***City of Inkom***

# Land Use Ordinances

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# Chapter 1 Administration

## General Provisions

**Title** - This ordinance shall be known and entitled as "THE CITY OF INKOM LAND USE ORDINANCE", and may be so cited and pleaded.

**Purpose** - The purpose and intent of this Ordinance is to promote the health, safety, convenience, and general welfare of the inhabitants of the incorporated City of Inkom in the zoning and subdivision of land, construction of streets, gutters, sidewalks, curbs, sewers, culinary water facilities, storm drains, and other improvements.

**Declaration** - In establishing the regulations applying to the zoning of land and the development of subdivisions, due and careful consideration was given among other things to the suitability of land for dense residential development, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

**Interpretation and Intent** - It is the intent of the City Council of the City of Inkom that the regulations and restrictions as set forth in this ordinance shall be so interpreted and construed as to further the purpose of this Ordinance and the objectives and characteristics of the Comprehensive Plan.

**Scope and Applicability**

A. No person shall subdivide any tract of land which is located wholly or in part in the City except in compliance with this Ordinance. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a subdivision of a larger tract of land, nor offer for recording in the office of the County Recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Ordinance.

B. No subdivision plat approved by the City Council and recorded in the County Recorder's office in accordance with the provisions of this Ordinance shall be further divided, rearranged, added to, or reduced in area nor shall the boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any non-conforming lot without first obtaining the approval of the City.

C. Uses not specified within the Zones are prohibited unless determined by the Planning Commission, or its authorized representative, to be similar in nature to those specified.

**Lots of Record** - Any single lot, or parcel of land which was of record and a legal lot at the time of adoption of the Ordinance codified in this Title, but does not meet the requirements of the Zone in which it is located for minimum lot width and area, may be utilized if all other requirements of this Title are met.

**Preservation of Private Property Rights** - This Ordinance shall be interpreted to equally protect each citizen from the undue encroachment on his/her private property by his/her neighbors' use of his/her own private property. Each citizen shall have the maximum use of his/her property without placing undue burden upon his neighbor.

**Nonconforming Uses**

A. Continuation of Non-Conforming Uses - Any lawful building, or use of a building or premises or part thereof existing at the time this Ordinance, or any amendment thereto is adopted, may be continued, although such building or use does not conform to the provisions thereof, provided such use has not been discontinued for a period of one year.

B. Change of Non-Conforming Uses - The Planning Commission may permit any non-conforming use to be changed to any specific use not substantially different in character or more detrimental or objectionable to a neighborhood, provided that the Land Use Board determines at a public hearing as per Section 67-6509, Idaho Code, that the proposed use is not more detrimental or objectionable to the neighborhood.

C. Non-conforming Livestock Use- Livestock occupying property within all Zones on the date of adoption of this Ordinance may be kept by the owners in the same numbers until disposed of by original owner. Livestock disposed of may be replaced by original owner within one year of disposal in the same numbers as owned on adoption of this ordinance. Livestock disposed of and not replaced within the one year period shall never be replaced in the R-1, COM, and IND Zones. No new or present owner shall bring additional livestock into the R-1, COM and IND Zones after adoption of this Ordinance

**Wellhead Protection** - All development will comply with the City Wellhead Protection Ordinance.

**Development on Improved Streets** - No lot will be developed without proper access to a public street. Should such street not be improved, it shall be the responsibility of the property owner, whose property is being developed to improve the street to City standards.

**Enforcement and Permits** - The Building Inspector, or Clerk of the City of Inkom, shall not issue any permit or license for the construction, erection, reconstruction, or substantial alteration of any building, or structure of land, unless it is in full compliance with all the provisions of this Ordinance. Any license or permit issued in conflict with this Ordinance shall be null and void.

**Interpretation in Case of Conflict With Other Laws** - It is not intended by this Title to impair or interfere with other regulations of State or local law, or with private restrictions on the use of land, improvements, and structures. Where this title imposes greater restriction than that imposed by other law or private restrictions, this Title shall prevail. Whenever regulations of other ordinances or laws require higher standards than the provisions of this Ordinance, then said ordinances or laws shall govern.

**Provision of Ordinance to be Minimum Requirements** - In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements.

**Severability** - This Ordinance and the various parts, sections, and clauses are hereby declared to be severable. If any part, section, paragraph, sentence, clause, or phrase is adjudged unconstitutional or invalid, it is hereby declared that the remainder of the Ordinance shall not be affected thereby. The City Council of the City of Inkom hereby declares that it would have passed this Ordinance and each part, section, paragraph, sentence, clause, and phrase thereof, irrespective of the fact that any one or more portions thereof be declared invalid.

**Responsibility for Violations** - It shall be the duty of all owners, architects, contractors, land surveyors, engineers, subdividers, subcontractors, builders, and other persons having to do with the establishment of any division, partition, sale, or use of land or the erection, altering, changing, or remodeling of any building or structure to see that:

A. A proper plat has been approved before such work is begun; and

B. All proper permits have been obtained; and

C. The use is allowed within the Zone in which the property is located.

Any such owner, architect, builder, land surveyor, engineer, contractor, or other person doing or performing any such work without A. through C. of this section is in conflict with the requirements of this Ordinance, and shall be deemed guilty of violation of this Ordinance, in the same manner and to the same extent that the owner of the premises, or the persons for whom the development is established, or for whom such buildings are erected or altered, and shall be subject to the penalties herein prescribed for violation.

**Penalty** - Any person, firm, or corporation, whether as a principal, agent, employee, or otherwise who shall violate the terms, regulations, and restrictions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding three hundred dollars ($300.00), or by imprisonment in the County Jail for a period of no longer than six (6) months, or by both fine and imprisonment.

Such person, firm, or corporation violating this ordinance or any part thereof shall be deemed to be guilty of a separate offense for each and every day during which such violation is committed, continues, or permitted by such person, firm, or corporation, and shall be punishable as provided by law as a separate offense.

## Creation and Duties of Land Use Board

**Creation** - The Land Use Board is hereby created. It shall have five (5) members consisting of four (4) members from within the City, and one (1) member from the Impact Area of the City.

**Terms of Office** - Terms of office of the membership shall be: one (1) appointment for three (3) years, one (1) appointment for five (5) years, and one (1) appointment for six (6) years. Thereafter, re-appointive terms for each member shall be for six (6) years.

**Powers, Duties, and Rules** - There is hereby established a Land Use Board as provided for in Section 67-6504, Idaho Code, which shall have all the powers and duties provided by State Law and no others, except as specifically set forth in this or any other Ordinance of the City of Inkom. It may make any by-laws, rules of procedure consistent with law, which may be necessary or convenient for carrying out its functions. Copies of such rules shall be made available to the public by the City Clerk at cost.

**Additional Duties** - In addition to the duties of the Land Use Board as set forth above, said Land Use Board shall, and is hereby designated as the enforcing and administering agency declared to be enacted pursuant to Section 67-6511, Idaho Code, for the purpose of promoting the health, safety, convenience, and general welfare of the inhabitants of Inkom by dividing the City into Land Use-Zones and regulating the use and construction of buildings and premises with a view to encouraging the most appropriate use of land in the City, and shall further include:

A. Pursuant to the provisions contained with Idaho Code, Section 67-6507, as part of the planning process, the Land Use Board shall be empowered to provide for citizen meetings, hearings, surveys, or other methods to obtain public advice and input on the planning process, plan, and implementation.

B. The Land Use Board may also conduct workshops, informational meetings, and consult with public officials and agencies, public utility companies, and civic educational, professional, or other organizations.

C. With the consent of the owner, the Land Use Board and its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys, and place and maintain necessary monuments and marks thereon, in accordance with Idaho Coded, Section 67-6507.

D. Pursuant to Idaho Code, Section 67-65-8, it shall be the duty of the Land Use Board to conduct an ongoing comprehensive planning process designed to prepare, implement, review, and update a comprehensive plan. The plan shall include and pertain to all land within the jurisdiction of the City of Inkom. The plan shall consider previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for each planning component criteria addressed in the Idaho Code, Section 67-6508.

E. The Land Use Board shall have the right to seek the judicial process, as may be necessary to enable it to fulfill its functions.

F. The Land Use Board may perform such additional duties as may be deemed necessary by the Inkom City Council.

## Zoning Map and Comprehensive Plan

**Zoning Map –Zone Boundaries** - The boundaries of the Zones shall be established and clearly indicated upon the Zoning Map adopted as part of this title.

**Zoning Map – Amendment Procedure** - All amendments of the official Zoning Map shall follow the procedure set forth in Title 67, Chapter 65 of the Idaho Code. In conformance with notice and hearing procedures established, the Land Use Board shall consider all applications for changes in any prescribed Zone Boundary and shall recommend approval, conditional approval, or disapproval of said application to the Inkom City Council, which shall make the final decision.

**Area Classification** - Areas are to be classified according to the established Zones, and such Zoning shall give due consideration as to conformity with an adopted comprehensive plan and its stated goals and objectives where these exist.

## Land Use Applications

**Applications** - All applications for Conditional Use Permits, Variances, Zone Boundary Changes, or Subdivision Placement shall be filed with the City Clerk on forms prescribed by the Planning Commission no later than thirty (30) days prior to the meeting at which the application is to be considered. All applications shall be filed by a person having legal interest in the property to be considered. Applications shall be filed in the name(s) of the recorded owner(s) of said property; however, applications may be filed by holders of an equitable interest in such

property. Proof of ownership or legal interest (deed, contract of sale, or option to buy) must accompany the application. All applications must show compliance with the Comprehensive Plan.

**Preliminary Consideration** - Upon receipt of any application, the City Clerk shall certify said application as complete prior to scheduling the item on the agenda for consideration at a regular meeting of the Commission. Should said application and other required data be incomplete or unsatisfactory in its presentation of information required by this Ordinance, said application shall be returned to the applicant for correction and re-submission.

**Notice and Hearing** - No action shall be taken by the Land Use Board on any application until after proper notice has been given and a public hearing has been held. Proper notice of a hearing before the Commission shall be a published legal notice in an official newspaper, or paper of general circulation in the City of Inkom, together with written notice to property owners, or their agents, within three hundred (300) feet of the external boundaries of the land under consideration, and to property owners and residents within the land being considered. Further notice shall be given in any additional area that may be substantially impacted by the proposed use as determined by the Commission. All such public notice shall be given at least fifteen (15) days prior to the date of the scheduled hearing.

**Agency Review** - The departments or agencies which shall receive copies of the application of the plat are:

A. Any state, county, or municipal agencies with jurisdiction;

B. County Engineer;

C. State Highway Department if the subdivision abuts a State Highway;

D. Idaho Power Company;

E. Century Link; and,

F. Intermountain Gas Company.

The entities listed above, and such other departments as may be necessary, review the documents and make recommendations for any changes which may be necessary or advisable. At least twenty (20) working days are allowed for completion of review for each submittal.

**Planning Commission Consideration** - The Planning Commission shall approve, approve conditionally, or disapprove any application within forty-five (45) days after the application is first considered. Within fifteen (15) days of the final decision of an application rendered by the Commission, the applicant shall be given written notice as to the approval, conditional approval, or disapproval, stating the grounds for the action which shall specify:

A. The Ordinance provisions and standards used in evaluating the application;

B. The reason for approval or denial; and,

C. The actions, if any, that the applicant may take to appeal the board's decision.

If no action is taken by the Commission within forty-five (45) days after the date of the regular meeting at which the application is first considered, the application shall be deemed to have been approved unless additional time is agreed to by the applicant and the Commission.

**City Council Action** - The City Council shall, within twenty (20) days after receipt of report of the Commission on any subdivision or change in district boundary application, publish notice of public hearing, and shall thereafter at the appointed time conduct public hearing and hear testimony of representatives of the Commission as well as interested and affected persons.

Upon conclusion of the hearing, the City Council shall base its findings upon the testimony and materials submitted to them, and within fourteen (14) days, declare and make such findings as are not inconsistent with the provisions of this Ordinance and the Idaho Code.

**Appeal Procedure** - An appeal to the City Council from any final order, requirement, decision, or determination of the Commission may be undertaken by filing written notice of such appeal with the City Clerk. Such appeal notice must be filed not later than twenty-five (25) days after a decision is rendered by the Commission. Upon receipt of an appeal from an action of the Commission, the City Council shall set a hearing, according to the notice and hearing procedure to consider all information, testimony, and Commission minutes of its public hearing to reach a decision to uphold, conditionally uphold, or over-rule the decision of the Commission, and shall render its decision within forty-five (45) days from the date of the public hearing.

An appeal from any final order, requirement, decision, or determination of the City Council may, within sixty (60) days after all remedies under this Ordinance have been exhausted, seek judicial review as provided by Section 67-5215 (b) through (g) and 67-5216 of the Idaho Code.

**Re-Submission of Applications and Petitions** - Applications for variances, conditional use permits, subdivision approval, and changes in Zone boundaries which have been denied by the Commission of the City Council shall not be re-submitted on the same matter and substance as the original application until six (6) months have elapsed from the date the original application was acted upon by the Commission or the Council.

**Amendment Procedure** - In recognition of the changing character of land use within the City of Inkom, and the necessity for an ongoing review and revision process in order to more fully protect the public Health, Safety, and Welfare, the Commission may from time to time recommend to the City of Inkom that provisions imposed by this Ordinance be amended. Publication of and public hearings on all proposed amendments shall be required in the manner prescribed by Section 67-6509, Idaho Code.

## Public Hearing Rules & Procedures

**Purpose** - The purpose of a public hearing is to give everyone an opportunity to offer their views and provide evidence in support of their views. This body of opinion and evidence creates the record upon which the decision makers rely for their findings and conclusions. Opinions expressed and evidence offered "off the record" cannot be accepted because they may impair the fairness of the decision-making process.

**Rules**

A. To offer written and/or oral testimony, come to the podium, give name, mailing address, and if applicable, the organization being represented. Then present testimony. The Commission reserves the right to set a time limit on testimony and to prohibit repetitive testimony.

B. To ask a question, signal the Commission Chairperson by raising hand, and wait to be recognized.

**Procedures**

A. The Commission Chairperson will explain the hearing procedure.

B. Members of the Commission may ask questions.

C. A member of the City staff will present introductory information.

D. Members of the Commission may ask questions.

E. The Commission Chairperson will call for testimony in support of the proposal under consideration. All persons wishing to offer either written or oral testimony in favor of the proposal should do so, in turn, during this segment of the hearing.

F. Members of the Commission may ask questions after each witness.

G. The Commission Chairperson will call for testimony against the proposal under consideration. All persons wishing to offer either written or oral testimony against the proposal should do so, in turn, during this segment of the hearing.

H. Members of the Commission may ask questions after each witness.

I. The Commission Chairperson will give an opportunity to persons in favor of the rezone to reply to the points made by the persons against the rezone.

