONING DISTRICT REGULATIONS

3.2.1 The boundaries of the City of Sugar City Districts shall be established and clearly indicated upon an Official City Zoning Map adopted as part of this Ordinance.

a. All amendments to the Official City Zoning Map shall follow procedures set forth in this Ordinance.

3.2.2 Land or premises shall be used, unless otherwise provided in this Ordinance, in conformity with regulations herein set forth for the City Zoning Districts in which said land or premises are located.

3.2.3 No building or structure shall be erected, moved on to lots, or structurally altered or used unless otherwise provided in this Ordinance, except in conformity with the regulations herein set forth for the City Zoning Districts in which such building or structure is located.

3.2.4 For the purpose of insuring orderly development and to provide adequate access for fire fighting equipment and other services to all buildings, no residence, commercial building or industrial building shall be erected or moved onto any lot, tract, or parcel of land in any City District unless said lot, tract or parcel of land has frontage on a public right-of-way.

3.3 UNCERTAINTY OF CITY ZONING DISTRICT BOUNDARIES

Where uncertainties exist as to the boundaries of any City Zoning District as shown upon any zoning map or part thereof, the following rules shall apply:

3.3.1 Where any such boundary line is indicated as following a street, alley or public way, it shall be construed as following the center line thereof.

3.3.2 Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be the boundary.

3.3.3 Where zoning district boundaries are indicated so that they are approximately parallel to the center lines of streets or highways, such boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official City Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official City Zoning Map.

3.4 CITY ZONING CHANGES UPON ANNEXATION OF UNINCORPORATED AREA

Prior to annexation of an unincorporated area, the Council shall request and receive a recommendation from the Commission on the proposed plan and zoning ordinance changes for the unincorporated area. The Commission and Council shall follow the notice and hearing procedures provided in Section 67-6509, Idaho Code. Concurrently or immediately following the adoption of an ordinance of annexation, the Council shall amend the Zoning Ordinance.

3.5 CITY ZONING DISTRICT LAND USE SCHEDULE

NOTE	LAND USE	DISTRICT							
		R-1	R-2	C-1	C-2	C-3	M-1	M-2	I-P
1	AGRICULTURAL								
	Agriculture, no agricultural related buildings	P	P	P	P	P	P	P	P
	Roadside stand	N	N	P	P	P	P	P	
	RESIDENTIAL								
	Rooming-boarding house	N	S	P	P	S	N	N	
	Single family dwelling	P	P	S	S	S	N	N	
	Two family dwelling	S	P	S	S	S	N	N	
	Three family dwelling	N	S	S	S	S	N	N	
	Four, five, six family dwelling	N	S	S	S	S	N	N	
	Fraternity, sorority house-dormitory	N	S	S	S	S	N	N	
	Home business	S	S	N	N	N	N	N	
	Home occupation	P	P	P	P	P	P	P	
	Mobile home park (See Mobile Home Park Ordinance)	N	S	S	S	S	N	N	
	Mobile home (See "T" Mobile Home Overlay Zone)	N	N	N	N	N	N	N	
	Multi family dwelling	N	S	S	S	S	N	N	
	Planned unit development, residential	S	S	N	N	N	N	N	
	Convalescent, nursing-rest home	N	S	S	S	S	N	N	
	COMMERCIAL								
	Amusement centers, indoor only	N	N	S	S	S	N	N	
	Auction establishment	N	N	S	S	S	N	N	
	Auto sales, minor repair, storage, rental	N	N	S	P	P	P	N	
	Bakery or bakery goods store	N	N	P	P	P	P	N	
	Bank savings and loan	N	N	P	P	P	N	N	
	Barber, beauty shop	N	S	P	P	P	N	N	
	Bowling alley	N	N	S	P	P	N	N	
	Building supply outlet	N	N	N	S	P	P	N	
	Car wash	N	N	S	P	P	P	N	
	Cabinet shop	N	N	S	P	P	P	N	
	Cleaning, dry	N	N	P	P	P	P	N	
2	Dance, music, voice studio	N	N	P	P	P	N	N	
	Drive-in restuarant - food stand	N	N	S	P	P	N	N	
	Drug store	N	N	P	P	P	N	N	
	Equipment rental and sales yard	N	N	N	S	P	P	N	
	Farm equipment sales and service	N	N	N	S	P	P	N	
	Food store, delicatessen	N	N	N	P	P	P	N	
	Frozen food locker	N	N	S	P	P	P	N	

P - PERMITTED

S - SPECIAL USE PERMIT

N - NOT ALLOWED

3.5 CITY ZONING DISTRICT LAND USE SCHEDULE (CONT. 2)

NOTE	LAND USE	DISTRICT							
		R-1	R-2	C-1	C-2	C-3	M-1	M-2	I-P
	Furniture refinishing	N	N	S	P	P	P	N	P
	Furniture shop	N	N	S	S	S	N	N	N
	Gift shop	N	N	P	P	P	N	N	N
	Hotel	N	N	S	P	P	N	N	N
	Kennel	N	N	N	N	S	S	S	S
	Laborator-medical, dental, optical	N	N	P	P	P	N	N	N
	Laundry, commercial plant	N	N	N	P	P	P	N	P
	Laundromat-self service cleaner	N	N	S	P	P	N	N	N
	Mortuary	N	N	P	P	P	N	N	N
	Motel	N	N	S	P	P	N	N	N
	Nursery school	N	S	P	P	P	P	N	P
	Nursery for flowers and plants	N	S	P	P	P	N	N	N
2	Office, medical, professional	N	S	P	P	P	N	N	N
	Parking lot, garage or facility	N	N	P	P	P	P	N	P
	Photographic studio	N	S	P	P	P	N	N	N
	Planned unit development, commercial	N	N	P	P	P	N	N	N
	Prescription pharmacy, optician	N	N	P	P	P	N	N	N
	Printing and blueprinting	N	N	P	P	P	P	N	P
	Reducing salon-masseur	N	N	P	P	P	N	N	N
	Restaurant	N	N	P	P	P	N	N	N
	Retail stores and services	N	N	P	P	P	N	N	N
	Service station	N	N	P	P	P	P	N	P
	Sheet metal and similar light fabricating shops	N	N	N	S	P	P	N	P
	Shop for contractor	N	N	S	P	P	P	P	P
	Sign shop	N	N	P	P	P	P	P	P
	Tire shop, including recapping	N	N	N	N	P	P	P	P
	Trailer, mobile home sales yard	N	N	N	N	P	P	P	P
	Travel trailer park	N	N	N	S	S	S	N	S
	Theatre, indoor	N	N	P	P	P	N	N	N
	INDUSTRIAL								
	Asphalt plant	N	N	N	N	N	N	P	N
	Beverage bottling plant	N	N	N	N	S	P	S	P
	Chemical storage and manufacturing	N	N	N	N	N	S	S	S
	Concrete batch plant	N	N	N	N	N	N	P	N
	Cement or clay products mfg.	N	N	N	N	N	S	P	S
	Contractor's storage yard	N	N	N	N	S	P	P	P
	Dairy products processing	N	N	N	N	N	P	P	P

P - PERMITTED

S - SPECIAL USE PERMIT

N - NOT ALLOWED

3.5 CITY ZONING DISTRICT LAND USE SCHEDULE (CONT. 3)

NOTE	LAND USE	DISTRICT							
		R-1	R-2	C-1	C-2	C-3	M-1	M-2	I-P
	Food processing plant	N	N	N	N	N	P	P	P
	Fuel yard	N	N	N	N	N	S	P	S
	Grain storage	N	N	N	N	N	P	P	P
	Ice manufacture - cold storage plant	N	N	N	N	N	P	P	P
	Junk yard	N	N	N	N	N	S	P	S
	Lumber yard retail	N	N	N	S	P	P	P	P
	Machine shop	N	N	N	S	P	P	P	P
	Meat packing plant	N	N	N	N	S	P	P	P
	Monument works, stone	N	N	N	N	N	S	P	S
	Petroleum storage	N	N	N	N	N	S	P	S
	Planned unit development, industrial	N	N	N	N	N	S	S	S
	Planing mill	N	N	N	N	N	P	P	P
	Public utility yard	N	N	N	N	S	P	P	P
	Railroad yard or shops	N	N	N	N	N	S	P	S
	Rendering plant	N	N	N	N	N	N	S	N
	Sanitary land fill	N	N	N	N	N	N	S	N
	Terminal yard, trucking	N	N	N	N	S	P	P	P
	Truck and tractor repair	N	N	N	S	S	P	P	P
	Warehousing - wholesaling	N	N	N	S	S	P	P	P
	Wood processing plant	N	N	N	N	N	S	P	S
	Wrecking yard	N	N	N	N	N	S	S	S
	PUBLIC AND SEMI-PUBLIC								
	School	S	S	S	S	S	N	N	N
	Church	S	S	S	S	S	N	N	N
	Cemetery	S	S	N	N	N	N	N	N
	Hospital	S	S	S	S	S	N	N	N
	Golf course	S	S	N	N	N	N	N	N
	Other public and semi-public	S	S	S	S	S	S	S	S

P - PERMITTED

S - SPECIAL USE PERMIT

N - NOT ALLOWED

NOTE: 1. Excluding commercial feed lots, raising of swine, commercial poultry, dairies (as defined) and similar intensive agri-related uses. Horses or other usual farm animals are permitted when kept on at least one acre of land per animal or when permitted to exceed this amount by Special Use Permit. Buildings housing horses and other usual farm animals shall not be located closer than fifty feet from any property line.

2. May be permitted as a Home Occupation if criteria are met.

3.6 CITY ZONING DISTRICT HEIGHT, SETBACK AND AREA SCHEDULE

Minimum Setback Yard Requirements (in feet) (5)

DISTRICT	MAXIMUM HEIGHT	FRONT	REAR	INTERIOR SIDE	STREET SIDE	ALLEY SIDE	MIN. LOT AREA	INTER MIN LOT AREA	CORNER LOT AREA
R-1	(3) 30	20	20	5	20	5	10,000 8,500		10,000
R-2	(3) 30	20	20	5	20	5	6,000 (1) 7,500	(1)	7,000 (1) 7,500
C-1	(4) 45 (2)	15	15	0	15	5	0		0
C-2	(4) 45 (2)	0	0	0	0	0	0		0
C-3	(4) 45 (2)	0	0	0	0	0	0		0
M-1	(4) 45 (2)	20	0	0	20	0	0		0
M-2	45 (2)	20	0	0	20	0	0		0
I-P	(4) 45 (2)	20	0	0	20	0	0		0

(1) The minimum lot area for each dwelling unit above minimum area required for two-family dwellings shall be 1,500 square feet.

(2) The maximum height may be exceeded by a Special Use Permit.

(3) For the purpose of insuring orderly development and to provide adequate access for fire fighting equipment and other services to all buildings, no residence shall be erected or moved on to any lot, tract, or parcel of land in any district unless said lot, tract or parcel of land has the following:

- a. Corner Lot. A minimum of 100 feet of public right-of-way on the front property line.
- b. Interior Lot. A minimum of 75 feet of public right-of-way frontage at the front property line.
- c. Cul-de-sac. A minimum of 50 feet of public right-of-way frontage but not less than the amount of setback required for adjacent lots.
- d. No building shall be constructed upon a lot or parcel which does not abut upon a public street.

(4) Residential uses shall have the same requirements as set forth in the R-2 Zone. When commercial or industrial uses abut a residential zone, setbacks shall be the same as are required in the adjacent residential district.

(5) All setbacks include furthest structural projection of building.