J. The Commission Chairperson will give an opportunity to persons against the rezone to reply to the points made by the persons in favor of the rezone.

K. The Commission Chairperson will make a final call for questions and testimony. Members of the audience may ask questions at this time.

L. The Commission Chairperson will announce the next steps in the decision-making process.

## Building Codes

**Building Code** - Regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use height, area, and maintenance of all buildings and/or structures in the City of Inkom; providing for the issuance of permits and collection of fees thereof.

**International Building Code** – The International Building Code – current edition is hereby adopted as the Building Code of the City of Inkom for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in the City of Inkom, providing for issuance of permits and collection of fees therefore.

**Uniform Code for Abatement of Dangerous Buildings** - Uniform Code for Abatement of Dangerous Buildings, current edition, published by the International Conference of Building Officials, to provide a just, equitable, and practicable method, to be cumulative with and in addition to, any other remedy provided by the International Building Code, current Edition, to protect life, limb, health, morals, property, safety, or welfare of the general public, or their occupants of such structures deemed to require repair, vacation, or demolition.

## Variances

**Procedure Generally** - The provisions of this section shall apply in considering variances.

**Standards for Granting a Variance** - The Planning Commission shall consider variances to the terms of this Title which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Title will result in unnecessary hardship, and under such conditions that the spirit of this Title shall be observed and substantial justice done. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest. In acting upon such variance the Planning Commission shall make full investigation and shall only recommend granting a variance upon finding that the following are true:

A. That the granting of the variance will not be in conflict with the spirit and intent of the Comprehensive Plan for the City, and will not affect a change in zoning;

B. That there are exceptional or extraordinary circumstances or conditions, applicable to the property involved, or the intended use thereof, which do not apply generally to the property or class of use in the Zone, so that a denial of the relief sought will result in:

   a. Undue loss in value of the property; or

   b. Inability to preserve the property rights of the owner; or,

   c. The prevention of reasonable enjoyment of any property right of the owner.

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 improvements.

**Application - Filing – Requirements** - An application for a variance may be initiated by one or more property owners. Such application shall be filed with the Planning Commission on forms prescribed by the Planning Commission, accompanied by such data and information necessary to assure the fullest presentation of facts, and should include:

A. Name, address, and phone number of applicants;

B. Legal description of property (and street address, where possible);

C. Description of nature of variance requested;

D. A narrative statement demonstrating that the requested variance conforms to the standards set forth above;

E. Name and address of all property owners and residents within three hundred feet (300') of the exterior boundaries of the land being considered; and,

F. Any other information required by the Commission.

**Filing Fee** - A filing fee shall be paid at the time of the filing by the owner or owner's representative.

**Public Hearing Required – Notification** - The Planning Commission shall hold at least one (1) public hearing on each variance request following the same hearing and notice procedures,

except notification to property owners shall be by ordinary mail and need not extend beyond three hundred feet (300') of the external boundaries of the land being considered.

**Commission Action** - Within forty-five (45) days after the public hearing for a variance request, the Commission shall approve or disapprove the application, unless extended by agreement.

**Applicant Notification** - Within ten (10) days after a decision has been rendered, the Clerk shall provide the applicant with written notice of the action on the request. The applicant may appeal such decision to the City Council within ten (10) days of receiving notice of the Council's decision. The decision of the City Council shall be final.

## Conditional Use Permits

**Application – Filing – Contents** - An application for conditional use permit shall be filed with the clerk by at least one owner or lessee of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

A. Name, address, and phone number of applicant;

B. Legal description of property (with street address, if possible);

C. Description of existing use;

D. Zone;

E. Description of proposed conditional use;

F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, 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 conditional use meets the intent and requirements of this Title;

G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the Zone; and the relationship or the proposed use to the Comprehensive Plan; and,

H. Any other information required by the Commission.

**General Standards Applicable to Conditional Uses** - The Commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards, and shall find adequate evidence showing such use at the proposed location:

A. Will, in fact, constitute a conditional use as established in this Title for the Land Use Zone involved, in that it is not already defined as a permitted use in Chapters;

B. Will be harmonious with, and in accordance with, the general objectives or with any specific objective of the Comprehensive Plan and /or the Zoning Ordinances;

C. Will 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;

D. Will not be hazardous or disturbing to existing or future neighboring uses;

E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

G. Will not involve uses, activities, processes, material, equipment, and conditions or operations that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and,

J. The conditional use permit shall be a condition placed upon the property on which the use is located, and may not be moved to another location.

**Supplementary Conditions and Safeguards May Be Required** - In granting any conditional use, the Commission may prescribe appropriate conditions, bonds, and safeguards in conformity with this Title. Violations of such conditions, bonds, or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Title.

**Public Hearing Required – Notice of Time and Place** - Prior to granting a conditional use permit, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held before the Commission. At least fifteen (15) day prior to the hearing, notice of the time and place and a summary of the proposal shall be published by the City in the official newspaper, or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio, or television stations serving in the jurisdiction for use as a public service announcement. Notice of intent to amend the plan shall be sent to all political subdivisions providing services within the jurisdiction at least fifteen (15) days prior to the public hearing. Notice of the hearing shall also be provided by the applicant by regular 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 substantially impacted by the proposed conditional use as determined by the Commission. Applicant(s) shall certify to the City that this notice has been given in a manner required by the City. Property owners or residents who reside outside the postal service zip code mailing limits of the City, and whom the Commission determines may be impacted by the proposal change, shall be given notice of the public hearing by certified mail. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mailing notification, three (3) notices in the newspaper, or paper of general circulation, is sufficient, provided the third notice appears ten (10) days prior to the public hearing. This notice shall be the responsibility of the City.

**Commission Action**

A. Within forty-five (45) days after the public hearing, the Commission shall approve, or disapprove, the application for conditional use permit as presented, unless a time

extension is agreed upon. If the application is to be approved, the Commission shall list the specific conditions for approval.

B. Upon granting of a conditional use permit, conditions may be attached to a conditional use permit including, but not limited to, these:

1. Minimizing adverse impact on other developments;
2. Controlling the sequence and timing of development;
3. Controlling the duration of development;
4. Assuring that development is maintained properly;
5. Designating the exact location and nature of development;
6. Requiring the provisions for on-site or off-site public facilities or services; and,
7. Requiring more restrictive standards than those generally required in an ordinance.

C. Prior to granting a conditional use permit, the Commission may request studies from the applicant or public agencies concerning social, economic, fiscal, and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another.

D. The commission shall insure that any approvals for the conditional use permits are in accordance with the comprehensive plan and established goals and objectives.

**Applicant Notification** - Within ten (10) days after a decision has been rendered, the Clerk shall provide the applicant with written notice of the action on the request. The applicant may appeal such decision to the City Council within ten (10) days of receiving notice of the decision. The decision of the City Council shall be final.

**Expiration** - If the conditional use is not implemented within ninety (90) days of final approval, such use will expire unless provisions for an extension are made.

**Violation of Conditions** - If conditions are not met as approved, the City has the right to rescind approval of the conditional use and cause such use to cease.

**Appeal of City Council Decision**: Any Subdivider aggrieved by a decision of the City Council may appeal the decision to a court of competent jurisdiction.

## Filing Fees

**Designated Fee** - All applications for amendment, reclassification, conditional use, or variances shall be accompanied by a filing fee set by resolution of the City Council causing the applicant to reimburse the City for all costs incurred in publication and/or mailing.

## Enforcement

A. **Building permit to comply with ordinance**- From the effective date of this ordinance, no permit shall be granted for the construction or placement of any building, structure or mobile home, or for the moving of a building, structure or

mobile home onto a lot for the change of use of any land, building or structure if such construction, alteration, moving or change of use would be a violation of any of the provisions of this ordinance.

B. **Construction and use to comply with permit**- Permits issued on the basis of plans and specifications approved by the Land Use Board and the City Council authorize only the use, arrangement, and construction set forth in such approved application. Any use, arrangement, or construction at variance with that authorized shall be deemed to be a violation of this Ordinance.

C. **Permits Granted Prior to this Ordinance**- Authorization granted by the City to construct a building or structure, or to change the use of land shall not be denied or abridged in the event that construction has taken place thereon to the extent of one thousand ($1,000) or more in replaceable value by the date on which this ordinance or an amendment thereto shall become effective. Provided, however, that such authorization to construct a building or structure shall be denied if construction would not have complied with all applicable laws and ordinances existing prior to the effective date of this Ordinance. Replaceable value shall be construed to mean the expenditure necessary to duplicate the material and labor at present market prices.

D. **Responsibility for Violation**- It shall be the responsibility of the owner and all builders, contractors, sub-contractors, real estate agents, and any other persons having to do with the establishment of any use of land or erection, altering or relocation of any building and/or structure, to make sure that a proper permit has been obtained before work is begun. Any person doing any work on a project for which a proper permit has not been obtained shall be deemed guilty of a violation of this Ordinance.

E. **Injured Person May Recover Damages – City Not Liable**- Any person purchasing a lot or parcel of land who may be injured as the consequence of a denial of a building permit, which purchase was made pursuant to inaccurate, incorrect, untrue or fraudulent information on the part of the seller or his agent may recover damages from the seller or his agent by civil action. However, the City shall not be civilly liable for any damages that may occur as a consequence of the denial of a building permit based upon such information.

F. **Violation and Penalty**- Where any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or where any building, structure, or land is used, or where a parcel of land is subdivided in violation of this Ordinance, the City may institute any appropriate action or procedure to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation, to prevent any illegal act, business conduct, or use, and such other remedy allowed by law.

G. **Each Day a Separate Violation**- Each person, firm, or corporation found guilty of violation shall be deemed guilty of a separate offense for each day during which violation of any provision of this Ordinance is committed, continued, or permitted by such person, firm, or corporation and shall be punished, as provided by law, as a separate offense.

H. Any person, firm, association, or corporation that fails to comply with, or violates any of these regulations shall be subject to a fine not more than one thousand dollars ($1000.00), and/or imprisonment for a period not exceeding six (6) months, or both. Each day that said violation continues shall be considered a separate offense.

# Chapter 2 Land Use Zones

**Purpose – Zones Established** - For the purpose of promoting pride of ownership, health, safety, morals, and general welfare within its area of jurisdiction, the City of Inkom and city impact area is divided into the following Land Use Zones:

A. R-1 Single Family Residential

B. R-2 Mixed Use Residential

C. COM - Commercial

D. IND - Industrial

E. FP Floodplain Overlay

**Boundaries Determined by Zoning Map** - The boundaries of the Zones shall be determined and defined by the adoption of a Zoning Map, on which are shown the boundaries of Zones, so adopted for each portion of Inkom, on which map is adopted as part of this Title.

**Land or Premises – Conformance Required** - Land or premises shall be used, unless otherwise adopted in this Title, only in conformity with the regulations herein set forth for the use districts in which such land or premises are located.

**Interpretation of Zone Boundaries** - Whenever any uncertainty exists as for the boundary of any zone shown on any Zoning Map, the following rules shall apply:

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

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

C. Where a boundary line divides a lot, or crosses un-subdivided property, the location of such boundary shall be indicated upon the zoning map. The zone in which a majority of the property is located shall be considered the zone for the whole property.

**Building or Structure – Conformance Required** - No building or structure shall be erected or structurally altered or used, unless otherwise provided in this Title, except in conformity with regulations herein set forth for the use districts in which such building or structure is located.

**Residence or Commercial building – Regulations Generally** - For the purpose of insuring orderly development and to provide adequate access for firefighting equipment and other services to all buildings, no residence or commercial building shall be erected or moved onto any lot, tract, or parcel of land in any use district adopted under the provisions of this Title unless said lot, tract, or parcel of land has thirty (30) feet of frontage on a public right-of-way and has reasonable efficient access thereto for vehicular traffic and has been legally subdivided; and provided further, that a building permit may be issued for construction of a residence on a private deeded easement where, in the opinion of the Land Use Board, the following conditions have been reasonably met:

A. Minimum easement width of twenty (20) feet;

B. Maximum easement length of four hundred (400) feet;

C. Minimum turn-around radius of forty (40) feet;

D. Maximum grade of seven (7) percent; and

E. The easement must serve land which otherwise would have no access to a public road.

# Chapter 3 Land Uses Zones Defined

## Single Family Residential Zone (R-1)

**Purpose** - The purpose of the R-1 Single-Family Residential Zone is to preserve residential neighborhoods, to prevent over-crowding of the land, and to encourage the development of low density areas which are best suited for residential purposes. The RES Zone shall be designated for areas within the City which have been developed strictly for single family living units.

**Permitted Uses** in the R-1 Zone are defined in Table 3.1 on page 23-26 of this Title.

**Conditional Uses** in the R-1 Zone are defined in Table 3.1 on page 23-26 of this Title

## Mixed Use Residential Zone (R-2)

**Purpose** - The purpose of this mixed use residential zone is to provide for and protect residential lands, conveniently located in relation to urban centers, of substantial size for families who desire a single-family residential environment in an area transitional from agricultural and commercial uses, and to provide for gardening and family recreation opportunities, the keeping of a limited number of livestock and poultry, and similar endeavors. Lots must be large enough to offer a country lifestyle without imposing upon neighboring properties. The minimum lot size and building locations in this Zone must be such that water and sewer facilities, and the place and locations for them, can be easily provided on an individual basis on each lot, without affecting surrounding properties adversely.

**Permitted Uses** in the R-2 Zone are defined in Table 3.1 on page 23-26 of this Title

**Conditional Uses** in the R-2 Zone are defined in Table 3.1 on page 23-26 of this Title:

## Commercial Zone (COM)

**Purpose** - The purpose of the Commercial Zone is to establish zones regulated to fulfill general retail needs and travel or highway related service requirements within the community.

**Permitted Uses** in the COM Zone are defined in Table 3.1 on page 23-26 of this Title

**Conditional Uses** in the COM Zone are defined in Table 3.1 on page 23-26 of this Title:

## Industrial Zone (IND)

**Purpose** - The IND Industrial Zone is established to provide for and encourage the grouping together of industrial uses capable of being operated under such standards as to location and appearance of buildings and the treatment of the land about them, that they will be unobtrusive and not detrimental to surrounding commercial or residential uses.

**Permitted Uses** in the IND Zone are defined in Table 3.1 on page 23-26 of this Title

**Conditional Uses** in the IND Zone are defined in Table 3.1 on page 23-26 of this Title:

## FP Floodplain Overlay (Area Classification)

**Purpose** - It is the purpose of the Floodplain Overview Area Classification to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by methods and provisions designed for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, streams channels, and natural protective barriers which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards in other areas.

This Area Classification shall apply to all areas of special flood hazards within the jurisdiction of Inkom, Idaho. All developments within this overlay Zone shall adhere to ordinance #87-171, City of Inkom.

## Table 3.1 Land Uses

| **RESIDENTIAL USES** | **R 1** | **R 2** | **C O M** | **I N D** |
|---|---|---|---|---|
| Dwelling, Single Family Detached | P | P | C | |
| Dwelling, Two Family | P | P | C | |
| Dwelling, Single Family Attached | C | P | C | |
| Dwelling, Multiple Family – Condos | C | P | C | |
| Home Business | P | P | C | |
| Lot Split | P | P | P | P |
| Planned Unit Developments | | C | | |
| Manufactured Home (meeting Performance Standards) | | P | | |
| Mobile Home Park | | C | | |
| Mobile Home Single (meeting Performance Standards) | | P | | |
| Other Residential Accessory and Incidental Uses | C | P | C | |
| Private Swimming Pool/Tennis Court | P | P | C | |
| Secondary Residential or Caretaker housing (Meet Performance Standards) | C | P | C | |
| Shelter Homes with 8 or less clients | | C | C | |
| Subdivision | P | P | | |
| Construction or relocation of roads on new alignments, or the addition of general purpose travel lanes to an existing road requiring new right-of-way. | C | C | C | C |
| **AGRICULTURAL USES** | **R 1** | **R 2** | **C O M** | **I N D** |
| Agriculture general | | C | | |
| Beekeeping | | C | | |
| Breeding or raising domestic animals for sale, food, or pleasure | | P | | |
| Poultry (Chickens) | Coop permit | P | | |
| Dude Ranch | | C | | |
| Gardens and orchards home use | P | P | | |
| Kennel | | C | C | |
| Orchard Commercial | | P | P | C |
| Orchard Home business | | P | P | |
| Sales stands for produce grown on premises | | P | P | P |
| Stables, Riding academies | | P | C | |
| **COMMERCIAL USES AND SERVICES** | **R 1** | **R 2** | **C O M** | **I N D** |
| Administration & Business Offices | | | P | P |
| Animal Clinic or pet hospital | | C | P | P |
| Antique/Collectable/Handicraft/Hobby Sales | | C | P | P |
| Auto/truck wash | | C | P | P |
| Auto/truck Salvage (junkyard) & metal, rag, glass, paper, and plastic recycling operation | | | C | C |
| Auto/truck parts, tires, & accessories | | | P | P |
| Auto/truck used parts and/or rebuilding | | | C | C |

| | | | | |
|---|---|---|---|---|
| Auto/truck repair, towing | | | P | P |
| Auto/truck/trailer/farm equipment Sales | | | P | P |
| Bakery/confectionery/Deli | | C | P | P |
| Bank/ Financial institutions | | C | P | P |
| Barber/Beauty Shop | | C | P | P |
| Bed & Breakfast Facilities (Inn)less than 6 rooms | | C | P | |
| Billboards (Outdoor Advertising) | | C | P | P |
| Boat/Recreation Vehicle Sales, service, and rental | | | P | P |
| Book/Stationery/print shop/Music store | | C | P | |
| Building Material/Home Improvement/Hardware Sales | | | P | P |
| Building/yard maintenance, Service | | C | P | P |
| Cabinet / Furniture Sales/Repair | | C | P | P |
| Commercial parking | | | P | P |
| Contractor, Pump and Well Drilling | | | P | P |
| Contractor, General | | | C | P |
| Contractor, Excavation/ Heavy Equipment/ storage yard | | | C | P |
| Contractor , Building | | | P | P |
| Convenience Store w/o gasoline sales | | P | P | P |
| Convenience Store with gasoline sales | | C | P | P |
| Day Care Center | | C | P | |
| Day Care Home 1-6 Children | P | P | P | |
| Department Store | | | P | |
| Garden/Nursery Store | | C | P | P |
| Gasoline Service Station | | | P | P |
| Grocery Store | | C | P | C |
| Hotel/Motel | | C | P | |
| Laundry/dry cleaning/Laundromat | | C | P | C |
| Leather Goods Sales/Repairs | | C | P | P |
| Liquor Sales | | C | C | |
| Medical/Dental Clinic-Offices | | C | P | |
| Mini/Self Storage Units | | C | P | P |
| Mobile Home/Manufactured Home Sales | | | P | P |
| Mortuary | | C | P | P |
| New/Use Vehicle Sales | | | P | P |
| Adult Material sales/rental | | | C | |
| Pawn Shop | | | P | P |
| Pet Shop | | | P | P |
| Pharmacy | | P | P | |
| Restaurant/ Quick food establishment | | P | P | C |
| Retail Sales | | C | P | C |
| Small Appliance/Computer sales and Repair | | C | P | C |
| Sporting Goods | | C | P | C |
| Storage of Boats/RV's/Autos/Trucks | | | P | P |
| Studio - Health, Exercise, Massage | | P | P | |
| Studio - Art/photo/drama/dance | | P | P | |
| Tavern, Dance Hall, Night Club | | | C | C |
| Theater, outdoor | | C | C | |
| Theater, indoor | | C | P | C |
| Truck Stop | | | P | P |
| Variety Store | | | P | |
| Railroad Car/cargo containers as storage | | C | C | C |

| | | | | |
|---|---|---|---|---|
| Buses and truck trailers as storage | | | C | C |
| **INSTITUTIONAL / SPECIAL USES** | **R 1** | **R 2** | **C O M** | **I N D** |
| Airport/Heliport , Private | | | C | C |
| Airport/Heliport, Public | | | C | C |
| Cemetery | | C | | |
| Church/ Religious Assembly | C | C | C | |
| Fire Station | C | C | P | P |
| Preschool (See Day Care Center) | | C | C | |
| Private School | | C | C | |
| Public Park | P | P | P | C |
| Public School | C | C | C | |
| Public Building | C | C | P | P |
| Trade , Vocational, or commercial schools | | C | P | P |
| Library | C | P | P | |
| **INDUSTRIAL USES** | **R 1** | **R 2** | **C O M** | **I N D** |
| Chemical storage distribution | | | C | C |
| Component assembly | | | C | C |
| Concrete Batch Plant | | | | C |
| Contractor, Landscape/Fencing | | C | C | P |
| Energy Production Facilities | | | C | P |
| Freight Terminal | | | C | P |
| Fuel / coal/ firewood/propane dealer | | | C | P |
| General Warehousing | | | C | P |
| Lumber/sawmill plant/ Lumber yard | | | C | P |
| Manufacturing plants | | | | P |
| Petroleum bulk plants | | | C | P |
| Processing plant for agricultural products | | | C | P |
| Quarry/gravel pit/rock crushing/mining | | | | C |
| Sheet metal/roofing/sign/fabrication shop | | | C | P |
| Welding/ Machine Shop | | | C | P |
| Wholesale outlets/storage and sales | | | P | P |
| **UTILITY & RELATED SERVICE USES** | **R 1** | **R 2** | **C O M** | **I N D** |
| Hospital , Ambulance garage | C | C | C | |
| Irrigation Canals and facilities | C | P | P | C |
| Railroad tracks, right-of-way related facilities | | C | C | C |
| Recycle bin for collection | P | P | P | P |
| Sewage, pumping, treatment | C | C | C | C |
| Water facilities, pumping , treatment, storage , well | C | C | C | C |
| Utilities Transmission line | C | C | C | C |
| Utilities, public or private other than listed | C | C | C | C |
| Utility Shops, Storage Yards and buildings | C | C | C | P |
| Utility Installation & Public Service Facility/substation/gas metering-pumping station/Telephone switching- relay and Transmitting equipment | C | C | C | C |

| | | | | |
|---|---|---|---|---|
| Wind Turbine Towers<br>Personal and hobbyist private pole mounted non-guyed | | C | C | C |
| Wireless communication facilities and tower/ Radio, Television or Microwave towers | | C | C | C |
| **RECREATIONAL USES** | **R 1** | **R 2** | **C O M** | **I N D** |
| Campground | | P | C | |
| Golf Course | C | P | P | |
| Hunting lodge and rental cabins | | P | C | |
| Indoor Entertainment, Sports and Recreation | | P | P | |
| Noise Park/ Dirt Bike track/ Outdoor Entertainment, Sports and Recreation | | C | C | C |
| Public Swimming pool | | P | P | |
| Public Riding stables | | P | C | |
| Recreational Vehicle Park | | C | C | |
| Snowmobile rental | | C | P | C |
| Theatrical shows, wagon rides, dinner theater indoor or outdoor | | C | P | |
| Winter sports facilities | | C | P | |
| **TEMPORARY USES** | **R 1** | **R 2** | **C O M** | **I N D** |
| Carnival or Circus | C | C | C | |
| Christmas Tree Sales | P | P | P | P |
| Contractor's Office and construction equipment sheds and staging area | | C | C | C |
| Fireworks Stand | | C | C | |
| Real Estate sales office on land for sale | C | C | C | |
| Religious tent meeting | | C | C | |

# Chapter 4 Performance Standards

**General** - The purpose of these Performance Standards is to set specific conditions for various uses, and classification of uses in areas where problems are frequently encountered.

Table 4.1 Height Standards

| Zone | R-1 | R-2 | COM | IND |
|---|---|---|---|---|
| Height (Feet) | 35 | 35 | 35 | 45 |

Table 4.2 Setback Standards

| Zone | R-1 | R-2 | COM | IND |
|---|---|---|---|---|
| Front (Feet) | 33 | 30 | 0 | 20 |
| Side (Feet) | 7 | 10 | 0 | 20 |
| Rear (Feet) | 20 | 25 | 15 | 20 |
| Corner Clearance* | 30 | 30 | 30 | 30 |

*Corner Clearance. Within the area formed by the lines of intersecting streets or roadways and a line joining points on such lines thirty (30) feet distant from their point of intersection, or in the case of a rounded corner, the point of intersection of their tangents, no structure and no foliage shall be maintained between a height of three (3) feet and a height of (8) feet above the plane through their curb, street, or roadway grades whichever is the highest.

Table 4.3 Lot Size Standards

| Zone | R-1 | R-2 | COM | IND |
|---|---|---|---|---|
| Lot Size (sq ft) | 9,000 | 10,890 | No Limit | No Limit |
| Lot Coverage | 50% | 50% | 100% | 80% |
| Minimum Frontage | 75 ft | 50 ft. | 50 ft. | 100 ft. |

**Accessory Building**:

A. Will not be located in any required front yard area;

B. Will not be located closer than five (5) feet from any side or rear property line; and

C. Any accessory building, including detached garages, over two hundred (200) square feet in size, shall require a building permit.

**Accessory Uses**:

A. Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zone in connection with any principal use lawfully existing within such zone. Any question of whether a particular use is permitted as an accessory use by the provisions of this section shall be determined by the Land Use Board pursuant to their authority to interpret the provisions of the Ordinance.

B. No accessory use or structure shall be established or constructed unless a building permit evidencing the compliance of such use has been established.

C. In addition to complying with all other regulations, no accessory use shall be permitted unless it strictly complies with the following restrictions:

1. In the case of all commercial and industrial uses: accessory structures shall maintain the same minimum front, side and rear yard as is required for the principal structure.

2. Setbacks: No accessory structure shall be closer than ten feet to a principal structure or closer than five (5) feet to any other accessory structure, unless it is attached to such principal or other structure.

3. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.

4. Residential accessory uses and buildings may be:
   a. Permitted after or concurrent with the development of the primary use; a shop or storage shed on a residential lot is an accessory building and cannot be permitted prior to issuance of the permit for the residence.

   b. Smaller than the primary uses structure in size by at least 25% of the residences "footprint"; accessory buildings exceeding this requirement will require site plan approval by Commission as a business item.

5. Exempt Structures - Garden sheds less than 200 square feet (limit of 1).

6. Detailed Accessory Use Regulations: Commercial Stables:

   The following minimum setbacks shall be provided:

   a. Stables, corrals, piles of manure, and bedding shall be located a minimum distance of 75 feet from any street or non-residential lot line and 100 feet from any residential lot line, in order to minimize odor and nuisance problems.

b. Manure piles shall be stored, removed, and/or applied in accordance with District Health Department regulations; however, manure shall not be applied on land that is closer than 100 feet to a residential lot line.

F. Detailed Accessory Use Regulations: Private Swimming Pools and Tennis Courts:

1. Pools and Courts, included but not limited to aprons, walls, and equipment rooms, shall not protrude into any required setback.
2. Pools shall be fenced or otherwise protected against intrusion.
3. Pools and Courts shall not be operated as a business or a private club, unless they are part of a Planned Unit Development or otherwise permitted, see Table 1, Land Uses.

G. Detailed Accessory Use Regulations: Residence for Caretaker, Watchman, or Guest House:

1. One single-family residence for a caretaker, owner, operator, manager, or watchman and his immediate family is permitted as an attached or detached dwelling for any commercial or industrial use, kennel, stable, or veterinary clinic for purposes of security and protection of the principal use.
2. A guest house is permitted, provided that the minimum lot size, setbacks, and all other provisions relating to residential buildings are met: has no commercial use such as rental, and that a new deed be recorded which precludes division of the parcel upon which both residences are placed.
3. The standards applicable to a caretaker's residence shall not differ from those imposed by this Ordinance on any other housing unit of the same type, except the minimum lot size requirement.

**Animal Clinic, Animal Hospital, Veterinary Office Commercial, and Kennels**: Will be located at least three hundred (300) feet from any residence, including motels and hotels, except for an owner's residence. The City may modify these requirements if the animals are housed in sound-proof structures that screen them from view of the abutting residential property.

**Agriculture Uses**:

Agriculture uses, not including livestock confinement operations (LCO's). Livestock and poultryshall be allowed on all properties in the R-2 Zone exceeding 21,780 square feet (one-half acre) insize following the guideline of one animal unit per acre. One animal unit shall mean the following:

- One Cow, or
- One Horse, or
- Three Sheep, or
- Four Goats, or •

25 Poultry.

These numbers do not include offspring younger than six (6) months of age.Other Animals – Maximum numbers shall be set by the City Council.

R-1 ZONE – allows for poultry (chickens only) with an approved and paid Coop permit, with requirements stated in the Coop Permit application.

Buildings housing horses and other usual farm animals shall not be located closer than fifty feet(50') from any dwelling other than the dwelling on the property.

Non-conforming Livestock Use- Livestock occupying property within all Zones on the date of adoption of this Ordinance may be kept by the owners in the same numbers until disposed of by original owner. Livestock disposed of may be replaced by original owner within one year of disposal in the same numbers as owned on adoption of this ordinance. Livestock disposed of and not replaced within the one year period shall never be replaced in the R-1, COM, and IND Zones. No new or present owner shall bring additional livestock into the R-1, COM and IND Zones after adoption of this Ordinance.