- 3.6.1 Refer also to the Supplementary Setback Provisions.
- 3.6.2 No two principal buildings may claim the same, or parts of the same, lot area or width or required yard for the purposes of compliance with this Ordinance.
- 3.6.3 A parcel of land which has less than the minimum width or area requirements for the zone in which it is located shall not be separated from a larger parcel of land for the purpose of immediate or future building or development of a lot.
- 3.6.4 Manufactured homes that are placed on individual lots and not in mobile home parks shall meet the following standards:
- a. Shall be constructed after 1976 and at least 24 feet in width.
 - b. Shall have non glare, woodshake, or asphalt roof with a minimum slope of three and one half (3 1/2) inches and a minimum of six (6) inch eaves.
 - c. Shall have an exterior siding that is residential in character, including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles or shakes, or similar material. The siding shall not have a high gloss finish and shall not be composed of smooth, ribbed or corrugated metal or plastic panels.
 - d. Shall be placed on a permanent foundation that complies with the Uniform Building Code for residential structures.
 - e. The hitch, axles and wheels must be removed, and the foundation facia must be similar in appearance and durability to the masonry foundation of site built homes. Mobile homes and manufactured homes not meeting the above conditions are permitted in established and approved mobile home courts.

3.7 REGULATION FOR THE T (MOBILE HOME) OVERLAY ZONE

The following regulations shall apply to the "T" (Mobile Home) Overlay Zone.

- 3.7.1 All uses are permitted in the respective zone with which the "T" Overlay Zone is combined including mobile homes on individual lots but are not units in a mobile home park.

- 3.7.2 Whenever a "T" Overlay Zone is proposed to be combined with any other zoning district, the procedure to combine the zones is the same as for any other zoning amendment.
- 3.7.3 Whenever a "T" Overlay Zone is combined with other zones, mobile homes may be placed on individual lots and therefore be administrated similar to other single family residences within the city. This provision does not remove requirements for building standards, setbacks, lot sizes, platting procedures for land containing mobile home units or other city requirements to be other than that otherwise required by the city or as contained within ordinances for other zoning districts uses.

3.8 SUPPLEMENTARY CITY ZONING DISTRICT REGULATIONS

The following provisions shall be subject to the general regulations of this Ordinance.

3.8.1 Applicability

The regulations of this section qualify or supplement the regulations within City districts appearing elsewhere in this Ordinance.

3.8.2 Accessory Buildings

Accessory uses are permitted in respective zoning districts. Accessory buildings shall not be placed in the front yard. Accessory buildings less than two hundred (200) square feet may be placed adjacent to the property line in the rear of the lot, and along the property line for interior lots, and along the alley for corner lots. Accessory buildings larger than two hundred (200) square feet shall meet the same size and street side requirements as principal buildings. They may be placed along the alley so that the drip line of the roof is not in the alley. If an accessory building is a garage with a garage door opening into the alley, it shall be located five feet from the property line in the alley. An accessory building or group of buildings shall not cover more than twenty (20%) percent of the rear yard. Accessory buildings with either a door or window or both facing the alley must comply with county fire codes.

3.8.3 Averaging Setbacks

When fifty (50) percent or more of the lots on the same side of the street shall have been built upon in conformity with a fairly even and determinable front setback line, all buildings thereafter erected, established or rebuilt shall be in conformity with said front building line determined by buildings already erected on fifty percent (50%) of the lots. Where a building line has been established on each

intersecting streets, structures erected on corner lots shall conform to both established building lines.

3.8.4 Clear View of Intersecting Streets

For the purpose of insuring reasonable visibility and safety in residential zones and other zones which require buildings to be set back from the property line, the triangle of land formed on any corner lot by drawing a line between points on the lot lines which are twenty-one (21) feet from the intersection of such lot lines shall be free from any sight obscuring structure or obstruction except as permitted herein.

Trees in such triangles shall be trimmed to at least seven (7) feet above the center line grades of the intersecting streets. Scrubs, fences, and walls shall not be higher than three (3) feet above the center line grades of the intersecting streets.

3.8.5 Commercial Zones Adjacent to Residential Zone

Where a lot zoned for commercial use abuts a residential zone, as part of any construction on the commercially zoned property, a shrubbery buffer of not less than four (4) feet high and four (4) feet thick, or a slightly solid fence not less than five (5) feet high nor more than eight (8) feet high shall be provided and maintained on the commercial property abutting its side yard and/or rear yard line leaving the side and/or rear yard area free and unobstructed.

3.8.6 Lots of Record

Any single lot or parcel of land, which was of record in the office of the recorder of Madison County at the time of adoption of this Ordinance, but does not meet the requirements of the zoning district in which it is located for minimum lot width and area, may be utilized if all other requirements of this ordinance are met.

3.8.7 Lots Extending Into More Than One Zoning District

When a lot is located so that it extends into two (2) different zoning districts, the most restrictive requirements of the two (2) zoning districts shall apply.

3.8.8 Outside Storage, Enclosure Required

All junk dealers or other persons accumulating, disposing of or storing junk within the City, when said accumulating, deposit or storing thereof shall be without a building or not within a building, either now stored, deposited or accumulated, or hereafter so deposited, stored or accumulated, shall enclose the lot or place of deposit where said junk is stored with a solid fence surrounding same, at least five and one-half (5 1/2) feet high, or sufficient to enclose the said junk from public

view from the outside of said enclosure. The fence must be kept painted and attractive.

3.8.9 Temporary Buildings

A temporary office building or office trailer shall be permitted for construction purposes for a period not to exceed the duration of construction.

3.8.10 Yard and Setback Requirements

Fences, walls, and hedges are permitted in any required yard or along the edge of any yard to a height of six feet, provided that no fence, wall or hedge along the front edge of any front yard shall be over three (3) feet in height. On a corner lot the fence may be placed along the property line along the side of the lot from the back boundary line to the front of the house. It may not be placed within the nine foot easement required by the city.

3.9 ESTABLISHMENT OF SPECIAL SETBACK LINES

3.9.1 The Commission, after notice and public hearing as prescribed for Special Use Permit, may recommend to the Council that special setback lines be established for individual arterial streets or other specific areas. The purpose of special setback lines is to establish uniform setback requirements along arterial streets when such streets are identified as arterials on the comprehensive plan and where there are two or more zoning districts along the arterial with varied setback requirements. The major criteria to be used in determining the need to establish special setback lines shall be whether or not the use of the street for transportation and the use of the street as related to adjoining land uses, either in existence or to be established, will be enhanced by the establishment of a uniform setback along the street.

3.9.2 The Council, after notice and public hearing as prescribed for Special Use Permits, may adopt an ordinance and map establishing special setback lines. After adoption by the Council, the ordinance and accompanying map, defining the special setback lines shall become a part of this Ordinance.

4.2 SUPPLEMENTAL REGULATIONS FOR OFF STREET PARKING AND LOADING

- 4.2.1 Where calculations result in requiring a fractional space, any fraction less than 1/2 shall be disregarded and any fraction of 1/2 or more shall require one (1) space.
- 4.2.2 Where off street parking is to be located on a lot other than the lot occupied by the use which requires it, approval for both lots is required by a Special Use Permit.
- 4.2.3 The following minimum design standards shall be observed in laying out off street parking facilities:

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Aisle Width</u>	<u>Stall Length</u>	<u>Curb to Curb</u>
0°-15°	9 ft	11 ft	23 ft	30 ft
16°-37°	9 ft	11 ft	19 ft	45 ft
38°-57°	9 ft	13 ft	19 ft	54 ft
58°-74°	9 ft	18 ft	19 ft	61 ft
75°-90°	9 ft	24 ft	19 ft	63 ft

- 4.2.4 No public or private garage for more than five (5) motor vehicles located in a Commercial Zone or Industrial Zone shall have an entrance or exit for motor vehicles within one hundred (100) feet of a Residential Zone.
- 4.2.5 Every hospital, rest home, institution, hotel, commercial warehouse and industrial building hereafter erected or established on a lot shall provide one permanently maintained loading space of not less than ten (10) feet in width and thirty six (36) feet in length and fourteen (14) feet in clear height. Such loading spaces to be located at the side or rear of the building.
- 4.2.6 Off street parking and loading spaces shall be maintained in good condition.
- 4.2.7 Improvements to parking and loading spaces shall be constructed according to the City's "Standards and Drawings and Specifications" including screening and landscaping requirements. All parking lots shall be blacktopped and marked within a year after construction on the lot begins.
- 4.2.8 Parking space requirements may be reduced by a Special Use Permit based upon a specific showing by the applicant that the present and potential use of the premises will need a lesser amount of parking space.

- 4.2.9 Public or private parking areas and spaces are permitted in required setback areas only as follows:
- a. Trailers, boats and other vehicles not in daily use are restricted from parking in the front yard setback for more than 16 consecutive days, and no more than 32 days cumulative total in any one calendar year.
 - b. Public or private parking areas and spaces or any detached building intended for parking which is used in conjunction with any building or use permitted in any residential district shall be permitted in any rear yard that abuts an alley.
- 4.2.10 Uses determined to be similar in nature and having approximately the same traffic generating capacity as those defined in Table 3, but which are not specifically named, shall be required to provide the same number of spaces as required for the similar use.
- 4.2.11 Whenever a parking lot or driveway to a parking lot is hereafter established in other than a Residence Zone so as to abut the side or rear line of a lot in a Residence Zone, a solid masonry wall, or a substantial sightly fence not less than five (5) feet high and not more than eight (8) feet high, shall be constructed and maintained along said side or rear lot line up to, but not beyond, the setback building line. In addition, in all zones, the lighting, including any permitted illuminated sign on any parking lot or driveway shall be arranged so that there will be not annoying glare directed or reflected toward residence buildings or residence zones.
- 4.2.12 In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use.
- 4.2.13 Parking of Automobiles. No person shall park or allow the parking of an automobile, van, pickup truck, or motorcycles in the front yard located in a residential zone except in a designated driveway. Not more than 30% of the front yard may be covered with concrete, asphalt, or gravel unless incorporated into the landscaping. The operation of this section shall be suspended during any period of snow alert declared by the mayor.
- 4.2.14 All required parking areas shall be surfaced with asphalt or concrete.

- 4.2.15 No parking area, except those designated R-1 or R-2 shall be designed or constructed to create a situation in which vehicles back into the public right-of-way.
- 4.2.16 All parking areas for more than four vehicles shall dedicate the equivalent of 10% of the parking area to landscaping and snow storage. The landscaping may be interior or peripheral. It shall include ground cover and/or trees.
- 4.2.17 When a building or structure is constructed, erected, enlarged, when the use of the building or structure is changed and such change creates an increase of 15% or more in off street parking requirements, a parking plan shall be submitted to and approved by the Commission. The plan shall show all parking spaces and their dimensions, access aisles, and entrances and exits to the site.

4.3 SIGN REGULATIONS

The following District Sign Regulations shall apply to all zoning districts established in this Ordinance.

4.3.1 R-1, R-2, R-A

- a. One home occupation sign for each dwelling unit. The sign shall not be more than two (2) square feet in area and shall be unlighted and attached flush to the building.
- b. One temporary sign advertising the sale, lease or rental of the property on which it is located. The sign shall not be more than five hundred eighty (580) square inches in area and shall not be illuminated.
- c. One temporary sign advertising the sale of a tract of land or a subdivision. The sign shall not be more than thirty two (32) square feet in area and shall not be illuminated and shall be set back at least thirty (30) feet from property lines.
- d. A sign identifying a Special Use Permit shall be permitted. The sign shall not be more than thirty two (32) square feet in area and shall be set back at least ten (10) feet from property lines unless attached to the building.

4.3.2 A

- a. All signs shall be limited to those pertaining to the identification, sale of

available products or services or to the sale, lease or rental of the property on which the sign is located.