**Bulk Storage of Flammable Liquids and Gases, Above Ground and For Resale**:

A. Will be located at least three hundred (300) feet from a residence, motel, or hotel, except for an owner's residence;

B. Will be erected only with the written approval of the Fire Authority having jurisdiction; and,

C. Will have suitable loading and unloading spaces and off-street parking facilities meeting the approval of the Inkom Fire Department.

**Chemicals, Pesticide, and Fertilizer Storage and Manufacturing**: Will have adequate fire protection, storage area, handling, and disposal as approved in writing by the Inkom Fire Department.

**Contractor's Yard**:

A. Will be located a minimum distance of three hundred (300) feet from any residence, except for an owner's residence; and,

B. Will have a vision screening fence around areas utilized for storage of equipment and demolition materials.

**Conversion of Dwellings to More Units**: A residence may not be converted to accommodate an increased number or dwelling units in the R-2 and Commercial Zone unless:

A. The yard dimensions will meet the yard dimensions required by the zoning regulations for new structures in that Zone;

B. The lot area per family equals the lot area requirements for new structures in that Zone;

C. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that Zone; and,

D. The conversion is in compliance with all other relevant codes and ordinances.

**Ditches**: All gravity flow ditches through which water will continue to flow within a subdivision after its completion, whether to serve as irrigation water and/or waste flow to or from any adjacent property, shall remain in use and be piped with a minimum pipe size of at least eighteen inches (18"), or as reviewed and approved by the City Engineer. Any changes proposed to irrigation or drainage facilities shall be approved by the City Engineer and any irrigation company operating them. Irrigation ditches which will not carry irrigation water and/or waste flow shall be removed.

**Drive-In Commercial Facilities**:

A. Will be enclosed within the property lines with landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other properties;

B. Will have a six (6) foot high sight obscuring fence along the property lines that adjoin a residence;

C. Will provide for adequate trash receptacles; and,

D. Will avoid the direction of night lighting of the property lines.

**Filling, Grading, Lagooning, Dredging, or Other Earth Moving Activities**:

A. Will take place in such a manner as to result in the smallest amount of bare ground exposed for the shortest time feasible;

B. Will provide temporary ground cover, such as mulch;

C. Will use diversions, silting basins, terraces, and other methods of trapping sediment;

D. Will provide lagooning in such a manner as to avoid creation of fish trap conditions;

E. Will not result in damage to a floodway, channel, or natural drainage way;

F. Will construct and stabilize sides and bottom of cuts, fills, channels, and artificial water courses to prevent erosion or soil failure;

G. Will not have below grade excavation except for drainage ways within fifty (50) feet of any lot line or public right-of-way;

H. Will restore topsoil or loam to a depth of not less than four (4) inches; and,

I. Will have an apron of ten (10) foot drainage.

**Firearms Usage** - Use of firearms within the City shall be restricted in accordance with the City Ordinance.

**Façade and Overhang in Commercial Zone**

All structures in the Commercial Zone shall have front facades except those structures which have parking lots with sidewalks in front of the structures. Sidewalks and parking lots shall meet the design standards set forth in this title. Slopped roofs or overhangs shall extend beyond the width of the sidewalk where allowed.

**Hillside and Foothill Areas Development** - It shall be the purpose of these regulations to provide for the development of hillside and foothill areas in a manner which will protect life and property from hazards due to slope, erodible soils, unstable soils, earth movement, and other geologic and hydrologic hazards. It shall also be the intent of these regulations to promote the following:

A. To use the fullest current understanding of good civil design, landscape architecture, architecture, soil studies, and civil engineering to preserve, enhance, and/or promote the existing and future appearance and resources of hillside areas;

B. To preserve or enhance the beauty of the landscape by encouraging the maximum retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines/tops, rock outcrops, batholiths, vistas, and natural plant formations;

C. To promote a safe means of ingress and egress for vehicular, bicycle, and pedestrian traffic to and within hillside areas, while at the same time minimizing the scarring effects of hillside street and pathway construction. Roads and paths shall follow natural topography wherever possible to minimize cutting and grading;

D. Imaginative and innovative building techniques should be encouraged to create buildings suited to natural hillside surroundings; and,

E. Enhancement of neighborhood character.

**Steep Slopes**

A. Fifteen percent (15%) to less than thirty percent (30%) slope: no more than twenty percent (20%) of such areas shall be developed and/or re-graded or stripped of vegetation. All areas of disturbed soils shall be reseeded to Natural Resource Conservation Service (NRCS) standards.

B. More than thirty percent (30%) slope: no more than five percent (5%) of such areas shall be developed and/or re-graded or stripped of vegetation. All areas of disturbed soils shall be reseeded to the NRCS standards. At least fifty percent (50%) of all areas over thirty percent (30%) slope shall be designated open space. One hundred percent (100%) of slopes greater than thirty five (35%) shall be designated open space.

C. Structures shall not be permitted on slopes of twenty percent (20%) or greater without an engineer site plan, including roads, stamped by a civil engineer, and licensed in the State of Idaho. Prior to issuance of a building occupancy permit, a final grading inspection shall be required.

D. All costs, including inspections of development on a steep slope, shall be borne by the developer.

**Home Occupations**:

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 garage for the home occupation shall be clearly incidental or subordinate to its use for residential purposes by its occupants, and not more than fifty percent (50%) of the floor area of the dwelling unit or garage shall be used in the conducting of the home occupation.

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, not exceeding two (2) square feet in area, indirectly illuminated and mounted flat against the wall of the principal building.

D. No significant traffic shall be generated by such home occupation, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard.

E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the

dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

**Landfills, Recycling Centers, Incinerators, Compost Operators, and Other Solid Waste Disposal Facilities**: The Land Use Board may grant a conditional use permit for the construction of a landfill, recycling center, incinerator, commercial composting operation, liquid waste land farm, hazardous, non-hazardous, or any other type of solid waste disposal or recycling operation subject to the following conditions:

A. No such permit shall be granted in the R-1 and R-2 Zones;

B. Such operation shall obtain a permit from the Inkom City Council pursuant to the terms of the Bannock County Solid Waste Regulations;

C. Such operation shall be required to establish to the Council's satisfaction that they intend to and are financially capable of complying with all State, Federal, and local laws, ordinances, and regulations governing the conduct of such operations;

D. Such operation shall be required to plan for, install, and maintain such safeguards and measures as the Council shall require, ensuring that ground water quality and air quality are preserved, and environmental hazards and nuisance, and unsightly areas are not created by the operation; and

E. Such operations that involve the land-filling of solid waste shall be required to install a composite liner system and a leachate collection system.

**Landscaping/Buffering**:

Landscaping shall be required to cover at least five percent (5%) of the parking lot areas of any commercial development in the City of Inkom. This requirement shall apply to all new commercial development after the date of this Ordinance, and to any remodel of a commercial facility, should it be determined that more than fifty percent (50%) of the facility is being remodeled or expanded. The City shall review and approve all landscaping plans.

If the commercial or industrial development abuts a residential area, a buffer of landscaping or fencing shall divide the commercial development from the residential area. No buffer shall exceed six (6) feet in height. The City shall review and approve all landscaping plans.

**Manufactured Homes**:

A. Manufactured Homes are permitted in the R-2 Zones.

B. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.

C. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twenty-four (24) inches above grade.

D. The manufactured home shall have a pitched roof, no less than three (3) feet in height for each twelve (12) feet width.

E. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

F. Additions to a manufactured home shall be of compatible construction using like materials.

G. Only one occupied manufactured home may be placed on any single lot.

**Off Street Parking and Loading Facilities**:

**General Requirements**

A. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Ordinance.

B. The provisions of this section, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many such spaces as may be required by this Ordinance.

C. Whenever a building or structure constructed after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Ordinance is enlarged to the extent of fifty per cent (50%) or more in floor area, number of employees, number of housing units, seating capacity, or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

**Standards**

A. Locations of Parking Spaces- The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;

2. Parking spaces for commercial, industrial, or institutional use shall be located not more than five hundred (500) feet from the principal use; and

3. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principal use structure.

B. Loading Space Requirements and Dimensions- Off-street loading spaces for commercial uses may be required by the City.

C. Maintenance- The owner or lessee of property used for parking and/or loading shall maintain such area in good condition without holes and free of dust, trash, and other debris.

D. Surface- The required number of parking and loading spaces as set forth in the section below, Parking Space Requirements, together with driveways, approaches, aisles, curbs, gutters, sidewalks, and other circulation areas, shall be improved to a standard equal to or better than the surface of the public street it adjoins. Parking in the residential areas shall have a fifteen (15) foot apron from the street.

E. Approaches- All private driveway approaches to a public street shall be no more than seven percent (7%) in grade.

F. Drainage- All parking and loading areas shall provide for proper on-site drainage of surface water as approved by the City.

G. Lighting- Any commercial, school, or church parking area located in any zone in the City, which is intended to be used during non-daylight hours, shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect light away from the adjoining property.

H. Access- Any commercial or industrial parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.

I. Striping and Paving- All parking areas with a capacity over twenty (20) vehicles shall be paved and striped with double lines, six (6) inches both sides of center, between stalls to facilitate the movement into and out of the parking stalls.

K. Screening and/or Landscaping- Whenever a parking area is required by this or other city ordinances to be screened on any sides which adjoin or face other properties, the planting screen shall be not less than four (4) feet in width and not more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district, shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition.

K. Wheel Blocks- Whenever a parking lot extends to a property line, wheel blocks, or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

L. Disabled Vehicles- The parking of a disabled vehicle within a Residential or Commercial Zone shall be regulated by City Ordinance 96-192.

M. Joint Use- Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the City shall be filed with the application for a building permit.

Off-Street Parking Design and Dimensions:

**Table 4.4**

| | $45^0$ | $60^0$ | $90^0$ | Parallel |
|---|---|---|---|---|
| Width of Parking Space | 13’ | 10’ | 09’ | 09’ |
| Length of Parking Space | 15’ | 18’ | 19’ | 23’ |
| Width of Driveway Aisle | 13’ | 17’ | 25’ | 12’ |

**Outdoor Storage of Commercial and Industrial Materials**:

A. Will be screened from view from any existing adjoining residence or residential zoned area, whether or not such property is separated by an alleyway or street; and,

B. Will not be located in any front yard setback area.

**Parking Space Requirements**: For the purpose of this ordinance, the following parking space requirements shall apply. Parking requirements shall apply to the use that occupies the majority of floor space within the structure (s) on the property, with the exception of home occupations, which shall meet the requirements below:

**Table 4.5**

| TYPE OF USE | PARKING SPACES REQUIRED |
|---|---|
| **Residential** | |
| Single family or two (2) family dwelling | Two (2) for each unit |
| Apartments, or multi-family dwelling | One and one-half (1 ½ ) for each unit |
| Boarding houses, rooming houses, dorm | One (1) for each story and fraternity houses which have sleeping rooms or one (1) for each sleeping room, permanent occupant |
| Manufactured home park | Two (2) for each unit |
| **Commercial** | |
| Automobile service garages which also provide repair | One (1) for each two (2) gasoline pumps and two (2) for each service bay |
| Hotels, motels | One (1) per each sleeping room each and (2) employees |
| Funeral parlors, mortuaries and similar | Four (4) person capacity in the viewing type uses and Chapel areas |
| Retail stores | One (1) for each two hundred and fifty (250) sq ft floor |
| Banks, financial institutions | One (1) for each two hundred sq ft similar uses of floor area |
| Offices, public or professional administration service building | One (1) for each four hundred (400) sq ft of floor area |
| All other types of business or commercial uses permitted in any business district | One (1) for each three hundred (300) sq ft of floor area |
| **Recreational or Entertainment** | |
| Dining rooms, restaurants, taverns | One (1) for each 100 hundred square feet., (100 sq ft of floor area) |

| TYPE OF USE | PARKING SPACES REQUIRED |
|---|---|
| Bowling Alleys | Four (4) for each alley or for each one hundred (100) sq ft of the area used for restaurant, cocktail lounge or similar |
| Dance floors, skating rinks | One (1) for each one hundred (100) sq ft of floor area used for the activity |
| Outdoor swimming pools, public or community or club | One (1) for each five (5) persons capacity plus one (1) for each four (4) seats or one (1) for each thirty (30) sq ft floor area used for seating purposes whichever is greater |
| Auditoriums, sports arenas, theaters, and similar uses | One (1) for each four (4) seats |
| **Institutional** | |
| Churches or other places of religious assembly | One (1) for each four (4) seats |
| Hospitals | One (1) for each bed |
| Sanitariums, homes for the aged, nursing homes, children's homes, asylums, and similar | One (1) for each two (2) beds |
| Medical and dental clinics uses room office and waiting rooms | One (1) for every two hundred (200) sq ft floor area |
| Libraries, museums, and art galleries | One (1) for each four hundred (400) sq ft floor area |
| **Schools (Public, Parochial, or Private)** | |
| Elementary and Junior High Schools | Two (2) for each classroom and one (1) for every eight (8) seats in auditorium or assembly hall |
| High schools | One (1) for every ten (10) students and one (1) for each teacher and employee |
| Business, technical, and trade schools | One (1) for each two (2) students |
| College, universities | One (1) for each four (4) students |
| Kindergartens, child care centers | Two (2) for each classroom but not less than three (3) for the building |
| **Manufacturing** | |
| All types of manufacturing storage | One (1) for every two (2) employees (Except, parcel delivery and freight for which the building is terminal designed) plus one (1) for each motor vehicle used in the business |

**Parking and Storage of Certain Vehicles**: The parking of a disabled vehicle within a Residential or Commercial Zone shall be regulated by City Ordinances 96-192 and 97-197. Not more than two (2) inoperable and unregistered vehicles of any kind or type shall be parked or stored on any residential property other than in a completely enclosed building or carport, or a licensed junk yard.

**Projections**: Nothing herein shall prevent the projection of steps, eaves, cornices, masonry fireplaces, window sills, or belt courses into any required yard.

**Provisions for Commercial and Industrial Uses**: No land or building in any Zone 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 as established by the following performance requirements within this Ordinance and required yard setback:

A. Fire Hazards - Any activity involving the use or storage of flammable or explosive materials, including hazardous materials, shall be protected by adequate firefighting and fire protection equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved, as specified in the Uniform Fire Code and the National Safety Foundation publications.

B. Radioactivity or Electrical Disturbance - No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point, other than that of the creator of such disturbance.

C. Noise - Objectionable noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement, as are noises attendant to ordinary agricultural operations.

D. Vibration - No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

E Air Pollution - Air pollution shall be subject to the requirements and regulations established by the Southeast Idaho District Health, or the State of Idaho.

F. Glare - No direct or reflected glare shall be permitted which is visible from any property outside an Industrial – Commercial Zone or from any street.

G. Erosion - No erosion, caused by human instrumentalities, shall be permitted which will carry objectionable substances onto neighboring properties.

H. Enforcement Provisions - The City, prior to the issuance of a Building Permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

I. Measurements Procedures - Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures by the Southeast Idaho District Health Department.

**Railroad Box Cars/Motor Vehicle Cargo Containers**: Railroad box cars, motor vehicle cargo containers, or other containers normally used for the shipment of freight, cargo, or other items by rail, ship, or motor vehicular transportation, wherein the applicant desires to cause the same to be located upon property within the City for storage or other purposes are specifically prohibited from being located within any Zone within the City or the area of city impact with the exception of the Industrial Zone.

**Riding Stables and Schools**:

A. Will locate all stables or loafing sheds not nearer than three hundred (300) feet from any residence, except for owner's residence. All facilities shall be set back a distance of thirty (30) feet from any property line;

B. Will be designed and located with full consideration being given to their proximity to adjacent uses and their effect upon adjacent and surrounding properties as to the storage of horse trailers and the factors of noise and odor; and,

C. Will require that the owner or operator of such use shall have a continuous obligation to maintain adequate housekeeping practices to prevent the creation of a nuisance.

**Rifle and Pistol Range**:

A. Will be designed with a backstop;

B. Will be designed to avoid a line of fire that is directed towards any residence or business within one (1) mile;

C. Will incorporate landscaping that is compatible with the surrounding landscaping; and,

D. Will provide supervision and security measures during all periods of use.

**Sanitary Sewers**:

All lateral sewers as required to adequately serve the area to be developed, and their connections to present trunk or interceptor sewers shall be constructed as required. Location of nearest trunk or interceptor sewer will be designated by the City Engineer.

Sewer systems shall meet applicable standards of the Idaho Department of environmental Quality and the Idaho Standards for Public Works Construction, last edition, published by the Idaho Department of Health and Welfare except where conflicting design requirements are given below.

All pipe to be laid true to the line and grade with water joint joints. Pipe to be properly bedded to a height of at least one-half of its outside diameter. Trench to be backfilled is compacted eight (8) inch layers to ninety-six percent (96%) of density of undisturbed excavated trench materials. No rock or stone exceeding three (3) inches in diameter shall be used in backfilling trenches up to eighteen (18) inches above the pipeline. No rock or stone exceeding one (1) foot in diameter shall be used in backfilling the remainder of the trench.

The Subdivider or developer will be subject to all fees and permits required by City Ordinance governing the same.

Special backfill requirements will be required when PVC or ABS plastic sewer pipe is used. In these cases the pipe shall be bedded with sand, gravel, or compacted soil free of rocks and stones greater than ¾" in diameter. This bedding shall extend from four (4) inches below the pipe to eighteen (18) inches above the pipe. No rock or stone greater than twelve (12) inches in diameter shall be used in backfilling the remainder of the trench. In ground containing large rocks or boulders, all backfill materials to be segregated (rocks greater than twelve [12] inches in diameter to be removed) and inspected by the City Engineer prior to backfilling.

All sewer service lines to lots shall be marked with 2 X 4s the length of which is marked near the top. A minimum of two (2) feet of 2 X 4 should extend above the ground after backfilling. The bottom of the 2 X 4 shall be located at the sewer invert elevation. The top of the 2 X 4 shall be painted with a bright fluorescent paint.

| | |
|---|---|
| Minimum Slope of Pipe | To produce a minimum velocity of two (2) feet per second, pipe flowing full or half full. |
| Maximum Velocities | Six (6) to Sixteen (16) feet per second, depending on type of pipe. |
| Manhole Spacing | Four Hundred (400) feet apart maximum, at changes in pipe size, or at changes of alignment or grade, which cannot be accomplished with a minimum of one-hundred-fifty (150) feet constant radius curvature in the sewer line. Manhole covers to be located ¼ " to ½" below finished grade of asphalt. |
| Minimum Size Laterals | Eight (8) inch diameter |
| Manhole Size | Forty-eight (48) inch diameter concrete, cast in place or precast reinforced. Twenty-four (24) inch diameter standard frame and cover required (Cast Iron). |
| Lampholes | Not permitted. All laterals to terminate with manholes |
| Pipe, Types | Proper grade as to strength and quality of concrete; PVC plastic pipe conforming to ASTM D3034, SDR35, or ABS plastic pipe schedule forty (40) may be used for laterals and service lines up to eight (8) inches in diameter subject to the special backfill requirements stated below |
| Coefficient of Roughness | Valve 0.010 PVC 0.013 Concrete |

## Streets and Roads:

### A. Streets

1. The arrangements, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan, shall integrate harmoniously with existing and planned streets, shall be appropriate to topographical conditions, shall enhance the public convenience and safety, and shall facilitate the proposed uses of the land to be served by such streets.

2. Local residential streets shall be designed to discourage their use by through traffic. Where a development abuts or contains an existing or proposed arterial street (as described below), railroad, or limited access highway, the City may require frontage streets, reverse frontage streets, or such other treatment for the appropriate use of the tract.

3. There shall be provided rights-of-way of such width and as provided in the Comprehensive Plan; provided, however, that the width of said rights-of-way shall in no case be less than the following:

| Type of Street | Description | Right-of-Way Width | Surface |
|---|---|---|---|
| Arterial | major thoroughfare carrying traffic into and out of the City | 100 | Asphalt |
| Collector | medium density carrier of traffic between neighborhoods and districts of the City | 66 | Asphalt |
| Local | low density carrier of traffic between | 50 | Asphalt |

| | | | |
|---|---|---|---|
| | neighborhoods and districts of the City | | |

The minimum right-of-way widths of proposed public streets shall be as follows:

- Major Arterial – 100 feet
- Minor Arterial – 80 feet
- Major Collector – 66 feet
- Minor Collector – 60 feet
- Local Street – 50 feet

Greater widths may be required by the City Council when deemed necessary.

4. Minor terminal streets (cul-de-sacs) shall not be longer than six hundred feet (600') from the centerline of the adjoining street to the center of the cul-de-sac. Each cul-de-sac must be terminated by a turn-around of not less than one hundred (100) feet in diameter. If surface water drains into the turnaround due to the grade of the street, necessary catch basins, drainage systems, and easements shall be provided.

   Cul-de-sac streets shall terminate in a circular turn-around with a right-of-way radius of at least forty five (45) feet, and not exceed one thousand five hundred (1,500) feet in length.

5. Marginal access streets of not less than forty (40) feet in width shall be required paralleling all limited access arterial streets, unless the subdivision is so designed that lots back or side onto such arterial streets.

6. Intersections. The intersection of more than two (2) streets at one point shall be prohibited. Streets shall intersect at an eighty (80) to ninety (90) degree angle.

7. Standard Street Sections. All proposed public streets shall conform to the City Street Standards as now, or hereafter adopted by the City Council.

8. Street Grades. Street grades over a sustained length shall be approved by the City.

9. Street Names and Numbers. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with, the existing or platted street. House numbers shall be assigned in accordance with the addressing system now in effect in the City. All new streets shall be numbered in a general north-south or east-west direction.

10. Dead-end streets will not be approved except in locations designed by the City as necessary to future extensions in development of adjacent lands.

11. Loop streets shall be limited to a maximum length of three thousand (3,000) feet.

12. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy (70) degrees. Streets intersecting an arterial shall do so at a ninety (90) degree angle.

13. Where any street deflects at an angle of ten (10) degrees or more, a connection curve shall be required having a minimum center line radius of three hundred (300) feet for arterial and collector streets, and one hundred twenty-five (125) feet for local streets.
14. Streets with center line offsets of less than one hundred twenty-five (125) feet shall be avoided.
15. A tangent at least one hundred (100) feet long shall be provided between reverse curves on arterial and collector streets.
16. At street intersections, property line corners shall be rounded by a circular arc; said arc having a minimum tangent length of twenty (20) feet.
17. Street intersections with more than four (4) legs and Y-type intersections, where legs meet at acute angles, shall be avoided. "T" intersections, rather than "cross" intersections shall be utilized to the maximum extent possible in residential developments.
18. Maximum grades for all streets shall be seven (7) percent.
19. Alleys – Where alleys are required, they shall be: twenty (20) feet, when single- family residence units about both sides; twenty-four (24) feet if abutting multiple-family, commercial, or industrial Zones. Dead-end alleys shall be avoided.
20. Streets shall be extended to the boundary lines of the development, unless prevented by topography of other physical conditions or unless the City Engineer determines that such extension is not desirable for coordination of the development with the existing layout or the most advantageous future development of adjacent tracts.
21. Pedestrian walks on both sides of a street, within the street right-of-way, together with curbs and gutter, and paved vehicular traffic area, shall be required on all streets in a proposed development.
22. Driveway Approaches. Residential driveway approaches shall be a minimum of ten (10) feet and a maximum or thirty (30) feet in width. Commercial and industrial driveway approaches shall be a minimum of fifteen (15) feet, and a maximum of forty (40) feet in width. All driveway approaches shall be constructed of concrete six (6) inches thick, with six (6) inches of compacted untreated base course as foundation materials. Driveway approaches shall not be closer to each other than twelve (12) feet, or six (6) feet from a property line. No driveway approach in a Residential Zone shall be closer than twenty (20) feet, measured along the property line to the point of intersection of two (2) property lines at any street intersection. No driveway approach in a Commercial Zone shall be closer than forty (40) feet measured along the property line to the point of intersection of two (2) property lines at any street intersection.

**B. <u>Street Grading and/or Alley Grading</u>**

1. Street drainage shall be accomplished to the approved line, grade, and cross-section. Maximum allowable street gradient shall be determined by the City Engineer.
2. On all portions of the work requiring embankment all undesirable materials shall be stripped prior to placing of embankment materials. Embankments shall be constructed in not to exceed six (6) inch in thickness compacted layers.

Compaction shall be accomplished by use of rollers and the uniform application of water resulting in a uniform and stable subgrade. (Density ninety-six percent (96%) ASTM D-698 required.)

3. All excavated areas shall be shaped and compacted prior to the application of sub-base gravel.

4. If borrow materials are required they shall be secured from sources containing earth or gravel materials of a quality no less than encountered on the site of the work.

5. The completed sub-grade shall accurately conform to the lines, grades, and typical cross-section for the type of work specified.

**C. Compacted Gravel Sub-Base**

1. Minimum six (6) inch compacted thickness required. Gravel materials shall be well graded (within the limits stated below), shall consist of hard, durable fragments of stone or slag, crushed or uncrushed gravel materials; shall be placed in not to exceed four inch in depth well compacted layers; may or may not require the addition of a soil or mineral binder for proper compaction, but if a binder is required it shall be uniformly distributed throughout the entire volume of the gravel. Gravel materials shall be secured from previously approved sources.

2. Gravel for sub-base shall conform to the following when tested in accordance with AASHTO.

| | |
|---|---|
| Passing 3"square screen | 100% |
| Passing 1"square screen | 75 – 100% |
| Passing ¼" square screen | 40 – 60% |
| Passing No. 10 Sieve | 20 – 40% |
| Passing No. 200 Sieve – Not over | 10% |

**D. Compacted Gravel Base**

1. Minimum two (2) inch compacted thickness required. Gravel materials shall be well graded (within the limits stated below), shall consist of hard, durable fragments of stone or slag, crushed or uncrushed gravel materials; shall be placed in not to exceed four (4) inch in depth well compacted layers; may or may not require the addition of a soil or mineral binder for proper compaction, but if binder is required it shall be uniformly distributed throughout the entire volume of the gravel. Gravel materials shall be secured from previously approved sources.

2. Gravel for base shall conform to the following when tested in accordance with AASHTO:

| | |
|---|---|
| Passing ¾ " square sieve | 100% |
| Passing ¼ " square sieve | 40 – 60% |
| Passing No. 10 sieve | 20 – 40% |
| Passing No. 200 sieve – Not over | 10% |

## E. Compacted Asphaltic Concrete Pavement

1. Minimum two (2) inch compacted thickness required. Asphaltic concrete pavement shall consist of the construction of a one course pavement in conformity with the following and to the approved lines, grades, and typical cross-sections, State of Idaho, Department of Highways, Standard Specification, Section 400 ITD specifications.

2. Materials – Aggregate shall be well graded within the following limits when tested in accordance with AASTO Method T-27.

| | |
|---|---|
| Passing ¾" screen | 100% |
| Passing ½" screen | 25 – 65% |
| Passing #4 sieve | 25 – 40% |
| Passing #10 sieve | 20 – 33% |
| Passing #40 sieve | 10 – 25% |
| Passing #80 sieve | 5 – 15% |
| Passing #200 sieve | 0 – 5% |

Aggregate material may be either crushed stone, crushed or uncrushed gravel, or slag. The coarse aggregate potion shall have a percent of wear of not more than forty-five (45) at five hundred (500) revolutions, as determined by AASHTO Method. Asphalt cement shall be Penetration Grade 85-100 and shall conform to all requirements of State of Idaho, Department of Highways, Standard Specifications, Section 702, spot test to be excluded. Percentage of asphalt cement to total weight of aggregate shall be determined from the surface area and absorption of the aggregate and shall be between four percent (4%) and eight percent (8%) of the total weight of the aggregate.

## F. Portland Cement Concrete Curb and Gutter and/or Gutter

1. Concrete curb and gutter will be required on all streets. The type of curb shall be determined by the City Engineer.

2. Concrete gutters will be required across those sides of street intersections having a grade of six percent (6%) or greater in those locations where drainage is continuous across sides of the intersection. These gutters shall be continuous between integral curb and gutter and shall provide continuous flow from one side of the street to the other.

3. Concrete materials shall consist of approved Portland Cement, (six (6) bags of cement per cubic yard of concrete), water (maximum six (6) gallons per bag of cement), approved coarse and fine aggregate properly graded, and proportioned such that a workable mix and durable concrete is obtained.

4. Excavation, base and/or sub-base, as required, shall conform to the corresponding sections of these specifications.

5. Forms may be either wood or metal. If wood, they shall be two inch (2") plank, surfaced one side. If metal, they shall be flat topped and of sufficient strength to resist springing during placing and compaction of concrete. All forms shall be full size with approved spreaders and clamps and when assembled, shall mortar tight,

6. Curb and gutter shall be constructed and marked off in ten (10) foot sections, closures excepted, which shall be a minimum of five (5) feet in length.

7. All curb and gutter shall be given a finish; "plastering" will not be allowed.

8. Concrete shall be protected for a period of two days by use of wet cotton burlap mats. Approved curing compound may be applied in lieu of mats. Concrete shall not be poured when ground is frozen; nor shall it be poured at any time when the City Engineer determines that danger of freezing is present, unless proper additives and protective measures are provided, as approved by the City Engineer.