- b. No sign shall be located in the forty (40) foot sight triangle of any street intersection and signs shall be non flashing.

4.3.3 C-1, C-2, C-3, M-1, M-2, I-P, HC, M

- a. One temporary sign advertising the sale, lease or rental of the property on which it is located. The sign shall not be more than thirty two (32) square feet in area and freestanding signs shall be set back at least twenty (20) feet from property lines.
- b. One sign for each street frontage is permitted and frontage on freeway or streets which provides no access to the property cannot be used to compute sign area. Sign area permitted shall be computed according to the following schedule to a maximum of five hundred (500) square feet.

ZONING DISTRICT	PERMITTED SIGN	
C-1, C-2, C-3 M-1, M-2, I-P HC, M	BUILDING FRONTAGE (feet)	ALLOWED SIGN AREA (sq. feet)
	15 to 30	66
	35	71
	40	76
	50	85
	60	93
	70	100
	80	107
	90	114
	100	120
	125	134
	150	148
	175	158
	200	170
	250	188
	300	209
	400	240
	500	269

- 4.3.4 Names of buildings, dates of erection, commemorative tablets, official notices and flags and similar type signs are not included as part of these sign regulations.
- 4.3.5 Private signs directing traffic movement on private property are permitted.
- 4.3.6 Off premises signs shall not be permitted unless approved by Special Use Permit.
- 4.3.7 Signs imitating official traffic or other official signs and signs which may be confused with traffic control devices or hide from view any traffic or street sign or signal or which obstruct view at any intersection are not permitted.
- 4.3.8 Private signs shall not be permitted to be located in public right-of-way.

CHAPTER 5

5.0 PLANNED UNIT DEVELOPMENT

5.1 PURPOSE

It shall be the purpose of this section to encourage the unified and planned development of a site in individual or corporate ownership at the time of development by the use of Planned Unit Development. Such development may be permitted without customary division into individual lots, or without specific compliance to the zoning district regulations as applicable to individual lots subject to the regulations as hereafter provided.

5.2 PROCEDURE

The use of the procedure given in this section superimposes each approved specific Planned Unit Development on the underlying zoning district regulations as an exception to such regulations to the extent that such Planned Development shall modify and supersede the regulations of the underlying use zone. The administrative procedures for a Planned Unit Development shall be the same as for Special Use Permits.

5.3 USES PERMITTED

Planned Unit Developments shall be allowed by Special Use Permit for uses as specified in the Land Use Schedule, Table 1. Planned Unit Development procedures may permit the inclusion of land uses other than those permitted by the existing zoning district regulations subject to the requirements of this section and provided the Commission shall find:

- 5.3.1 The uses permitted are necessary or desirable and are appropriate with respect to the primary purpose of the development as specified in the order granting the development.
- 5.3.2 The uses permitted are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.
- 5.3.3 No more than ten (10%) percent of the ground shall be devoted to the uses other than the zoning district in which the proposed development is located.

5.4 REQUIREMENTS

Planned Unit Development shall comply in all respects with the specific regulations and requirements approved and authorized for such specific Planned Unit Development.

5.5 OWNERSHIP

A Planned Unit Development shall be in one ownership or under one unit control during the planning and developmental stage to insure that the development can be accomplished. No application for a Planned Unit Development shall be considered for approval unless a minimum of one (1) acre of land is contained in any proposal.

5.6 CONTAINED DEVELOPMENT

A Planned Unit Development shall be essentially independent and contained. It shall generally be physically disassociated from surrounding properties, particularly those with different uses. For example, terrain, orientation, streets and highways may create such separation. If containment is impossible, either the development shall be disapproved or approval should be conditioned on the density, design and degree of development insuring achievement of the objectives of this section in the manner in which the site is used.

5.7 COMMUNITY FACILITIES

Planned Unit Development shall include site availability for needed community facilities not otherwise provided for. For example, provision may be required for sites for schools, public safety use, utilities, churches, parks and recreation areas.

5.8 PLAN UNIT DEVELOPMENT FILING REQUIREMENTS

The engineers, architects and other professionals creating Planned Unit Development concepts shall consult with appropriate local officials and staff as ideas develop. At such time as the applicant wishes to file the Planned Unit Development plan on a formal basis the plan shall contain the following:

- 5.8.1 An application form provided by the City signed by the developer of the proposed project and by the property owner if other than the developer, indicating:
 - a. Name and address of developer, land surveyor, engineer, architect, planner and other professionals involved.
 - b. Legal description of development area.
 - c. Total area in square feet and in acres.
 - d. Approximate percentage of area intended for use-in-common.
 - e. For residential use, number of single family dwelling units and multiple family dwelling units intended.

- f. Copies of Homeowner's Association By-laws and related agreements or documents.

5.8.2 Prints of a drawing, the number to be determined by the City, showing the following information:

- a. A vicinity sketch relating the development to main roads and section lines.
- b. Outline of the area of development.
- c. Topography show direction of drainage with minimum contour intervals of twenty (20) feet extending not less than one hundred fifty (150) feet beyond the boundaries of the development area.
- d. All structures and improvements within the development area which are to remain.
- e. All structures and improvements outside the development area within one hundred fifty (150) of the boundaries of the development area.
- f. Existing streets bounding and/or within the development area.
- g. Street pattern and pedestrian walkway pattern separate from streets within the development area, showing intended street within.
- h. Location of building lots and/or building areas and major areas intended for use-in-common.
- i. Areas to be assigned for use-in-common.

5.9 PLAT APPROVAL

Approval of plats for condominiums or other subdivisions in which Planned Unit Developments are to be located shall be as prescribed in the Subdivision Ordinance.

CHAPTER 6
6.0 AREA OF CITY IMPACT

6.1 PURPOSE

The purpose of establishing the Sugar City Impact Area is to identify a logical fringe area in the unincorporated territory surrounding the City within which there is potential for development or changes in land use that could have an impact on the area and the City; could impact the timely or economical provision of public services such as water supply, sewage collection and treatment and community service facilities; or could impact the quality of life within the City.

6.2 ESTABLISHMENT OF AREA OF CITY IMPACT

The Sugar City Impact Area shall be determined by the Commission and the Sugar City Council. The following factors shall be addressed by the Commission and Council when proposed development or change in land use within the Area of City Impact:

- 6.2.1 The grandfather rule will apply to all existing lands and businesses.
- 6.2.2 Agricultural land should be preserved for agricultural use. The area of City impact shall not be construed as authorizing restrictions on farm practices, including, but not limited to: use and application of fertilizers, pesticides, herbicides and fungicides (which are allowed to be used legally); soil tillage and conditioning; use of machinery for tillage, conditioning, harvesting, application of chemical inputs and transport; the use of aircraft and its resulting noise and other impacts; and the production of livestock and poultry.
- 6.2.3 Any development or change in land use should be laid out in a manner which will permit replatting and the provision of public services when warranted.
- 6.2.4 Strip development along major arterials should be considered by the Commission.
- 6.2.5 Before additional development occurs within the area of impact, the availability of water and adequacy of centralized sewer or individual on site sewage disposal systems must be established in compliance with health department codes.
- 6.2.6 Traffic circulation and access to existing primary and secondary arterials must be adequate.

6.3 CRITERIA FOR DEFINING AREA OF CITY IMPACT

The following criteria should be considered in defining the Sugar City area of City Impact.

- 6.3.1 Trade Area--the area related to economic influences which could have an impact on the City; i.e. shopping facilities, employment and patterns of growth;
- 6.3.2 Geographic Factors--topographical features which influence the direction of development; i.e. waterways, soil suitability and topography suitable for development of streets and extension of public services; and
- 6.3.3 Areas to be considered for Annexation--areas the City could reasonably be expected to provide services to within five (5) to ten (10) years, i.e. police, fire, central water, or sewer facilities.

6.4 APPLICATION OF PLANS, ORDINANCES, PERMITS AND CODES

Unless otherwise provided in the City-County area of City impact agreement, the following shall apply:

- 6.4.1 The Flood Hazard Ordinance meeting the requirements for participation in the Federal Flood Insurance Program adopted by the County shall apply within the area of City impact;
- 6.4.2 Manufactured home and mobile home regulations of the City shall apply within the area of City impact;
- 6.4.3 The Subdivision Ordinance of the City, and any subsequent amendments thereto, shall apply within the area of City impact. Subdivision development outside the City limits shall receive due concern based on location, availability of services, etc.;
- 6.4.4 The Uniform Building Code and any subsequent amendments thereto, as adopted by the State shall apply within the area of City impact; and
- 6.4.5 The Commission and Council shall be responsible for the administration and enforcement of the above listed regulations within the area of City impact.

6.5 COMMISSION REPRESENTATION FROM AREA OF CITY IMPACT

- 6.5.1 The names of at least three (3) candidates from the area of City impact for each vacancy on the Commission shall be submitted to the City Council and the County Commissioners. The Council and County Commissioners shall make appointments within two weeks.
- 6.5.2 Members of the Commission from the area of City impact may be removed according to the provision in this Ordinance.
- 6.5.3 Vacancies on the Commission from the area of City Impact shall be filled as provided in 6.5.1 herein.

CHAPTER 7

7.0 AREA OF CITY IMPACT ZONING DISTRICTS

7.1 INTENT

The following area of City impact zoning districts are hereby established. For interpretation of this Ordinance, the zoning districts have been formulated to realize the general purpose as set forth in this Ordinance and to conform with the Plan and its stated goals and objectives. In addition, the specific purpose of each zoning district shall be as stated.

7.2 AREA OF CITY IMPACT ZONING DISTRICTS

7.2.1 A Agricultural District

The purpose of the A District is to permit current agricultural, large lot rural residential and other types of open land uses to be maintained, and to protect agricultural land from spasmodic, disorderly and indiscriminate development. This district is also established to control the infiltration of urban type development, which could adversely affect agricultural operations, until such time as property owners desire such development.

7.2.2 R-A Residential - Agricultural District

The purpose of the R-A District is to create, protect and maintain a living environment composed of single family, detached dwellings on lots of reasonable size to be able to maintain the minimum distances required for set back, drain fields, canals, property lines in areas now so developed or to be developed.

7.2.3 HC Highway Commercial District

The purpose of the HC District is to provide for the location and development of businesses and service establishments which are incompatible with other districts in that they involve enterprises which depend primarily on motorized vehicular traffic and require outside activities, relatively large lot sizes and easy highway access. These districts are normally located along highways leading into the City and are characterized by buildings set well back from the right-of-way.

7.2.4 M Manufacturing

The purpose of the M district is to encourage manufacturing and wholesaling activities in an area which will impact as little as possible on the other districts within the City. As this type of enterprise normally needs heavy truck or railroad access, it is normally located along highways leading into the City or along railways. This district should be kept free from residential and retail commercial activities.

7.3 OFFICIAL AREA OF CITY IMPACT MAP

The boundaries of the area of City impact zoning districts are shown on the Official City of Sugar City Area of Impact Map which is adopted as part of this Ordinance.