**G. Concrete Driveway (within street rights-of-way)**

1. Standard residential concrete driveways shall be no less than ten (10) feet in width at curb line, exclusive of returns or transitions from four (4) inch rolled to six (6) inch rolled cub.

2. Concrete shall be a minimum six (6) inches in thickness and shall be proportioned as for concrete curb and gutter. Surface to be given a light broom finish.

3. Curing shall be by use of wet mats for a period of two days, or by use of approved clear asphaltic membrane.

**H. Concrete Sidewalk**

**Note:** *Sidewalks are not required to be installed in the existing City of Inkom R-1 and R-2 or Commercial Zones unless an existing sidewalk height, width, and depth has been previously established.*

1. The location of the sidewalk shall be determined from the type of curb and gutter required and the width of the dedicated or public street width. In general, where rolled curb and gutter is used, the sidewalk shall be constructed adjacent to the back of the curb and shall be a minimum of four (4) feet in width. Where barrier curb and gutter is used, the sidewalk shall be constructed adjacent to the curb and shall be a minimum of five (5) feet in width. All sidewalks shall be constructed with a slope of one quarter (1/4) inch per foot (1/4":1') from the property line to the top of the curb such that drainage is toward the traveled way of the street.

2. Sidewalks shall be a minimum monolithic thickness of four (4) inches, except at driveway openings where the minimum monolithic thickness shall be a minimum six (6) inches. Sidewalks shall have a minimum base of two (2) inches of sand, slag, or gravel. Sidewalks shall have a light broom finish, shall have edger marks and shall be marked off in five (5) foot sections. One half inch pre-molded expansion joint material shall be installed transversely at maximum twenty-five (25) foot intervals, at each side of driveway approaches, and at all places where the sidewalk abuts other structures except longitudinal edge of curbs.

3. Materials for concrete (six [6] bags of cement per cubic yard) shall be as stated under Concrete Curb Gutter and/or gutter. Forms shall be adequately constructed and secured as to grade and alignment and may be either wood or metal. Concrete shall not be poured when ground is frozen, nor shall it be poured at any time when the City Engineer determines that danger of freezing is present, unless proper additives and protective measures are provided, as approved by the City Engineer.

**Temporary Buildings**: Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work may only be permitted in any Zone during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a Conditional Use Permit authorized by the City.

**Utilities and Other Facilities**:

1. New electric, communication, and television lines shall be installed underground in accordance with standards prescribed by the City Engineer, based on applicable national codes. When facilities are installed in public rights-of-way, the location shall be approved by the City Engineer. When overhead utility lines exist within the property being developed, said existing overhead utility lines and additions or replacements needed to increase the capacity or to improve service reliability may remain overhead provided, however, that any service drops into the platted area from said peripheral overhead lines shall be underground. When, as a result of development, it is necessary to relocate, renew, or expand existing facilities within the development area, the developer shall make the necessary arrangements with the serving utility for these installations to be placed underground. The developer shall be responsible for the cost of underground service lines including those serving approved street light locations. Electric lines with a capacity greater than three thousand (3,000) KVA (kilovolt amperes) are excluded from the requirements of this subparagraph.
2. All underground utilities shall be installed in streets rights-of-way or utility easements and shall precede the surfacing of such streets.
3. Proper and adequate provision shall be made for disposal of storm waters. The type, extent, location and capacity of drainage facilities shall be reviewed and approved for storm drain facilities for each development by the City Engineer. The developer or his engineer shall provide runoff and conveyance calculations, including pipe sizes, inlet spacing, and disposal methods.
4. Central sanitary sewer and water systems shall be installed in all subdivisions where they are within the service area of an existing public system and can be reached by reasonable extension of said public system. Construction plans and specifications for central sanitary sewer and water system extensions shall be approved by the City Engineer and by the representative of any other governmental entity having proper jurisdiction.
5. If a development is not within the service area of an existing public sanitary sewer or water system, or otherwise cannot be reached by reasonable extension of said public system, alternate provisions for water supply and sewage disposal shall be approved by the City Engineer and by the representative of any other governmental entity having proper jurisdiction.
6. The location and carrying capacity of all water, sewer, and storm drainage lines or conduits shall be in compliance with the City's Comprehensive Plan for such facilities.

7. Monuments shall be installed, as prescribed by the City Engineer, at all corners, angle points, and points of curve, and at all street intersections.

8. Access to all of the foregoing utilities and facilities shall be provided to easements approved by the City Engineer, unless they are located within areas dedicated to the public.

**Water Mains and Service Lines**:

1. All water mains, including appurtenant valves, hydrants and connections to the City mains, shall be constructed as required by the Idaho Departrment of Environmental Quality and Idaho Standards for Public Works Construction, latest edition.
2. In addition, water mains shall meet the following design requirements:

| | |
|---|---|
| Size | Minimum six (6) inch I.D. (Min. 6" I.D. Main to Hydrant) |
| Pipe | Cement lined ductile pipe manufactured and installed in compliance with latest American Water Works Ass. (AWWA) specifications for same, iron or cast iron only, Bell & Spigot or mechanical type joints or PVC pipe, Class 200 in compliance with American Water Works Association (AWWA) specifications C900. |
| Fittings | Cast Iron, class 250 for water Min. working Valves pressure 175 water P.S.I. Iron body hydrant (Including Auxiliary Fire) Bronze mounted parallel seat, non-rising stem, counter-clockwise opening, 2 inch square operating nut, in conformance with latest AWWA specification for same. |
| Fire Hydrant Spacing (With Auxiliary Gate Valve) | Min. working pressure, water 175 P.S.I. 5 inch valve opening, two and 2 ½ inch hose nozzles, one 4 ½ inch pumper nozzle, left hand opening national standard 1 ½ inch pentagon operating nut, fire hydrant red, equipped with auxiliary gate valve and adjustable valve box. All to conform to latest AWWA specifications for same. |
| Valve Boxes | Valve boxes shall be cast iron sliding type, adjustable with extension 3 to 5 feet. Bell end of lower section shall be minimum 9" in diameter by 9" in depth. Shall be complete with drop covers lettered "WATER". |
| Valve Spacing | All crosses or tees, maximum 1500 feet. |
| Fire Hydrant Spacing | No lot frontage shall be located more than 300 feet from a fire hydrant as measured within street right of way lines. |
| Dead End Line | Not permitted. |
| Thrust Blocks | All plugs, tees, bends, and fire hydrants must be installed with concrete reaction backing extending into unexcavated earth. Reaction backing must be installed such that the fitting is accessible for repairs. |
| Min. Depth Pipe Cover (Includes Service Lines) | 5 feet top of pipe to finished grade |
| Fire Flow, Any Point | As required by Idaho Survey and Rating Bureau |
| Minimum Pressure, Any Point | 40 pounds per square inch. |
| Test Prior to Backfilling (Includes All Lines) | 1.5 times pressure @ highest point, two (2) hours |
| Service Lines (Regular fee to be paid after | Type K Copper in accordance with Federal Spec.WW-T-799 with approved Corporation (Mueller No.15000 or equal), and curb stops |

| | |
|---|---|
| Application to City) | Teflon coated ball type) each line, complete with cast iron service box or lid plainly marked "WATER" with regular pentagon operating nut. |
| Meters | To be furnished and installed by the City of Inkom (Regular fee will be charged.) |
| System Capacity | Minimum hourly demand of 150 gallons per hour per capita, plus simultaneous fire flow |

3. All installations shall be in accordance with AWWA specifications for the same. Pipe shall be laid true to line and grade with adequate bedding. Backfilling shall be accomplished in minimum 8 inch compacted layers to 96% of density (ASTM D-698) of undisturbed excavated to 96% of density (ASTM D-698) of undisturbed excavated trench materials. Backfill materials shall not contain rock or stone exceeding three (3) inches in diameter.

**Wrecking Yard and Junk Yard**:

A. A sight obscuring fence meeting the terms of this Ordinance shall be constructed parallel to and ten (10) feet back of the right-of-way line of any public street or highway for any auto wrecking yard and/or salvage yard. Said fence shall be constructed along the entire premises devoted to such auto wrecking and/or salvage yard, and shall be constructed within on (1) year from the effective date of this Ordinance.

B. Materials used and details of construction must be approved by the Land Use Board. The decision of the Land Use Board shall be guided by the need to preserve and protect the scenic and aesthetic values of the surrounding area, and to protect property value.

C. Yard will not store automobile, junk, or salvage material that is visible from any other property.

D. Yard will not store automobiles or junk in a manner that exceeds the height of fence.

E. Yard will have such landscaping that is appropriate with the surrounding area.

F. Yard will have a current, valid license from the City to operate a junkyard if required.

# Chapter 5 Manufactured Home Park

**Manufactured Home** – Manufactured Home Parks shall be allowed in R-2 by Conditional Use Permit, but only when such parks are constructed and maintained in accordance with the following standards and conditions:

A. Development of a manufactured/mobile home park shall require application to the Land Use Board for a Conditional Use Permit. The application for said permit shall be accompanied by twelve (12) copies of the plat plan of the proposed park. All mapped data for the same plot plan shall be drawn at the same standard engineering scale of one inch (1"), representing one hundred (100) feet. The plot plan shall contain all of the following information:

1. The full name and address of the applicant(s), as well as the name and address of the individual or company by whom the plan was prepared
2. Location and legal description of the tract of land certified by an Idaho Registered Land Surveyor
3. Name of the manufactured/mobile home park
4. Vicinity map showing the relationship of the manufactured/mobile home park to adjacent properties
5. Location and width of access ways
6. Street layout, including location, width, and proposed names
7. Location and width of walkways, alley, crosswalks and easements
8. Proposed and existing facilities in the park for water supply, sewage, garbage, and waste disposal, fire protection
9. Building plans and specifications for existing buildings and facilities shall be included in the plot plan
10. Location and type of landscaping plantings, fences, walls, or other forms of landscaping
11. Enlarged plot plan of typical manufactured home space, showing location of the land, patio, storage space, parking, sidewalk, utility connections, and landscaping
12. Further information required:
    a. The date on which such plot plans were prepared
    b. An arrow indicating north
    c. All manufactured/mobile home sites shall be properly indicated by location and size and numbered on the plot plans
    d. Complete information regarding storm sewers and storm water

e. Contour lines at five (5) foot intervals

f. Grades of driveways

g. Such other information as required as a result of the preplan conference or by the Land Use Board

B. Manufactured Home Site Requirement – Each manufactured home site shall be plainly marked and numbered for identification.

C. Manufactured Home Site Area – A maximum density of twelve (12) units per acre. Minimum lot size is 3630 square feet.

D. Site Width – Each manufactured home site shall have a minimum width of forty-five (45) feet.

E. Occupancy – Not more than one single family manufactured home shall be placed on a manufactured/mobile home site.

F. Site Arrangement – Manufactured Home sites shall be arranged in such a way that promotes the clustering of individual sites or provides for the angle arrangement of lots.

G. Setback Public Streets – All structures and manufactured homes shall be set back thirty feet (30') from any public street right-of-way.

H. Yard Requirements – No manufactured home shall be located closer than thirty feet (30') to another manufactured/mobile home, building, or structure. In addition, any manufactured/mobile home, building, or structure or part thereof shall conform to the following minimum requirements:

1. Front Yard – In no case shall a front yard of not less than ten feet (10').
2. Side Yard – Located on a corner of a manufactured/mobile home park street in which case a side yard of not less than fifteen feet (15') shall be required.
3. Rear Yard – Shall be adhered to or a manufactured/mobile home park street, in which case the site shall have a rear yard of not less than ten feet (10').

I. Projection into Required Yard – The following structures may be erected or projected into any required yard:

1. Eaves, stairways, and awnings not to extend ten feet (10')
2. Manufactured/Mobile home hitches
3. Necessary appurtenances for utility services
4. Driveways and access ways to parking facility

J. Individual storage sheds or parking structures shall be permitted on individual manufactured/mobile home sites, provided required setbacks are met.

K. Manufactured Home Site Coverage – The manufactured/mobile home and accessory structures shall not cover more than 75 percent (75%) of the area of the manufactured/mobile home site.

L. Skirting – Skirting shall be provided along all sides of the manufactured home.

M. Parking and Loading Requirements:

1. Off street Parking – Each manufactured home site shall have thereon a space suitable for providing automobile parking for at least two (2) automobiles, which space shall be paved.
2. There shall be no permanent or overnight parking of motor vehicles, trailers, boats, campers, or other conveyances on streets, within such manufactured home park. No wrecked, junked, or inoperative automobiles shall be parked other than in a designated screened common storage area within such manufactured/mobile home park.
3. Recreation and service areas shall have sufficient off-street parking facilities surfaced as herein provided to accommodate one (1) automobile for every 10 manufactured/mobile home sites.

N. Landscaping – All open areas, except driveways, parking areas, walkways, utility areas, improved decks, patios, or porches shall be maintained with landscaping. Plans for such landscaping shall be submitted with the development plan at time of application for permit.

O. Trash Storage – Covered fireproof containers for trash storage shall be provided. They shall be placed so as to be concealed from the street and easily accessible to the mobile home sites. The same shall be emptied not less than weekly. The operator of such manufactured/mobile home park shall not permit or allow any open accumulation of trash or garbage, which shall be unsightly or constitute a health or safety hazard. Further, trash storage areas may not be located closer than thirty feet (30') from a manufactured/mobile home.

P. Manufactured Home Park Streets – Manufactured/Mobile home park streets shall be provided in such a pattern as to provide convenient traffic circulation within the park. Said streets shall be constructed to the following standards:

1. All streets shall interconnect and there shall be no dead-end streets, unless a cul-de-sac is provided with a radius of not less than forty (40) feet
2. All manufactured home park streets shall have a width of not less than forty (40) feet, including curbs
3. All streets to be constructed shall provide proper surface drainage
4. Manufactured home park streets shall be constructed, including curbs as required in the Performance Section of this Ordinance
5. Manufactured home park streets shall be lighted to a minimum light level of two (2) foot candles per square feet of street area

Q. Mailboxes Provided – Each manufactured home site shall be equipped with a receptacle for mail deliveries in accordance with the standards recommended by the local Postmaster.

R. Telephone – The manufactured/mobile home park may contain at least one public telephone for the use of park residences.

S. Recreation Areas – A central recreation area shall be established in each manufactured home park created pursuant to the provision of this Ordinance. The size of such area shall be at least two hundred (200) square feet per manufactured/mobile home site. The recreation area may contain community club houses, swimming pools, shuffleboard courts, and similar facilities. Such recreation facilities may be decentralized in accordance with the principles of good planning, provided that the total recreation area meets the above-stated minimum size.