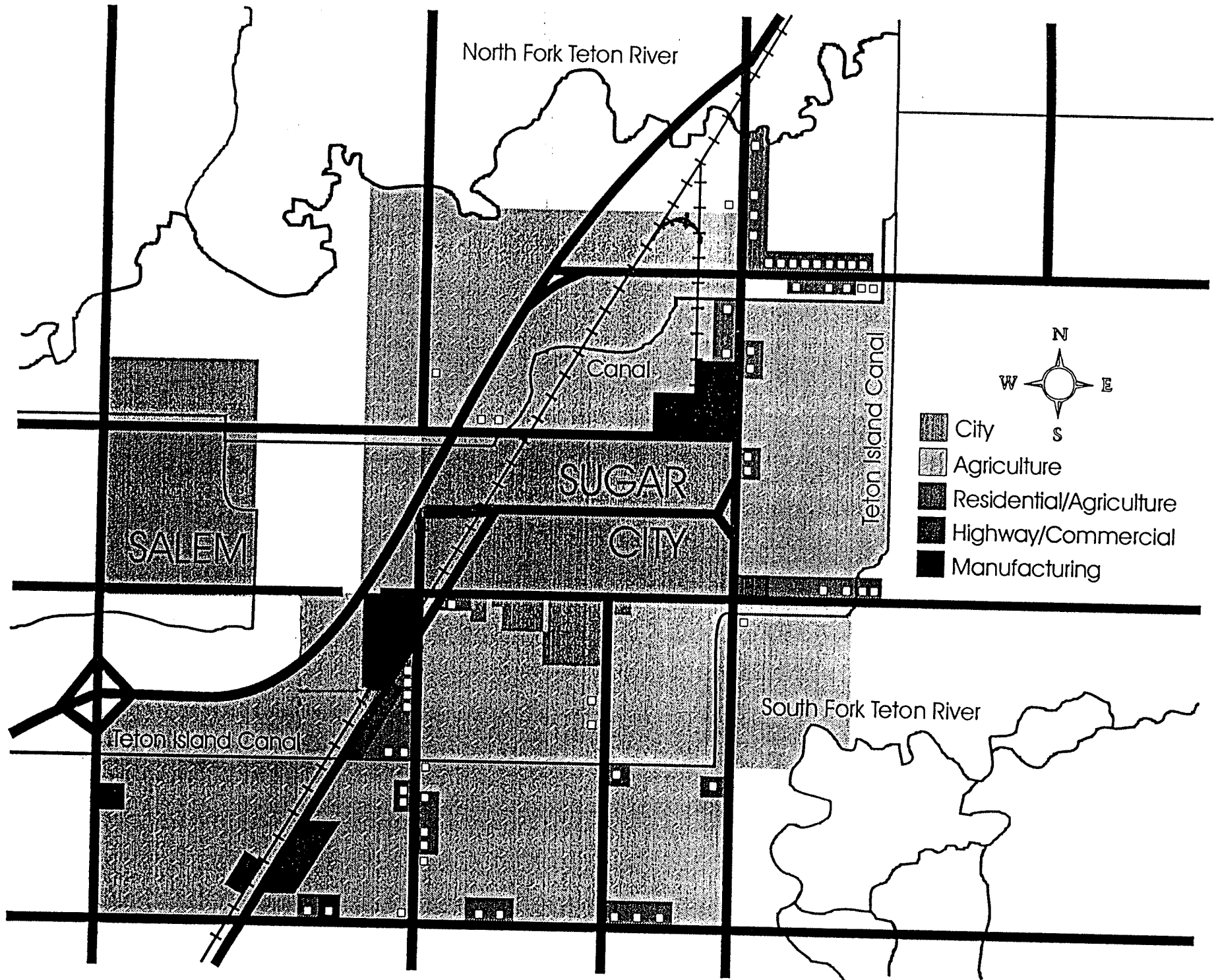
7.4 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the area of City impact use districts as shown on the Official Area of Impact Map, the following shall apply:

- 7.4.1 Where district boundaries are indicated as approximate following the center line of streets, highway right-of-way, streams, canals or other bodies of water, the center line shall be construed to be such boundary;
- 7.4.2 Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries;
- 7.4.3 Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Area of Impact Map; and
- 7.4.4 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

7.5 DESIGNATED ARTERIALS AND COLLECTORS

The arterials, collectors and streets of the City and Impact area are indicated on the Official Arterial and Street Map which is adopted as part of the Ordinance.



North Fork Teton River

Canal

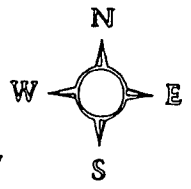
Teton Island Canal






SALEM

SUGAR CITY

Teton Island Canal

South Fork Teton River



-  City
-  Agriculture
-  Residential/Agriculture
-  Highway/Commercial
-  Manufacturing

CHAPTER 8
8.0 AREA OF CITY IMPACT REGULATIONS

8.1 COMPLIANCE WITH REGULATIONS

The regulations for each district as set forth by this Ordinance shall be minimum requirements and shall apply uniformly to each class or kind of structure or land, specifically:

8.1.1 No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located and until the proper permits have been obtained;

8.1.2 No building or other structure shall be erected or altered to:

- a. Provide for greater height or bulk;
- b. Accommodate or house a greater number of families;
- c. Occupy a greater percentage of lot area; or
- d. Have a narrower or smaller rear yard, front yard or other open spaces;

Other than herein required or in any other manner contrary to the provisions of this Ordinance; and

8.1.3 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.

8.2 OFFICIAL SCHEDULES OF AREA OF CITY IMPACT REGULATIONS

8.2.1 The Administrator shall interpret the appropriate district for land use not specifically listed on the Official Schedule of Area of Impact District Regulations by determining the district in which similar uses are permitted. When several combined land uses exist, or are proposed, the most intensive land use shall be considered as the primary activity.

8.3 SCHEDULE OF AREA OF IMPACT DISTRICT REGULATIONS

LAND USE	DISTRICTS			
	A	R-A	HC	M
GENERAL				
Planned Unit Development	*	*	*	*
Subdivision Development	*	*	*	*
AGRICULTURE				
Agriculture, General	P	P	P	P
Dairy operation	S	S	N	S
Feedlot	S	S	N	S
Poultry and swine operation	S	S	N	S
Warehousing	S	S	S	P
RESIDENTIAL				
Additional dwelling	P	P	N	N
Home occupation	P	P	P	N
Home business	S	S	S	N
Mobile home	S	S	S	S
Mobile home park	S	N	S	N
Multi-family dwelling	S	N	N	N
Rooming house	N	N	N	N
Shelter home (8 or less)	S	S	S	N
Single family dwelling	P	P	S	S
Two family dwelling	S	S	N	N
HIGHWAY COMMERCIAL				
Amusement, indoor	N	N	P	N
Amusement, outdoor	S	S	P	S
Animal clinic	S	N	P	P
Auto sale/service	N	N	P	P
Auto service station	N	N	P	P
Bank, savings and loan	N	N	P	N
Broadcast facility	S	S	P	S
Broadcast tower	S	S	P	P
Building supply	N	N	P	S
Cabinet shop	N	N	P	S
Car wash	N	N	P	N

P - PERMITTED

S - SPECIAL USE PERMIT

N - NOT ALLOWED

* - allowed provided such development is directly related to the primary use of the district and/or consistent with Planned Development Unit and Subdivision Regulations and Procedures

8.3 CONT.

LAND USE	DISTRICT			
	A	R-A	HC	M
COMMERCIAL (CONT.)				
Sheet metal shop	S	S	P	P
Sign painting shop	S	S	P	P
Storage units	S	N	P	P
Tavern, lounge, bar	N	N	S	S
Terminal yard, trucking	S	S	P	P
Trailer sales/service	N	N	P	S
Training facilities	S	S	S	S
Travel trailer park	S	N	S	S
INDUSTRIAL				
Asphalt plant	N	N	N	P
Bottling plant	N	N	P	P
Cement products mfg	N	N	N	P
Chemical storage/distribution	S	N	P	P
Concrete batch plant	N	N	N	P
Excavation	S	S	S	S
Factory outlet	N	N	P	P
Fertilizer storage/distribution	S	N	P	P
Grain storage	S	N	P	P
Gravel extraction	S	S	S	S
Machine shop	S	S	P	P
Manufacturing plant	S	S	S	S
Meat packing (no slaughter)	S	N	S	P
Meat packing (slaughter)	N	N	S	S
Mineral extraction	S	S	N	S
Monument works	N	N	P	P
Planing/saw mill	N	N	P	P
Potato packing shed and potato processing	S	N	P	P
Public utility yard	S	N	P	P
Rendering plant	N	N	N	S
Rock crushing	S	N	N	P
Salvage yard	N	N	S	S
Tannery	N	N	N	S
Warehousing	N	N	S	P

P - PERMITTED

S - SPECIAL USE PERMIT

N - NOT ALLOWED

8.4 AREA OF CITY IMPACT HEIGHT REGULATIONS

- 8.4.1 There shall be no minimum or maximum height requirements in the A District;
- 8.4.2 Maximum building height in R-A District shall be two (2) stories or thirty five (35) feet;
- 8.4.3 There shall be no minimum or maximum height requirements in the HC District; and
- 8.4.4 Height regulations as specified in the Uniform Building Code shall be observed in all Districts.

8.5 AREA OF CITY IMPACT MINIMUM AREA AND SETBACK REGULATIONS

<u>District</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>	<u>Minimum Setback Requirements</u> (from right-of-way/lot line)			
			<u>Front</u>	<u>Rear</u>	<u>Int. Side</u>	<u>St. Side</u>
A	Variable	100'	50'	25'	10'	50'
R-A	Variable	80'	50'	25'	20'	40'
HC	Variable	Variable	30'	0	0	0
M	Variable	Variable	10'	0	0	0

- 8.5.1 Lot size is supported by the requirement of set back, environmental condition, soil drainage with logical reasoning dictating size. Health authority review is necessary before a permit will be issued.

8.6 AREA OF CITY IMPACT ACCESSORY BUILDING REQUIREMENTS

- 8.6.1 In the A District, detached accessory and farm buildings shall not be placed in the front setback and side and rear setbacks shall be five (5) feet.
- 8.6.2 In all area of impact residence districts, accessory building side setback shall be the same as 8.5 except that setback may be reduced to five (5) feet if the accessory building is located more than twelve (12) feet in the rear of the main building. On corner lots, accessory building side setback shall be fifteen (15) feet on the st. side.

- 8.6.3 In all area of impact residence districts, accessory building rear setback on interior lots shall be three (3) feet to eave line, except where and alley is located at the rear of the lot, in which case setback shall be five (5) feet from the lot line.

8.7 AREA OF CITY IMPACT SUPPLEMENTAL AREA/SETBACK REGULATIONS

- 8.7.1 Multi-family dwellings shall be considered as one building for the purpose of determining front, side and rear setbacks. The entire group as a unit shall require one (1) front, one (1) rear and two (2) side setbacks as specified in Minimum Area and Setback Regulations.
- 8.7.2 Open structures such as porches, canopies, balconies, platforms, carports, covered patios, exterior stairways and similar architectural projections shall be considered parts of the buildings to which attached and shall not project into a required setback area;
- 8.7.3 A well shall not be placed in any existing or designated right-of-way; and
- 8.7.4 Roadside stands shall be located according to setback requirements of the existing district or thirty (30) feet of the right-of-way.

8.8 AREA OF CITY IMPACT SUPPLEMENTAL HEIGHT REGULATIONS

- 8.8.1 Visibility at intersections--On a corner lot in any area of impact district nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said right-of-way lines forty (40) feet from the point of intersection;
- 8.8.2 Exceptions to height requirements--Height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above roof level and not intended for human occupancy except when the height of such structure will constitute and hazard to aircraft;
- 8.8.3 No fence, wall, hedge or other sight obscuring structure which is more than three (3) feet in height shall be constructed or allowed closer than twenty five (25) feet from the intersection corner in the rural zone.

- 8.8.4 All commercial / manufacturing uses having a common boundary line with a residential use shall have a view obscuring wall, fence or hedge not less than five (5) feet in height between such uses for the purpose of screening and controlling access, said screen to be installed by the latter developer;
- 8.8.5 Building height exception--Public and public utility buildings, public and private schools and churches may be erected to any height provided the building is setback from required lot lines at least one (1) foot for each additional foot of building height above the maximum height permitted in the district in which the building is located.

8.9 AREA OF CITY IMPACT FRONTAGE REGULATIONS

For the purpose of insuring orderly development and to provide adequate access for emergency equipment and other services to all buildings, no residential, commercial or industrial building shall be erected or moved onto any lot, tract or parcel of land in any area of impact district adopted under the provisions of this Ordinance unless said lot meets minimum lot width requirements and abuts on a right-of-way or road meeting one of the following criteria:

- 8.9.1 Established roads which are designated as receiving Highway Users Tax Monies or City streets which are deeded, dedicated or abandoned to the public for street purposes;
- 8.9.2 Access to Major Arterials--No direct access will be permitted to a major arterial, when a lot is sold, the owner must plot for four (4) home sites so that each home will have access to the access road which opens to the main arterial;
- 8.9.3 An exception to the above rule (8.9.2) is that no platting or subdividing is required if the lot size is twenty acres or more. The owner will be able to construct a single family dwelling and outbuildings on this acreage without subdividing.
- 8.9.4 Roads or streets which are maintained or accepted for maintenance by the County or City;
- 8.9.5 Private roads and easements, provided the following are observed:
- a. All property owners using the easement must sign a petition approving such use and acknowledge that no City or County services are provided on said easement and that the City or County will not be held liable for any reason concerning said easement;

CHAPTER 9
9.0 PERMITS, FEES AND ENFORCEMENT

9.1 ZONING AND/OR BUILDING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building, structure or use of land be established or changed without a permit therefore being issued by the administrator. Zoning and/or Building Permits shall be issued only in conformity with the provisions of this Ordinance.

9.2 CONTENTS OF APPLICATION

The application for a permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within on (1) year. The application should contain the following information:

- 9.2.1 Name, address and phone number of applicant;
- 9.2.2 Legal description and address of property;
- 9.2.3 Existing use;
- 9.2.4 Proposed use;
- 9.2.5 Zoning district;
- 9.2.6 Two (2) copies of the plan(s), drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alterations;
- 9.2.7 Building height(s);
- 9.2.8 Number of off street parking spaces or loading berths;
- 9.2.9 Number of dwelling units;
- 9.2.10 Proposed sewer and water facilities; and

9.2.11 Such other matters as may be necessary to determine conformance with, and provide for enforcement of, this Ordinance.

9.3 APPROVAL OF PERMITS

Within thirty (30) days after the receipt of an application, the Administrator shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plan(s) shall be returned to the applicant by the Administrator after the Administrator shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of the plan(s), similarly marked, shall be retained by the Administrator. The Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance.

9.4 EXPIRATION OF PERMIT

If the work described in any permit has not begun within one (1) year from the date of issuance thereof, the permit shall be revoked by the Administrator and written notice thereof shall be given to the persons affected. all work described in any permit shall be completed within two (2) years from the date of issuance thereof or said permit shall be revoked by the Administrator and written notice thereof shall be given to all persons affected. In either case, a new permit will be needed before work may continue.

9.5 RECORD OF BUILDING AND/OR ZONING PERMITS

The Administrator shall maintain a record of all Building/Zoning Permits. Copies shall be furnished upon request to any person.

9.6 FAILURE TO OBTAIN A BUILDING AND/OR ZONING PERMIT

Failure to obtain a Building/Zoning Permit shall be in violation of this Ordinance.

9.7 CONSTRUCTION AND USE TO BE AS PROVIDED

A permit issued on the basis of an application and plan(s) approved by the Administrator authorize only the use(s) and arrangements set forth in such approved application and plan(s). No other use, arrangement or construction is allowed. Use, arrangement or construction contrary to that authorized shall be deemed a violation of this Ordinance.

9.8 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the Administrator. The Administrator shall properly record such complaint,

immediately investigate and take action thereon as provided by this Ordinance. The Administrator shall report in writing within fourteen (14) days to the person filing the complaint regarding the disposition of the complaint.

9.9 PENALTIES

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

- 9.9.1 Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense.
- 9.9.2 The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense.
- 9.9.3 Upon conviction of any violation of any of the provisions of this Ordinance, such persons shall be punished by a fine of more than three hundred (300) dollars, or by imprisonment of not more than thirty (3) days, or both such fine and imprisonment.
- 9.9.4 Nothing herein contained shall prevent the Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Idaho Code.

9.10 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Council shall establish a schedule of fees and collection procedure for permits, appeals, variances, plat approvals and all other matters pertaining to the administration and enforcement of this Ordinance which require investigation, inspection, legal advertising, postage and/or other expense.

- 9.10.1 The schedule of fees shall be posted in the office of the Administrator and may be altered or amended only by the Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.
- 9.10.2 All fees pertaining to permits, appeals, variances, plat approvals and all other matters pertaining to the administration and enforcement of this Ordinance shall be paid to the office of the Administrator.

9.11 RECORD OF ACTIONS

Appropriate permits as defined in this Ordinance shall be forwarded to the County assessor as required in Section 67-6522, Idaho Code.

CHAPTER 10
10.0 SPECIAL USE PERMITS

10.1 GENERAL

It is recognized that an increasing number of new uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such special nature relative to location, design, size, method of operation, traffic circulation and public convenience that each use must be considered individually.

10.1.1 The Commission shall hold a public hearing on each Special Use Permit as specified in the Official Schedules of District Regulations. The Commission may recommend conditionally or deny a Special Use Permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this Ordinance.

10.2 CONTENTS OF APPLICATION FOR A SPECIAL USE PERMIT

An application for a Special Use Permit shall be filed with the Administrator by at least one (1) owner or lessee of property for which such special use is proposed. At a minimum, the application shall contain the following information:

- 10.2.1 Name, address and phone number of applicant;
- 10.2.2 Legal description of property;
- 10.2.3 Description of existing use;
- 10.2.4 Zoning district;
- 10.2.5 Description of proposed special use;
- 10.2.6 A plan of the proposed site for the special use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the Commission may require to determine if the proposed special use meets the intent and requirements of this Ordinance; and

10.2.7 A statement evaluating the effects on adjoining property; the effects of such elements as noise, pollution and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Plan.

10.3 GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES

The Commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:

- 10.3.1 Constitute a special use as established on the Official Schedules of District Regulations for the zoning district involved;
- 10.3.2 Be harmonious with and in accordance with the general objectives or with any specific objective of the Plan and/or this Ordinance;
- 10.3.3 Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area as far as is possible;
- 10.3.4 Not be unduly hazardous or disturbing to existing or future neighboring uses;
- 10.3.5 Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the City;
- 10.3.6 Be served adequately by essential public facilities and services or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such service.
- 10.3.7 Not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or other pollutants;
- 10.3.8 Have vehicular approaches to the property which will be so designed as not to constitute a hazard to traffic on adjacent public thoroughfares; and
- 10.3.9 Not result in the destruction, loss or damage of a scenic or historic feature of major importance.

10.4 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any special use, the Commission and/or City Council may prescribe appropriate conditions, bonds and safeguards in conformity with this Ordinance. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this Ordinance.

10.5 PROCEDURE FOR HEARING AND NOTICE

10.5.1 Prior to granting a Special Use Permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place and summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement.

10.5.2 Written notice shall also be provided to property owners and residents within one half mile beyond the external boundaries of the land being considered. When notice is required to two hundred (200) or more property owners or residents, in lieu of mailing notification, three (3) notices in the official newspaper or paper of general circulation is sufficient provided the third notice appears at least ten (10) days prior to the public hearing.

10.5.3 A hearing notice shall be posted on the property to be considered for a Special Use Permit in accordance with state law.

10.6 ACTION BY THE COMMISSION

No later than the next regular meeting after the public hearing, the Commission shall approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications, the Commission shall direct the Administrator to issue a special Use Permit listing the specific conditions specified by the Commission.

10.6.1 Upon granting a Special Use Permit, the Commission may attach conditions including, but not limited to, the following:

- a. Minimizing adverse impact on other development;
- b. Controlling the sequence and timing of development;

- c. Controlling the duration of development;
- d. Assuring that development is maintained properly;
- e. Designating the exact location and nature of development;
- f. Requiring the provision for on site or off site public facilities or services; and
- g. Requiring more restrictive standards than those generally required in the Ordinance.

10.6.2 Prior to granting a Special Use Permit, the Commission may request studies from the Administrator or public agencies concerning social, economic, fiscal and environmental effects of the proposed special use. A Special Use Permit shall not be considered as establishing a binding precedent to grant other Special Use Permits. A Special Use Permit is not transferable from one (1) parcel of land to another; however, a Special Use Permit is transferable from one (1) owner to another as long as the use is not altered

10.6.3 Upon granting or denying an application for a Special Use Permit, the commission shall specify:

- a. The Ordinance section and /or standards used in evaluating the application; and
- b. The reasons for approval or denial

10.6.4 The applicant or any affected person may appeal the decision of the Council, provided the appeal is submitted to the Council within ten (10) days following the Council's action.

10.7 APPEAL TO CITY COUNCIL

Upon receipt of an appeal from the action of the Commission, the Council shall set a date to review and consider all information, testimony and commission minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the Commission. The Council shall only overrule the commission by majority vote. Such action by the Council shall be taken within thirty (30) days.

10.8 NOTIFICATION TO APPLICANT

Ten (10) days after a decision has been rendered the Administrator shall provide the applicant with written notice of the action taken on the request for a Special Use Permit.

10.9 ACTION BY AFFECTED PERSONS

An affected person aggrieved by a decision may within sixty (60) days, after all remedies have been exhausted under local Ordinance, seek judicial review under procedures provided by Sections 67-5215 (b) through (g) and 67-5216, Idaho Code.

10.10 REVOCATION OF A SPECIAL USE PERMIT

Once a Special Use Permit has been granted, it may be revoked upon violation of any of the conditions imposed therein.

CHAPTER 11
11.0 NON-CONFORMING USES

11.1 INTENT

It is the intent of this Ordinance to permit non-conforming uses to continue until they are removed, but not to encourage their survival. It is the intent of this Ordinance that non-conforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

11.2 INCOMPATIBILITY OF NON-CONFORMING USES

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the district in which such use is located. A non-conforming use may be extended or enlarged after passage of this Ordinance only if thereafter the entire structure is devoted to a conforming use.

11.3 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building or land which was lawfully begun prior to the effective date of adoption or amendment of this Ordinance.

11.4 SINGLE NON-CONFORMING LOTS OF RECORD

In any district in which a single family dwelling is not permitted, or in any district in which a larger lot is required, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance.

11.5 NON-CONFORMING USE OF STRUCTURES OR OF STRUCTURES AND LAND

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

11.5.1 No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

11.5.2 No non-conforming use of land, structure or combination of land and structure shall be extended to occupy any additional area;

11.5.3 If no structural alterations are made, any non-conforming use of a structure or structure and land may, upon the issuance of a Special Use Permit by the Commission, be changed to another non-conforming use provided the commission shall find that the proposed use is equally appropriate or more appropriate to the district than the exiting non-conforming use. In permitting such change the Commission may require appropriate conditions and safe guards in accordance with other provisions of this Ordinance.

11.5.4 Any structure or structure and land in combination in or on which a non-conforming use is followed by a permitted use shall thereafter conform to the regulations of the district and the non-conforming use may not thereafter be resumed; and

11.5.5 When a non-conforming use of a structure or structure and land in combination is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.

11.6 REPAIRS AND MAINTENANCE

Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety.

11.7 USES UNDER SPECIAL USE PROVISIONS NOT NON-CONFORMING USES

Any use which is permitted as a special use in a district under the provisions of this Ordinance shall not be deemed a non-conforming use in such district; but shall, without further action, be considered a conforming use.