T. Buffering Requirements – Manufactured home parks shall be buffered from other Land Use Zones.

U. Storage Areas – Common areas used for the storage of travel trailers, boats, storage lockers or sheds, and other such items shall be established in a manufactured home park. Such storage areas shall be adequately screened from public view. The size of such area shall be at least two hundred (200) square feet per manufactured/mobile home site.

V. Utilities – All utility distribution facilities, including television antenna service lines, serving manufactured/mobile home sites, shall be placed underground. The owner is responsible for complying with the requirements of this Ordinance and he/she shall make the necessary arrangements with each of the serving utilities for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessary and appurtenant to Water and Sewer distribution facilities shall be installed in accordance with minimum standards established through 50-1329, Idaho Code, and all state and local regulations adopted pursuant thereto. Each manufactured home site must be served with water, electricity, and sanitary facilities as above provided.

W. Permit to Occupy – Prior to the occupation of any manufactured home park, the developer(s) shall obtain from the Land Use Board a permit to occupy, attesting that the aforementioned sanitary requirements of the Southeastern Idaho Public Health District have been met.

X. Transient Spaces – Not more than 20 percent (20%) of the manufactured home sites may be used for transient Recreational Vehicle sites. Sites reserved for transient Recreational Vehicles shall be so designated on the plans submitted with the application for the manufactured home park permit. The site, yard, and property development standards of this Ordinance shall fully apply to sites reserved for transient Recreational Vehicles.

Y. Expiration or Revocation of Permit – A permit for the development of a manufactured home park shall become void automatically under any of the following circumstances or conditions:

1. If construction has not commenced within six (6) months after the issuance of a Conditional Use Permit therefore, or any extension of time granted by the Land Use Board for good cause
2. If construction of a manufactured home park is not completed and certificate of occupancy issued by the Land Use Board within one year from the date of issuance of the conditional use permit
3. If the permit for the construction of a manufactured home park expires for any other reason

Z. Recordation Procedures – After approval of the preliminary development plan by the Land Use Board, a final plan shall be submitted containing all such information, as required by this Ordinance, and the Land Use Board for recordation, pursuant to the recordation procedures set forth in this Ordinance.

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# Chapter 6 Signs

**Applicability:** This chapter shall regulate any and all signs constructed within the C and I Zones as adopted by the City. Any person or entity constructing, building, changing, and/or altering a sign shall submit an application to the City for review by the Land Use Board prior to receiving a permit. Signs are not permitted in the R-1 and R-2 Zones except as specified.

**Content Limitations**: All signs located within the above Zones intended for commercial or advertising purposes, or for the identification of businesses, shall be limited solely to the advertising or identification of a business located on the same premises as the sign, excepting directional and informational signs placed by governmental agencies. No signs shall be permitted for the advertising or identification of a business which is not located on the same premises as the sign.

**Construction – Height – Size – Location:**

A. One sign is allowed in the R-1 and R-2 not to exceed four square feet in area pertaining to the lease or sale of buildings or premises where the sign is located. This provision shall also apply to political signs during campaign periods. Signs for home occupations shall be limited to two square feet in area, shall be unlighted, and attached flush to the building.

   A free-standing sign, that being a sign erected on a free standing frame, and not attached to any building, shall be placed at ground level in front of the business and not exceed thirty-two (32) square feet in size.

B. Any sign shall be proportional to the building on which it is to be mounted, which contains the business that said sign is advertising, and the total square footage for all signs located upon a premises advertising the business thereon, shall be limited to a total of thirty-two (32) square feet of total sign area. The length of a sign shall not exceed the building frontage. If a premise is located upon a corner of two intersecting streets, then the total area for signs to be located upon said premises advertising the business located thereon will not exceed thirty-two (32) square feet.

C. No sign shall project closer to a street right of way than eighteen (18) inches from the back of the adjacent street curb, and if there is no curb, said sign shall project no closer to a street right of way than eighteen (18) inches from the inside of the property line. Under no circumstances shall a sign be permitted to project into a street right of way which would interfere with vehicular traffic thereon.

D. All signs shall be Underwriter Laboratory (UL) approved except for signs typically not requiring Underwriter Laboratory approval, such as wood signs that are indirectly lighted. All other signs shall comply with the most current printing of the National Electric Code or International Building Code. Drawings of all signs showing size, location, type, materials of construction and support method of lighting and content shall be submitted to the City prior to receiving a permit for said sign. All plans for free standing signs, including roof mounted signs, shall be submitted with the signature and stamp of a licensed engineer, if deemed necessary by the City, to provide information as to the effects of wind, seismic forces, allowable stresses,

combined loads, over-turning movement from lateral forces, and the stresses of wire, rope, and their fastenings.

E. Signs needed to identify residential properties other than home occupation signs (see A.) shall be rustic in character, utilizing stone and/or wood in their design. Signs should not exceed 4' X 8', thirty-two (32) square feet.

F. Any nonconforming sign, that being a sign which was placed or erected prior to the effective date of the Ordinance codified in this chapter, which does not conform to the provisions of this Chapter, shall be allowed to remain so long as it advertises a bona fide business in operation and being conducted upon said premises. Nonconforming signs of a bona fide ongoing business altered or changed within any twelve month period to a value equal to thirty-five (35) percent of their current value shall thereafter comply with all the provisions of this Chapter.

G. Any sign being located on a premise upon which a bona fide business is not in operation or being conducted for a period of twelve months or longer, shall be deemed a non-operating business, and the owner of the premises shall cause said sign to be removed upon request of the City and at the owner's expense.

**Political Signs**: All signs of a political nature within the above designated Zones shall be no larger than is allowed above). All political signs within the City shall be removed within five (5) days after the date of election to which said signs pertain.

**Violation – Penalty**: Any person or entity violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor and shall be punished by a fine not to exceed three hundred (300) dollars, or by imprisonment not to exceed six (6) months in the county jail, or by both such fine and imprisonment.. Every such person or entity is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by any such person.

# Chapter 7
# Subdivisions

## Subdivision Approval Procedures

The following list is a step by step description of the subdivision approval process:

A. The subdivider contacts and consults with the Land Use Board to discuss development plans, zoning, and subdivision ordinance requirements and compatibility with the comprehensive plan prior to preparing any plats or plans.

B. The subdivider submits five (5) copies of the preliminary plat along with preliminary road profiles and cross sections and other supporting documents and the preliminary plat fee to the City Clerk.

C. The subdivider submits copies of the preliminary plat and any applicable utility load information.

1. The City Clerk's office will transmit one (1) copy of the application of the plat to the city departments and such other agencies that have jurisdiction or an interest in the proposed use for their review and recommendations.

2. If no written reply is received from any of the various departments or interested agencies within twenty (20) days from the date of notification, approval of the plat by such department or agency will be considered to be granted.

3. The departments or agencies which shall receive copies of the application of the plat are:

   a. Any state, county, or municipal agencies with jurisdiction

   b. City Engineer

   c. State Highway Department if the subdivision abuts a State Highway

   d. Idaho Power Company

   e. CenturyLink Telephone

   f. Intermountain Gas Company

4. The entities listed in (c) above and such other departments as may be necessary, review the documents and make recommendations for any changes which may be necessary or advisable. At least twenty (20) working days are allowed for completion of review for each submittal.

D. Upon completion of the review, and if the proposal is ready, it will be placed on the next available Land Use Board agenda.

E. The Land Use Board meets and reviews the preliminary plat and takes action to approve the proposal as submitted, approve it with conditions, deny it, or table it for further discussion or information. The Subdivider, or its agent, shall attend to present the proposal.

F. If preliminary approval is granted, the Subdivider submits the original and two (2) copies of the final plat along with the final plat fee to the City Clerk. Also cross sections and profiles of streets and all other construction drawings related to all improvements to be constructed as part of the project must be submitted. All plats must be signed and stamped by a registered professional surveyor. All construction drawings must be signed by a registered professional engineer.

G. The plat shall be submitted to the entities listed in (3) above, the Health Authority, and such other departments as may be necessary to review the documents and make recommendations. At least twenty (20) working days are allowed for completion of staff review for each submittal.

H. When the final plat and accompanying documents are deemed to be ready, it will be placed on the next available Land Use Board agenda, for review and signature by the Chairperson.

I. The Chairperson will review and sign the plat when approved.

J. The proposal is then placed on the City Council agenda.

K. The City Council meets and considers the final plat and takes action to approve the proposal as submitted, approve it with conditions, deny it, or table it for further discussion or information. The Subdivider or his agent must attend to present the proposal.

L. If approval is given, the Subdivider shall:

1. Pay recording fees

2. Provide a guarantee on improvements

M. The City assigns addresses to the lots on the final plat and records it in the office of the County Recorder.

N. When City owned or taxing district owned improvements are required, the Subdivider and his contractors shall meet with the government representatives in a preconstruction conference. The Subdivider may also be required to meet with appropriate utility providers.

**Small Subdivisions:** Under the conditions listed below, approval of the preliminary subdivision plat by the Land Use Board and the City Council shall be authorization for the Subdivider to sell lots proposed on such plat, and the requirements of a final plat shall be waived. Final plats shall not be required when all of the following conditions exist:

A. The subdivision consists of 4 lots or less, including any parcels which have previously been divided since March 10, 1998.

B. The subdivision does not require the dedication of any land for street, utility easement, or other public purpose.

C. All of the subdivision lots meet the frontage, width, and area requirements of the Zoning Ordinance.

D. The subdivision is not traversed by the mapped lines of a proposed street or a street to be widened.

E. Subdividers of small subdivisions shall be responsible to provide such improvements as are required in Chapters 4 of this Ordinance. The Subdivider shall provide the City with a guarantee on improvements as provided for in this Ordinance.

**Condominium Project Procedure**

A. A condominium project shall be considered a subdivision. The maps or surveys, required by the Condominium Property Ownership Act in the Idaho Code, shall be considered a subdivision plat. All condominium projects shall comply with the provisions of the City of Inkom Subdivision Regulations and shall follow the procedure outlined for processing subdivisions.

B. The standards and criteria for the geographical layout of a condominium project, the location of structures, utility lines, and roads, and the percentage of the project devoted to common open space shall comply with the City of Inkom Zoning Ordinance regulations.

**Dedication of Streets and Public Improvements:** The Subdivider shall dedicate the public streets, easements, and other public improvements to the City of Inkom at the time the final plat is recorded in the office of the County Recorder.

## Preliminary Plat

**Preliminary Consultation:** Each person who proposes to subdivide land in the City of Inkom shall consult with the City before preparing any plats, charts, or plans in order to become familiar with the City Subdivision Requirements and Comprehensive Plan for the territory in which the proposed subdivision lies, and to discuss the proposed plan of development of the tract.

**Preliminary Plat Request Submittal:** A preliminary plat shall be prepared in conformance with the standards, rules, and regulations contained herein. The preliminary plat and accompanying information shall be submitted to the Land Use Board at least ten (10) working days prior to a regularly scheduled board meeting in order to be considered at said meeting. The City will determine if the submittal is sufficient to be put on the agenda for the Land Use Board Meeting.

**Preliminary Plat Requirements**: The preliminary plat shall meet the provisions of the Idaho Code, shall be drawn to a scale not smaller than 100 feet (100') to the inch and shall be on paper no larger than 34" X 42". The plat and attached documentation shall show:

A. The proposed name of the subdivision

B. The subdivision location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's tract, or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the part submitted shall be considered, in light of adjustments and connections with the future street system of the larger area. The preliminary plat shall show all property owned or optioned by the Subdivider pertaining to the proposed subdivision at hand.

C. Sufficient information to locate accurately the property shall be shown on the plat including a legal description. At least two public land survey corners must be shown. A

copy of the City ownership plat is to be submitted. The corner perpetuation recording information must also be shown, (50-1304 [g] Idaho Code).

D. The names and addresses of the Subdivider, the surveyor, or the subdivision, and the owners of the land immediately adjoining the land to be subdivided shall be shown on the preliminary plat.

E. Contours at one-foot (1') intervals, unless slope is greater than ten percent (10%), then two-foot (2') intervals to show the topography of the land shall be shown.

F. The boundary lines of the tract to be subdivided, including total acreage proposed for subdivision.

G. The location, widths, and other dimensions of all existing or platted streets and other important features such as easements, railroad lines, water courses (including irrigation canals and ditches), exceptional topography, bridges, and buildings within or immediately adjacent to the tract to be subdivided.

H. Existing power lines, sanitary sewer, storm drains, water supply mains, and culverts within the tract and immediately adjacent thereto.

I. The flood hazard boundaries according to the Federal Flood Insurance Administration Maps.

J. The locations, widths, and other dimensions of proposed public streets, private streets, alleys, utility easements, parks, other open spaces and lots, with proper labeling of spaces dedicated to the public, or designated as private streets laid out so they will connect with existing streets without causing bottlenecks.

K. North point, scale, and date.

L. A review copy of proposed protective covenants, if applicable.

M. A preliminary storm drainage study, with schematic solutions and the associated calculations.

N. The proposed layout, dimensions, size, and number of each lot.

O. Proposed construction and permanent fencing along appropriate subdivision boundaries as determined by the Land Use Board. The fencing shall be as indicated in the Subdivision Standards (4).

**Preliminary Plat Approval**: The preliminary plat shall be reviewed by the Land Use Board. The Board may approve or reject the preliminary plat, or grant approval with conditions stated. Such decision shall be made within forty-five (45) days. Approval of the preliminary plat by the Board shall not constitute final acceptance of the subdivision by the Land Use Board. If approved, one (1) copy of the preliminary plat signed by the Chairperson will be given to the Subdivider which shall be authorization to proceed with preparation of the final plat and detailed construction drawings and specifications for the improvements required in this Ordinance.

**Time Limitation**: Approval of the preliminary plat by the Land Use Board shall be effective for a maximum period of one (1) year after approval unless, upon application of the Subdivider, the Board grants an extension. If the final plat has not been submitted within one (1) year, or the approved extension period, the preliminary plat must again be submitted to the Board for

consideration. However, preliminary approval of a large tract shall not be voided, provided that the final plat of the first phase is submitted for final approval within the one (1) year period.

**Grading Limitation**: No construction, excavation, grading, or re-grading shall take place on any land for which a preliminary subdivision plat has been submitted until the final plat has been given final approval and is recorded by the County Recorder.

## Final Plat

**Tentative Final Plat**:

A. Prior to subdivision of the final plat, the Subdivider shall submit two (2) copies of the tentative final plat to the Land Use Board which shall check it for compliance with the requirements and conditions of preliminary plat approval and for accuracy.

B. One (1) copy of the checked tentative final plat will be returned to the Subdivider with any required change.

**Final Plat Filing:** After compliance with the provisions of this Ordinance, the Subdivider shall submit a final plat with two copies thereof to the Land Use Board. Such plat shall include a certificate by the subdivider's engineer surveyor indicating that all lots meet the requirements of the Zoning Ordinance. The final plat and accompanying information shall be submitted to the Land Use Board at least ten (10) working days prior to a regularly scheduled board meeting in order to be considered at said meeting.