11.8 EXCEPTION TO NON-CONFORMING USE PROVISIONS

The Commission may authorize such exceptions to non-conforming use provisions as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions herein contained would result in unnecessary hardship. Application for such exception shall be by Special Use Permit.

CHAPTER 12

12.0 APPEALS, VARIANCES AND ACTIONS BY AFFECTED PERSONS

12.1 GENERAL

The Commission shall consider administrative appeals where it is alleged that an error has been made by the Administrator. The Commission shall also consider variances from the terms of this Ordinance and requests for hearings from affected persons.

12.2 ADMINISTRATIVE APPEALS

Appeals to the Commission concerning interpretation or administration of this Ordinance may be made by any person aggrieved or by any officer or bureau of the legislative authority affected by any decision of the Administrator. Such appeal shall be made within twenty (20) days after the decision of the Administrator by filing with the Administrator and with the Commission a notice of appeal specifying the grounds upon which the appeal is being made. The Administrator shall transmit to the Commission all the papers constituting the record upon which the appeal is based.

12.3 STAY OF PROCEEDINGS

An administrative appeal shall stay all proceedings in furtherance of the action taken by the Administrator unless the Administrator certifies to the Commission that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Commission or by a court based upon an application showing due cause.

12.4 ADMINISTRATIVE APPEAL PROCEDURE

12.4.1 Upon receipt of an administrative appeal the Commission shall allow all affected persons an opportunity to be heard. At least seven (7) days prior to said opportunity notice shall be given to all affected persons in such manner as shall be deemed appropriate by the Commission.

12.4.2 No later than the next regular meeting after consideration of an appeal the Commission shall approve, conditionally disapprove or disapprove the appeal. Upon granting or denying an appeal the Commission shall specify:

- a. The Ordinance section(s) or standards used in evaluating the application; and
- b. The reasons for approval or denial.

12.4.3 The applicant or any affected person may appeal the decision or the Commission to the Council within ten (10) days following the Commission's action.

12.5 VARIANCES

The Commission may authorize in specific cases such variance, as herein defined, from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

12.5.1 A variance is a modification of the requirements of the Ordinance as a lot size, lot coverage, width, depth, front yard, side yard, rear yard, setback, parking space, height of buildings, or other Ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.

12.5.2 Existing non-conforming use of neighboring lands, structures or buildings in the same district and existing permitted or non-conforming use of lands, structures or buildings in other districts shall not be grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

12.5.3 In acting upon a variance the Commission shall consider the following:

- a. That the granting of the variance will not be in conflict with the intent of the comprehensive plan and will not effect a change in zoning;
- b. That there is exceptional or extraordinary circumstances or conditions, applicable to the property involved; and
- c. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property or improvement.

12.6 APPLICATION AND STANDARDS FOR VARIANCES

A variance from the terms of this Ordinance shall not be granted by the Commission unless and until a written application for a variance is submitted to the Administrator and the Commission containing:

12.6.1 Name, address and phone number of applicant;

12.6.2 Legal description of property;

12.6.3 Description of variance requested; and

12.6.4 A statement demonstrating that the requested variance conforms to the following standards:

- a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
- b. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance; and
- c. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.

12.6.5 A variance shall not be granted unless the Commission makes specific findings of fact based directly on the particular evidence presented to it which supports conclusions that the above standards and conditions have been met by the applicant.

12.7 VARIANCE PROCEDURE

12.7.1 Upon receipt of an application for a variance the Commission shall allow all affected persons an opportunity to be heard. At least seven (7) days prior to said opportunity the applicant for a variance shall notify all property owners adjoining the parcel under consideration.

12.7.2 No later than the next regular meeting after consideration of a variance request the Commission shall approve, conditionally approve or disapprove the variance. Upon granting or denying a variance the Commission shall specify:

- a. The Ordinance section(s) or standard used in evaluating the variance request; and
- b. The reasons for approval or denial.

12.7.3 The applicant or any affected person may appeal the decision of the Commission to the Council within ten (10) days following the Commission's action.

12.8 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Commission grant an administrative appeal or allow a variance, expressly or by implication, prohibited by the terms of this Ordinance. In granting any appeal or variance the Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance.

12.9 APPEAL TO THE COUNCIL

Upon receipt of an appeal from an action of the Commission relating to administrative appeal or variance, the Council shall set a date to consider all information, testimony and commission minutes concerning the application to reach a decision to uphold, conditionally uphold or overrule the decision. The Council shall only overrule the Commission by majority vote. Such action by the Council shall be taken within fifteen (15) days.

12.10 NOTIFICATION OF APPLICANT

Within ten (10) days after a decision has been rendered the Administrator shall provide the applicant with written notice of the action on the administrative appeal or request for a variance.

12.11 REQUEST FOR HEARING BY AFFECTED PERSONS

At any time prior to final action on an administrative appeal or variance application, if no hearing has been held, any affected person may petition the Commission or Council in writing to hold a hearing as required in this Ordinance. If twenty (20) affected persons petition for a hearing, the hearing shall be held.

12.11.1 After a hearing, the Commission or Council may:

- a. Grant or deny the application; or
- b. Delay such decision no later than the next regular meeting for further study.

12.11.2 An affected person aggrieved by a decision may, within sixty (60) days after all remedies have been exhausted under this Ordinance, seek judicial review under the procedures provided by Section 67-5215 (b) through (g) and 67-5216, Idaho Code.

CHAPTER 13
13.0 AMENDMENTS AND RECLASSIFICATION

13.1 GENERAL

This Ordinance may be amended whenever the Council deems that amendment is required for public convenience, necessity or general welfare. The Council, after receipt of recommendation thereon from the Commission and subject to procedures provided by law, may amend, supplement, change or repeal the regulations, restrictions and boundaries or classifications of property.

13.2 INITIATION OF ZONING AMENDMENTS

Amendments to this Ordinance may be initiated in one (1) of the following ways:

13.2.1 By recommendation to the City Council by the Planning and Zoning Commission;

13.2.2 By adoption of a motion by the Council; and

13.2.3 By the filing of an application by a property owner or a person who has an existing interest in property within the area proposed to be changed or affected by said amendment.

13.3 CONTENTS OF APPLICATION

Applications for amendments to this Ordinance shall contain the following information:

13.3.1 Name, address and phone number of applicant;

13.3.2 Proposed amendment;

13.3.3 Present land use and present zoning district;

13.3.4 Proposed use and proposed zoning district;

13.3.5 A list of all property owners and their mailing addresses who are within three hundred (300) feet of the external boundaries of the land being considered;

13.3.6 A statement of why the proposed amendment is requested, how the proposed amendment relates to the Plan and how the proposed amendment fits the criteria of the Ordinance; and

13.3.7 Rezone requests for small tracts and /or single ownership tracts must be accompanied by findings of public or community interest.

13.4 COMMISSION NOTICE AND PUBLIC HEARING

13.4.1 The Commission, prior to recommending an amendment, supplement, or repeal of this Ordinance, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and summary of the proposed amendment to be discussed shall be published in the official newspaper or paper of general circulation in the area. The Commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement.

13.4.2 Following the Commission hearing, if the Commission makes a material change in the Ordinance, other than that published for present hearing, further notice and hearings shall be provided before the Commission forwards its recommendations to the Council. A record of the hearing, findings made, and actions taken shall be maintained

13.4.3 When notice is required to be given to two hundred (200) or more property owners or residents, an alternative form of procedure of official notice of the public hearing for both the Commission and Council shall be that the public hearing notice shall be published in the official newspaper or newspaper of general circulation in the area three (3) consecutive times. Provided that the third notice appears at least ten (10) days prior to the public hearing.

13.4.4 Map Amendment--The Commission, prior to its recommending a map amendment to the Council, shall conduct at least one (1) public hearing at which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice and time and place and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. Additional notice shall be provided by mail to property owners and residents within the land being considered, to those within one half mile of the external boundaries of the land being considered, and to those with any additional area that may be impacted by the proposed change as determined by the Commission. A hearing notice shall be posted on the property to be considered for a zone change in accordance with state law.

13.5 ACTION BY THE COMMISSION

- 13.5.1 The Commission shall cause to be made by any of its own members or by any member of its staff, such investigation of facts bearing upon such amendment, supplement, repeal or matter for hearing as in the opinion of the Commission will serve to provide the necessary information to enable the Commission to act.
- 13.5.2 No later than two (2) regular meetings from the receipt of the proposed amendment, the Commission shall transmit its recommendation to the Council. The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The Commission shall insure that any favorable recommendation for amendment is in accordance with the Plan.
- 13.5.3 If the request is in accordance with the adopted Comprehensive Plan the Commission may recommend and the Council may adopt or reject the Ordinance amendment under the same notice and hearing procedures as set forth for the Commission, provided that in the case of a zoning district boundary change, additional notice shall be provided by mail to property owners and residents within the land being considered; three hundred (300) feet beyond the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Commission.

13.6 ACTION BY THE COUNCIL

- 13.6.1 The Council, prior to adopting, revising or rejecting an amendment to this Ordinance as recommended by the Commission, shall conduct at least one (1) public hearing using the same notice and hearing procedures as the Commission. Following the Council hearing, if the Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Council adopts the amendment.
- 13.6.2 The Council shall accept the recommendation of the Commission unless rejected by majority vote. Such action by the Council shall be taken within fifteen (15) days.
- 13.6.3 In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of this Ordinance upon preparation, passage and publication in the manner required by law.

13.7 RESUBMISSION OF APPLICATION

No application for a reclassification of any property which has been denied shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purpose within a period of one (1) year from the date of such action unless there is an amendment to the Plan which applies to the specific property under consideration.

CHAPTER 14
14.0 DEFINITIONS

14.1 DEFINITIONS

For the purpose of this ordinance, certain terms are defined as set forth.

14.1.1 The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

14.1.2 All words in the present tense include the future tense; the plural includes the singular, and all words in the singular include the plural unless the nature of construction of the sentence indicated otherwise.

14.1.3 The word "shall" is mandatory, the word may is a permissive requirement and the word "should" is a preferred requirement.

14.2 MEANING OF TERMS

Accessory Building: A building which is subordinate to and incidental to the principal building on the same lot, but does not include any building containing a dwelling unit as hereinafter defined.

Accessory Use: A use incidental and subordinate to the principal use of the premises.

Administrator: An official having knowledge of the principles and practices of zoning who administers this Ordinance.

Affected Person: One having an interest in real property which may be adversely affected by the issuance or denial of a permit.

Agriculture: Land primarily used for farming, dairying, pasturage, cultivation, animal or poultry husbandry and the necessary accessory use for packing, treating or storing produce; provided:

- a. The operation of any such accessory use shall be secondary and supportive to that of normal agricultural activity; and
- b. The tract of land is used to produce organic goods for sale or animal feeding from which significant economic gain or saving is derived.

Any agriculture use or uses not herein listed which, in the judgment of the Commission, conform to the intent of this definition are allowed.

Airport: Any area of land or water which is used or intended for use by aircraft and including the necessary accessory structures or facilities located thereon.

Amusement Facility, Indoor: An enclosed facility used for public entertainment including, but not limited to, bowling alleys, dance halls, theaters and skating rinks.

Amusement Facility, Outdoor: A site, which may contain accessory buildings, used for public entertainment including, but not limited to, golf courses, drive-in theaters, raceways, riding arenas

Animal Clinics: Any building or portion thereof designed or used for the care and treatment of cats, dogs and other animals.

Apartment: A room or suite of rooms in a multiple unit dwelling which is arranged, designed or used as a single housekeeping unit and has complete kitchen and sanitary facilities permanently installed.

Automobile Garage: Premises used primarily for the repair, rebuilding or reconditioning of motor vehicles or parts thereof including collision service, painting and steam cleaning of vehicles.

Automobile Sales Yard: Premises on which new and/or used passenger automobiles, trailers, mobile homes or trucks in operating condition are displayed in the open for sale or trade.

Automobile Service Station: Premises used primarily for the retail sale and delivery of motor fuel and/or lubricating oils, tires and incidental vehicular lubrication and related services including motor vehicle repair.

Automobile Wrecking Yard: Any use of premises, excluding fully enclosed buildings, on which two or more motor vehicles not in operating condition are standing more than thirty (30) days, or on which used motor vehicles, or parts thereof, are dismantled or stored.

Awning: Any stationary structure used in conjunction with a mobile home, other than a window awning, for the purpose of providing shelter from the elements and having a roof with supports and not more than one wall or storage cabinets substituting for a wall.

Block: A piece or parcel of land or group of lots entirely surrounded by public streets, streams, railroads, parks, canals, or natural or artificial boundary or combination thereof.

Boarding House: A building other than a hotel or restaurant where meals are provided for compensation to three or more persons, but not more than twelve (12) persons who are unrelated and no cooking or dining facilities are provided in individual rooms.

Building: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, which is designed or intended for the shelter, enclosure or protection of persons, animals, cattels or property of any kind.

Building, Detached: A building surrounded by open space on the same lot.

Building, Government: A building owned or used by the Federal, State, County or City government, or any political subdivision, agency or instrumentality thereof.

Building, Non Conforming: Any building which does not conform to the requirements of this ordinance.

Building Permit: A permit to be obtained before any construction begins.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business or Commerce: The purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreation or amusement enterprises or the maintenance and use of offices or professions and trades rendering service.

Carport: A stationary structure consisting of a roof with its supports and not more than two walls and used for sheltering a motor vehicle.

Cemetery: Land used or intended to be used for the burial of human dead and dedicated for cemetery purposes for which perpetual care and maintenance is provided including mausoleums if operated in connection with and within the boundaries of said cemetery.

City: Sugar City, Idaho, or its governing body.

City Clerk: Clerk of the City of Sugar City, Idaho.

Clinic: A building used for the care, diagnosis and treatment of ill, infirm or injured person, but which building does not provide board and room or regular hospital care and services.

Commission: The Planning and Zoning Commission.

Conditional Approval: An affirmative action by the Commission indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

Conditional Use: See Special Use.

Council: The City Council of the City of Sugar City, Idaho.

County: Madison County, Idaho, or its governing board.

Covenant: A written promise running with the ownership of a lot in a recorded plat by virtue of its being included in the written documents recorded with and made a part of the plat.

Dedication: The setting apart of land or interests in land for use by the public by ordinance, resolution or entry in the official minutes or by the recording of a plat showing such dedication. Dedicated land becomes public land upon the acceptance by the Council or other governmental unit.

Density: A unit of measurement; the number of dwelling units per a specified area of land.

Developer: The subdivider or authorized agent(s) of a subdivider.

Development Agreement: A contract between a developer and the Council which guarantees all development obligations relating to a subdivision and which is secured by lien against the real property therein.

Development Plan: A plan for the development of a large, unusual or complicated land area, the platting of which is expected in progressive stages as in a Planned Unit Devlpt.

District: An area or use designated on the Zoning Map.

Drive-In: An establishment, other than an automobile service station, which is designed to accommodate the motor vehicles of patrons in such a manner as to permit the occupants of such vehicles while remaining therein to make purchases or receive services.

Dwelling: A building or portion thereof containing one or more dwelling units:

a. **Dwelling, Single Unit:** a building consisting of a single dwelling unit separated from other dwelling units by open space. Also called a single family dwelling.

b. **Dwelling, Two Unit:** a building consisting of two (2)) dwelling units which may be attached side-by-side or one above the other and separated from other dwelling units by open space. Also called a two family dwelling.

c. **Dwelling, Multiple Unit:** a building or portion thereof containing three (3) or more dwelling units including condominiums. Also called a multi-family dwelling.

Dwelling Unit: One or more rooms designed for or used as a residence which constitutes a separate and independent housekeeping entity with a single kitchen permanently installed. The term does not apply to or include such types of occupancy as a lodging or boarding house, club, hotel or motel.

Easement: Authorization by a property owners for the use of any designated part of his property by another for a specified purpose.

Easement Road: An access to or from an approved county road or city street.

Easement, Utility: An access required by a utility or canal company.

Engineer: Any person licensed by the State to practice professional engineering

Engineering Plan: Plans of a proposed subdivision executed by an engineer.

Feed Lot: An area of land with fenced corrals where 50 or more animals are stored during at least 8 months of the year and fed from an outside source.

Flood Plain: The relatively flat area or low land adjoining the channel of a river, stream or other body of water which has been or may be covered by water of a flood of one hundred (100) year frequency. The flood plain includes the channel, floodway and floodway fringe as established by the Army Corp of Engineers.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors, including the exterior walls, of a building.

Floor Area, Net: That portion of the gross floor area of a building occupied by the listed use or uses and including hallways, storage and packaging space, dressing or restrooms and laboratory or workrooms; provided, however, that floor space within a building reserved for parking or loading of vehicles and basement space used only for building maintenance and utilities shall be excluded.

Frontage: Property width abutting an approved right of way measured at the minimum required setback line.

Government Facility: A Federal, State, County, or City agency using a building for such programs as schooling, training, rehabilitating, storage, maintenance, etc.

Health Authority: District Health Department of the State Department of Health and Welfare.

Height, Building: The vertical distance from the grade to the highest point of the coping or a flat roof or to the deck line of a mansard roof or the average height of the height of the highest gable of a pitch or hip roof.

Home Business: When the dwelling is changed or modified or an additional building is erected on the lot, a home occupation becomes a home business. This new building must conform to existing ordinances.

Home Occupation: Any gainful occupation engaged in by an occupant of a dwelling unit or the accessory building, for gainful employment which is clearly incidental and subordinate to the use of the dwelling unit as a residence, which meet all of the following conditions:

- a. The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- b. The use is conducted entirely within a dwelling and is carried on by the inhabitants thereof.
- c. No goods, wares or merchandise shall be sold or offered for sale on the premises, except such as is produced by the occupants on the premises, and also except small articles and notions pertinent to the business.
- d. The use does not change the character of the dwelling or adversely affect the uses permitted in the residential district.

- e. The use requires no additional off-street parking space.
- f. One part time worker may be employed for not more than thirty (30) hours per week.
- g. Not more than one-fourth of the gross area of one floor of said dwelling is used for such use.

Industry: See Manufacturing

Irrigation Facilities: Includes canals, laterals, ditches, conduits, gates, pumps and allied equipment necessary for the supply, delivery and drainage of irrigation water.

Kenel: Any lot or premises or portion thereof on which three (3) or more dogs, more than four (4) months of age are maintained, possessed, boarded or bred.

Loading and Unloading Space Off Street: An open off street area of land other than a street or public way the principal use of which is for standing, loading and unloading of motor vehicles and tractors and trailers in order to avoid undue interference with public streets and alleys.

Lot: A unit of land, meeting minimum zoning requirements, described by metes and bounds or a part of a recorded subdivision so recorded for transfer of ownership.

Lot Coverage: The area of a lot occupied by the principal building or buildings and accessory buildings as expressed by a percentage.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner and through lots, all sides of a lot adjacent to a street shall be considered frontage and yards shall be as defined herein.

Lot Line: The boundary property line encompassing a lot. The front lot line is the boundary line which abuts a public street. For a corner lot, the owner may select either street line as the front lot line. The rear lot line is the lot line or most nearly parallel to the most remote from the front property lines. An interior lot line is a side line in common with another lot.

Lot, Minimum Area: The area of a lot which is computed exclusive of any portion of the right of way of any public or private street or road.

Lot of Record: A lot which is described by metes and bounds and which has been recorded with the County.

Lot Types:

- a. Corner Lot: a lot located at the intersection of two (2) or more streets with an external angle of not more than one hundred thirty-five (135) degrees.
- b. Interior Lot: a lot with only one (1) frontage on a street
- c. Through Lot: a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots
- d. Reversed Frontage Lot: a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
- e. Flag Lot: lots or parcels with less frontage on a public street than is normally require. the panhandle is an access corridor to lots or parcels located behind lots or parves with normally required street frontage.

Lot Width:

- a. If the side property lines are parallel, the shortest distance between these side lines.
- b. If the side property lines are not parallel, the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.

Manufactured Home: A single family dwelling unit fabricated in one or more sections at a location other than the home site. Every section shall bear a label certifying that it is built in compliance with Federal Manufactured Home Construction and Safety Standards, June 15, 1976, and it shall also meet HUD and Uniform Building Code standards. A manufactured home may be designed to be towed on its own chassis or it may be site delivered by alternative means, but it shall be placed on a permanent foundation.

Manufactured Home Subdivision: A tract of land subdivided according to the rules and regulations of this Ordinance to provide for the sale of individual lots for the express purpose of placement of manufactured homes.

Manufacturing: The making of a product, especially by machinery and on a large scale, including assembling, fabricating, processing and refining.

Mobile Home: A manufactured relocatable single family dwelling unit made prior to June 15, 1976 which does not meet the Federal Manufactured Home Construction and Safety Standards. A structure transportable in one (1) or more sections which is eight (8) body feet or more in width and its thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. See also Travel Trailer

Mobile Home Park: A parcel of ground retained under one ownership for the purpose of lease or rental of spaces for the placement of mobile homes or manufactured homes as defined in this Ordinance.

Monument: any permanent marker either of concrete, galvanized iron pipe or iron or steel rods used to identify any tract, parcel, lot or street lines, as specified in Section 50-1303, Idaho Code.

Motel: A building or group of buildings on the same premises, whether detached or connected, containing sleeping or dwelling units independently accessible with garage space or parking space located on the premises and designed for or occupied by the public.

Natural Resource: Land and /or water in a natural, unimproved state including that which may be growing on it or found in it. Natural Resources include, but are not limited to, mineral deposits, timber, range land, watersheds, recreation areas and wildlife habitat.

Non Conforming Use: A building or use of land existing at the time of enactment of this Ordinance which does not conform to the regulations of the district in which it is situated. Any use lawfully occupying a building structure or land at the effective date of this ordinance or of subsequent amendments thereto, which does not conform to the regulations for the district in which it is located.

Nursery School: An institution providing care for compensation, with or without instruction, for more than five (5) children of preschool age.

Nursery, Plant: Land, structure or a combination thereof for the storage, cultivation or transplanting of live trees, shrubs or plants offered for sale on the premises, including products used for gardening and landscaping.

Nursing Home, Convalescent Home: A building housing any facility, however named, whether operated for profit or not, the purpose of which is to provide skilled nursing care and related medical services for two (2) or more individuals suffering from illness, disease, injury, deformity or requiring care because of old age.

Nursing Home, Rest Home: The same as a nursing home except that medical care is not administered therein.

Open Space: An area substantially open to the sky which may be on the same lot with a building. The area may include tennis courts, water areas, etc., but streets, parking areas and structures shall not be included.

Original Parcel: a lot or tract of land as recorded on any plat or recorded in the County Recorder's office as of the effective date of this Ordinance.

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

Parking Space: Usable space within a public or private parking area or building for the storage of a single automobile or commercial vehicle. Such space shall not be less than one hundred eighty (180) square feet nine (9) feet by twenty (20) feet exclusive of access drives, aisles or ramps.

Pedestrian Way: a public walk dedicated to providing access to or through a school, park, recreation area or shopping center.

Performance / Surety Bond: a financial guarantee by a subdivider or developer to the City, guaranteeing the completion of physical improvements according to plans and specifications, and/or the operation of said development according to the provisions required by the City and /or reclamation of said development site as agreed with the City.

Planned Unit Development: An area of land in which a variety of residential, commercial, industrial and/or recreational uses developed under single ownership or control are accommodated in a preplanned environment with more flexible standards than those which would normally apply under these regulations.

Plat: The drawing, map or plan of a cemetery, subdivision or other tract of land or replatting of such including certification, covenants, descriptions, dedications and approvals.

- a. Preliminary Plat: The formal presentation, by drawing, as accepted by the Commission and council.
- b. Final Plat: The final presentation containing all descriptions, provisions and information concerning a subdivision in accordance with this Ordinance.
- c. Recorded Plat: A final plat that has been accepted by the City and filed for record by the County

Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad or by a municipal or other governmental agency to furnish electrical, gas, rail transport, communication, public water or sewage services.

Public Use: Public parks, schools, churches, administrative and cultural buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.

Ramada: A stationary structure having a roof extending over a mobile home which may also extend over a patio or parking space for a motor vehicle and used primarily for protection.

Recreation, Outdoors: Activities related to the use of natural resources such as, but not limited to, hiking, fishing, hunting and boating which require no structures and create a minimal disturbance to the land.

Reserve Strip: A strip of land between a partial street and adjacent property which is reserved or held in public ownership for future street extension or widening.

Residential: An area composed primarily of structures used as dwelling units.

Restaurant: Any land, building or part thereof, other than a boarding house, where meals are provided for compensation including, but not limited to, a cafe, a cafeteria, coffee shop, lunch room, tea room and dining room.

Right of Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway it normally incorporates curbs, lawn strips, sidewalks, lighting and drainage facilities and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

Road: A roadway surface and its approved rights of way. See Street.

Roadside Stand: A structure or vehicle designed or used for the temporary display and sale of retail items, may include outside display in the adjacent area.

Rooming House: See Boarding House

Salvage Yard: An outdoor space where junk, waste, discarded or salvaged materials are stored or handled, including automobile wrecking yards, and yards for used building materials and places or yards for storage of salvaged building and structural steel materials and equipment. Including yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition and the processing of used, discarded or salvaged materials as part of a permitted manufacturing operation on the same premises.

Setback: The minimum horizontal distance between a property line of a lot and the nearest drip line of the eaves of the building, including any projection thereof, excluding uncovered steps. Uncovered steps or a deck may not extend into the front setback more than one-third of the required setback.

Setback Area: The space on a lot required to be left open and unoccupied by buildings or structures by the front, side or rear yard requirements of this Ordinance or by delineation on a recorded subdivision.

Setback Line: A line established by this Ordinance, generally parallel with and measured from the lot line, which defines the limits of a yard in which no building may be located above ground except as provided herein.

Sidewalk: That portion of the road right of way which is improved for the use of pedestrians.

Sign: Any structure or natural object, such as a tree, rock, bush and the ground itself, or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business or which shall display or include any letter, work, model, banner,

flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. For the purpose of this definition, the word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or any political educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

Special Use: Use of a structure or use of land permitted within a district other than a principally permitted use which requires a Special use Permit and approval of the Commission and is subject to the limitations and conditions specified herein and thereon. Also called a Conditional Use.

Standard Specifications: The specifications as detailed in this Ordinance or as officially adopted by the Council.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor level directly above grade, such basement or cellar shall be considered as story.

Street: A public right of way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes highway, thoroughfare, parkway, road, avenue, boulevard, land, place and other such terms. Streets are further defined as follows:

- a. Expressway: provides traffic with a means to either bypass a city or be routed expeditiously through or between cities
- b. Arterial: provides traffic access from various traffic generators to expressways and freeways
- c. Collector: carries traffic from local streets to other collectors and/or arterials
- d. Local: provides access to abutting properties
- e. Local / Residential: provides access to abutting properties, particularly in subdivisions
- f. Cul de Sac: a street connected to another street at one end only and provided with a turn around at its terminus
- g. Alley: provides secondary access at the back or side of property otherwise abutting a street
- h. Private: a street that is not accepted for public use or maintenance which provides vehicular and pedestrian access

Structure: Anything constructed or erected, except fences, which requires permanent location on the ground or is attached to something having location on the ground.

Subdivider: An individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for a subdivision of land in accordance with the provisions of this Ordinance. The subdivider need not be the owner of the property, however, he shall be an agent of the owner and have sufficient proprietary rights in the property to represent the owner.

Subdivision: The result of an act of dividing an original lot, tract or parcel for the purpose of transfer of ownership or development.

Surveyor: any person who is licensed by the State of Idaho as a public land surveyor to do professional surveying.

Tavern / Lounge: A building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.

Travel Trailer: A vehicle equipped with wheels capable of unrestricted highway use, intended for temporary human occupancy and for vacation travel or recreational purposes. The definition includes, but is not limited to, travel trailers, motor homes, mounted camper units and camp tents.

a. **Commercial Coach:** A factory assembled structure equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and originally designed to be used either as a dwelling unit or other use without a permanent foundation.

b. **Recreational Vehicle:** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, fifth wheel trailer and motor home.

c. **Camping Trailer:** A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping or travel use.

d. **Motor Home:** A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

Travel Trailer Park: A tract of land retained under one ownership for the purpose of rental of spaces for temporary placement of travel trailers.

Uniform Building Code: That code published by the International Conference of Building Officials and adopted by the State.

Usable Lot Area: That portion of a lot usable for or adaptable to the normal uses made of residential property excluding any areas which may be covered by water, which are excessively steep or which are included in certain types of easements.

Use: The specific purpose for which land or a building is designated, arranged or intended or for which it is or may be occupied or maintained.

Use District: See District

Utilities: Installations for conducting water, sewage, gas, electricity, television, storm water and similar facilities providing service to and used by the public.

Variance: A modification of the requirements of the Ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other provisions affecting the size of lots.

Vicinity Map: A drawing showing the location of a tract of land in relation to a larger area.

Walkway: A public way, four (4) feet or more in width, limited to pedestrian use whether or not along the side of a road.

Warehouse: A building where wares or goods are stored before distribution or are kept in reserve.

Yard: A required open space on the same lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Ordinance and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the lot is located.

Yard, Front: The yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, Rear: The yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, Side: The yard lying between the nearest wall of the principal building, accessory building and side lot line and extending from the front yard or the front lot line to the rear yard.

Zone: See District

Zoning Commission: The Planning and Zoning Commission of the City of Sugar City.

Zoning Map: A map incorporated into this ordinance designating districts or zones.

Zoning Permit: A certification that the proposed construction, development or use complies with applicable zoning established by the City.

CHAPTER 15
15.0 PERFORMANCE STANDARDS

15.1 GENERAL

The purpose of this chapter is to establish criteria for the application of this ordinance and to set specific conditions for various uses, classifications of uses or areas where problems are frequently encountered.

15.2 PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits are taken as established by the following performance requirements:

- 15.2.1 Fire Hazard--Any activity involving the use or storage of flammable or explosive material shall be protected by adequate fire fighting and fire preventing equipment and by such safety devices as are normally used in the handling of such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the Uniform Fire Code and the National Safety Foundation publications;
- 15.2.2 Radioactivity or Electrical Disturbance--No activity shall emit radioactivity at any point or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance;
- 15.2.3 Noise--Objectionable noise as determined by the Administrator or Commission which is due to volume, frequency or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes are exempt;
- 15.2.4 Air Pollution--Air pollution shall be subject to the requirements and regulations established by the health authority and the EPA;
- 15.2.5 Erosion--Erosion, caused or created by man, which will carry objectionable substances onto adjoining properties shall not be permitted;
- 15.2.6 Vibration--No industrial vibration shall be permitted which is readily discernible without instruments on any adjoining lot or property; and

15.2.7 Water Pollution--Water pollution shall be subject to the requirements and regulations established by the health authority, the appropriate state water authority and the EPA.

The Administrator, prior to the issuance of a zoning permit, and the Commission, prior to granting a Special Use Permit, shall require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operation are to be eliminated or reduced to acceptable limits and tolerances.

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures such as those published by the American National Standard Institute, New York; the Manufacturing Chemists' Association, Inc., Washington, D.C.; the U.S. Bureau of Mind; the State Health Authority; etc.

15.3 SUPPLEMENTAL LAND USE PROVISIONS

15.3.1 Animal Clinic and/or Kennel

- a. Will be located at least three hundred (300) feet from any residence except for an owner's residence. The administrator may modify this requirement if the animals are completely housed in sound proof structures and are screened from view of the abutting residential property; and
- b. Will comply with all state and local regulations relative to such an operation and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

15.3.2 Animal Feed Lots, Livestock Auction and Meat Packing Facilities

- a. Will be located, when housing animals, feed lot or holding pens, not less than six hundred (600) feet from any residence, except for an owner's residence. Such facilities shall have a minimum setback of fifty (50) feet from any property line;
- b. Will be designed and located with full consideration to their proximity to adjacent uses, their effect on adjacent and surrounding properties and to the reduction of such nuisance factors as odor; and

- c. Will be adequately maintained with housekeeping practices to prevent the creation of a nuisance, and shall also be subject to the health authority requirements as to the elimination of waste materials and the maintenance of water quality.

15.3.3 Animal Requirements in the R-A District

- a. An accumulative total of two (2) cows and/or horses, and their attendant young, will be allowed per acre;
- b. An accumulative total of five (5) sheep, five (5) goats and/or four (4) pigs will be allowed per acre;
- c. An accumulative total of twenty five (25) penned rabbits and/or chickens will be allowed per acre;
- d. Area requirements specified are exclusive of land used for other livestock or other uses such as buildings, gardens, etc.;
- e. Area requirements for animals not listed shall be determined by the Administrator based on the area requirements of the closest related animal;
- f. Bona fide agricultural uses on parcels larger than five (5) acres in the R-A District shall not be subject to these regulations; and
- g. A Special Use Permit will be required to exceed the above requirements.

15.3.4 Contractors Yard

- a. Will have a fence around the area utilized for storage of equipment; and
- b. Will be limited to storage, maintenance and processing incidental to contracting work.

15.3.5 Convenience Store

- a. Will be designed to serve the immediate vicinity and incidental transient traffic;
- b. Will carry a wide variety of merchandise as opposed to specialty type retail establishment;

- c. Will be of a size and design, not to exceed three thousand (3000) square feet, which facilitates accessibility, accommodations and convenience; and
- d. Will have suitable parking, ingress and egress subject to the approval of the Commission.

15.3.6 Home Occupation

- a. No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation;
- b. The use of the dwelling unit or any accessory building for a home occupation shall be clearly incidental and subordinate to residential use of the property;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign;
- d. Retail sales shall be limited to objects made on the premises or those incidental to the service performed;
- e. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the parking requirements as specified in this Ordinance, and shall not be located in a required front yard;
- f. No equipment or process shall be used in such home occupation which create noise, vibration, fumes or electrical interference detectable to the normal senses off the lot if the occupation is in a single family dwelling, or outside the dwelling unit if conducted in other than a single family dwelling; and
- g. No equipment, vehicles or materials shall be placed in a manner as to create a road hazard.

15.3.7 Mobile Homes, Travel Trailers and Utility Trailers

- a. A mobile home may be used as a contractor's building, for a period not to exceed one (1) year, during the course of development of property in any district, by Special Use Permit.
- b. A mobile home may be used as a temporary dwelling in an A or R-A District