**Final Plat Requirements**: The final plat shall consist of a sheet of tracing linen or mylar approved by the City, to the outside or trim dimensions of 18" X 27". All lines, dimensions, and markings shall be made on the tracing linen or mylar with approved waterproof black "India Drawing Ink", or comparable substitute. The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred (100) feet to the inch, and the workmanship on the finished drawing shall be neat, clean, and readable. The plat shall be signed by all parties (mentioned in subparagraph 7 of this section) duly authorized and required to sign, and shall contain the following information:

A. A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet

B. Where a subdivision complies with the Planned Unit Development provisions of the Zoning Ordinance, the final plat shall indicate the words "Planned Unit Development" as part of the subdivision name. In addition, when a development complies with the Condominium Project Procedure of this ordinance, the record of survey map shall indicate the words "Condominium Project" with the condominium name

C. A north point, scale of the drawing, and the date

D. Accurately drawn boundaries showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines

E. The widths, lengths, bearings, and curve data on centerline of proposed streets, alleys, and easements; the boundaries, bearing the dimension of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, and number of all lots, blocks, and parts reserved for any reason within the

subdivision. All lots are to be numbered consecutively by numbering approved by the City. The City shall provide an address number to each residential or business lot which shall be shown on the plat

F. Parcels of land to be permanently reserved for private common open space shall also be titled "Private Common Open Space"

G. The standard forms approved by the Land Use Board for all subdivision plats lettered for the following:

1. Legal description of land to be included in the subdivision
2. Professional land surveyor's "Certificate of Survey"
3. Owner's Dedication Certificate
4. Notary Public's acknowledgment of owner's signature(s)
5. Surveyor's Certificate of Approval
6. County Health Department's Certificate of Approval, if needed
7. City Land Use Board's Certificate
8. City Attorney's Certificate of Approval
9. Mayor's Certificate of Acceptance, on behalf of City Council, attested by the City Clerk
10. A three (3) by three (3) inch block in the lower right-hand corner of the drawing for recording information

H. A copy of the Protective Covenants and recording if applicable.

**Amended Plats**: When changes are made in a recorded plat of a subdivision, approval of said subdivision shall be voided and an amended plat thereof shall be processed in accordance with this Ordinance.

**Final Plat Approval**:

A. The final plat and associated documents shall be reviewed by the City Engineer. The City Engineer shall check the engineering requirements, constructions drawings, and determine the amount of the surety to assure construction of improvements where necessary. After approval and signature of the City, the final plat and associated documents shall be submitted to the Public Health District for review of health related items and a signature if approved.

B. The final plat shall be reviewed by the Land Use Board. The Board members shall then either approve or reject the subdivision final plat. If approved, the Board shall express its approval through the signature of the Chairperson on the plat.

C. The final plat, the subdivision agreement, and other applicable documents shall be reviewed by the City Engineer. The Board shall then either approve or reject the subdivision final plat. If approved, the final plat shall be held by the City until the Subdivider pays the required fees, and guarantee(s) on improvements. Upon compliance with these requirements, the Mayor shall sign and the City Clerk attests the plat and the

subdivision agreement. The final plat and subdivision agreement shall then be submitted to the office of the County Recorder by the Subdivider.

D. No final plats shall be recorded in the office of the County Recorder, and no lots included in such final plat shall be sold or exchanged, unless and until the plat is so approved, signed, and accepted.

E. Any final plat not approved and signed, or which shall not be offered for recording within one (1) year after the date of final approval, unless the time is extended by the City Council, shall not be recorded and shall have no validity whatsoever.

F. It shall be unlawful for any person to change the lines, drawings, lot sizes or shapes, or any other provision of a plat after it has received approval by any person whose approval is required. Any plat that is changed in violation of this paragraph is void and the Subdivider shall, upon convictions thereof, be punished as set forth in this ordinance. In addition, the City may compel the person recording the plat to withdraw the plat from the County Recorder's office or to file a notice, or the City may itself file a notice that the recordation of the plat is void. The Subdivider is responsible for all recording and associated fees.

**Subdivision Agreement**: Prior to final approval of any subdivision, the Subdivider shall enter into an agreement with the City of Inkom which shall be substantially in the form found at the end of this Chapter:

## Subdivision Standards

**Relation to Adjoining Street System**: The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided), insofar as such may be deemed necessary by the Land Use Board for public requirements. The street arrangement shall not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Half streets along the boundary of land proposed for subdivision or within any part of a subdivision will not be permitted.

**Streets:** *See Chapter 4 Performance Standards – Streets and Roads*

**Blocks:**

A. The maximum length of blocks shall be one thousand (1,000) feet and the minimum length of blocks shall be three hundred (300) feet.

B. The width of blocks shall be sufficient to allow at least two tiers of lots, unless because of design, terrain, or other unusual conditions, the Land Use Board approves otherwise.

C. Blocks intended for business or industrial use shall be designed specifically for such purposes, taking into consideration zoning requirements for off-street parking and loading.

**Lots**:

A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, geologic hazards, existing and probable future utilities, rights-of-way, and other requirements.

B. All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Zoning Ordinance for the Zone in which the subdivision is located, unless a variance is granted by the City Council.

C. Each lot shall have frontage on a public street dedicated by the subdivision plat, an existing publicly dedicated street, on a street which has become a public right-of-way by use, or on an approved private street.

D. Corner lots shall have an extra width sufficient for maintenance of required yards on both street frontages.

E. Side lot lines shall be at approximately right angles to the street line, or radial to the street line.

**Easements**: Easements for culinary water, sewer, power, irrigation water, storm water drainage, and other utilities shall be provided by the Subdivider and designated on the plat as required to accommodate the utility systems in the subdivision. Where natural drainage channels, interceptor systems, or flood hazard zones cross the subdivision, the Subdivider must obtain the necessary permits to modify such drainage facilities, and designate the channels, systems, or flood hazard zones, and any associated restrictions on the plat.

## Subdivision Improvements

**Application**: The provisions of this chapter apply to all property owners located within any subdivision whether standard or a small subdivision. Its provisions shall also apply to all transferees, assignees, or purchasers.

**Improvements Required**: The provisions of this chapter apply to all subdivisions. Its provisions shall also apply to all transferees, assignees, or purchasers.

*A.* Water Lines – Where the public water supply is within five hundred (500) feet, the Subdivider shall install at his own expense, or shall contract with the local water distributing agency, to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. All subdivisions shall be required to hook up to city water. *See Chapter 4 Performance Standards*

B. Fire Hydrants – Where a central water system and fire district exists, fire hydrants shall be installed and shall be the type, size, and in such locations as required by the Fire Marshall and the City.

*C.* Sewage Disposal – The Subdivider shall provide for sewage disposal in a manner satisfactory to the Southeastern Idaho Public Health District as attested by a letter from that department. All subdivisions shall have a central sewer system. *See Chapter 4 Performance Standards*

D. Storm Water – The Subdivider shall properly dispose of storm water in compliance with all State and Federal Regulations. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the Subdivider to obtain such easements.

*E.* Street Construction and Surfacing – All streets except approved private streets shall be graded and surfaced in accordance with the standards and technical specifications of the City. *See Chapter 4 Performance Standards*

*F.* Curbs and Gutters – Curbs and gutters may be installed by the Subdivider for existing and proposed public streets and, if installed, shall be in accordance with the specifications of this ordinance. *See Chapter 4 Performance Standards*

G. Street Drainage – Drainage structures shall be required where necessary, in the opinion of the City.

*H.* Sidewalks – Sidewalks shall be installed according to the technical specifications of this Ordinance. *See Chapter 4 Performance Standards*

*I.* Driveway Approaches. *See Chapter 4 Performance Standards*

J. Monuments – Permanent survey monuments shall be accurately set and established at the intersections of centerline of streets within the subdivision and intersections with centerlines of existing streets and the beginning and ends of curves on center lines of points of intersections or tangents. All permanent survey monuments shall remain in place, or be reset at the subdivider's expense, after curbs, gutters, and sidewalks are installed. Monuments shall be of type approved by the City of Inkom, and all subdivision plats shall be tied to two (2) government land survey corners of record, as established by the City of Inkom.

K. Staking of Lots – Survey stakes shall be placed at all lot's corners to completely identify the lot boundaries on the ground. Survey stakes shall be 5/8" rebar at least two feet (2') long. All lot corners must be in place prior to the issuance of building permits and after completion of all subdivision improvements.

*L.* Ditches – The Subdivider shall provide a means whereby irrigation water shall be made available to all lots within a subdivision or shall have the land withdrawn from the assessments of the applicable irrigation district prior to plat approval. *See Chapter 4 Performance Standards*

M. Street Signs – The Subdivider shall provide adequate street signs to provide identity and access by fire and emergency equipment.

N. Fencing of Subdivisions – A permanent solid board, metal chain link, masonry, or other similar fence six feet (6') in height shall be installed along all subdivision boundaries where adjacent uses are found to be non-compatible by the Land Use Board. Upon installation, full responsibility for the fence and its maintenance shall become that of the lot owner.

**Guarantee of Improvements**: As a condition for granting approval of the final plat, the Subdivider shall provide a subdivision improvements agreement guaranteeing the construction and installation of all required improvements within two (2) years final approval unless extended by mutual consent. Such guarantee shall be one hundred ten percent (110%) of estimated cost and may include one or more security arrangements acceptable to the Inkom City Council such as, but not limited to, local improvement district, performance or property bonds, private or public escrow agreements, deposit of certified funds, or other similar surety agreement.

A. **Financial Guarantee Arrangements** – In lieu of the actual installation of required public improvements before filing of the final plat, the City may permit the Subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements:

1. **Surety Bond**:

   a. Accrual: The bond shall accrue to the City covering construction, operation, and maintenance of the specific public improvements.

   b. Amount: The bond shall be in an amount equal to one hundred and ten percent (110%) of the total estimated cost for completing construction of the specific public improvement, as estimated by the City Engineer and approved by the City.

   c. Term Length: the term length in which the bond is in force shall be for a period to be specified by the City for the specific public improvements.

   d. Bonding for Surety Company: The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the City.

   e. The escrow agreement shall be drawn and furnished by the City.

**2. Cash Deposits, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit:**

   a. Treasurer, Escrow Agent, or Trust Company: A cash deposit, deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, of such surety acceptable by the City, shall be deposited with an escrow agent or trust company.

   b. Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the one hundred and ten percent (110%) total estimated cost of construction of the specific public improvement, as estimated by the City engineer and approved by the City.

   c. Escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit, shall be for a period to be specified by the City.

   d. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the City and the Subdivider may provide the progressive payment out of the cash deposit or reduction of the certified check, negotiable bond, or irrevocable band letter of credit, to the extent of the cost of the completed portion of the public improvements, in accordance with a previously entered into agreement.

3. **Other Forms of Security**:

   a. The City may accept an alternate form of security proposed by the Subdivider as long as such form is found valid and will cover one hundred and ten percent (110%) of the estimated costs of improvements. Alternative security arrangements acceptable to the Inkom City Council may include, but are not limited to, local improvement district, performance or property bonds, private or public escrow agreements, deposit of certified funds or other similar surety agreement.

4. **Exception**:

   a. Where the only significant public improvement is improved streets, the Subdivider shall not be required to supply any guaranty of performance as long as he improves the street to the improvement standards set forth in 3-5-4 SPECIFICATIONS (4) to each lot before it is sold.

b. Plans, profiles, tentative grades, and specifications for proposed improvements shall be submitted to the City Engineer or representative.

c. Inspection of Public Improvements under Constructions: Before approving a final plat and construction plans and specifications for public improvements, an agreement between the Subdivider and the Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

d. Penalty in Case of Failure to Complete the Construction of a Public Improvement: In the event the Subdivider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements, the Board or any other person with proper standing may proceed to have such work completed. In order to accomplish this, the City or other persons shall pay for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the Subdivider may deposit in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company and as included in a written agreement between the City and the Subdivider; provided neither the City nor any person shall be required to pay or suspend more than the amount of the bond and/or other deposit.

5. **Conditional Approval of Final Plat**:

With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

a. The construction of improvements required by this Ordinance shall have been completed by the Subdivider and approved by the City

b. Surety acceptable to the City shall have been filed in the form of a cash deposit, certified check, a negotiable bond, irrevocable bank letter of credit, or surety bond

c. Streets are the only significant PUBLIC improvement and there is an assurance they will be improved as set forth in 3-5-4 SPECIFICATIONS (4) to each lot before it is sold

**Dedication and Acknowledgment**:

A. Dedication – Statement of dedication of all streets, alleys, crosswalks, drainage ways, pedestrian ways, and other easements for public use by the person holding title of record, by persons holding title as vendees under land contract, and by wives of said parties. If lands dedicated are mortgaged, the mortgagee shall sign the plat.

B. Dedication shall include a written location by section, township, and range of the tract. If the plat contains private streets, public utilities shall be reserved the right to install and maintain utilities in the street right-of-way.

C. Acknowledgment of Dedication – Execution of dedication acknowledgment and certified by a notary public.

## Vacation of Plats

**Vacation Procedures**: Any person(s), firm, association, or corporation seeking alteration, adjustment, or change of any inferior or exterior lot line or boundary of any plat and recorded subdivision in the City of Inkom shall have the platted and recorded subdivision or portion thereof vacated and/or replatted pursuant to the Idaho Code and this Ordinance. Said vacation shall occur pursuant to the following procedural guidelines:

A. When any person(s), firm, association or corporation may desire to vacate a plat or any part thereof, it shall be lawful for such person(s), firm, association, or corporation to petition the Inkom City Council to vacate. Such petition shall set forth particular circumstances of the requests to vacate; contain a legal description of the platted area of property to be vacated; the names and addresses of the person affected, thereby including those within three hundred (300) feet of the proposed vacation; and petition shall be filed with the City Clerk.

B. Written notice of public hearing on said petition shall be given, at least ten (10) days prior to the date of public hearing to all property owners within three hundred (300) feet of the boundaries of the areas described in the petition. Such notice of public hearing shall also be published once a week for two (2) successive weeks in the official newspaper of the area, the last of which shall be not less than seven (7) days prior to the date of said hearing.

C. When the procedures set forth herein have been fulfilled, the City Council may grant the request to vacate with such restrictions as they deem necessary in the public interest.

## Fees

**Payment of Fees**: All approved plats of subdivisions within the City of Inkom shall, upon the payment of the required fees, be filed with the City Clerk pursuant to Idaho Code 50-1310 and this Ordinance.

**Preliminary Plat Application Fees**: At the time of filing the preliminary plat, the Subdivider shall deposit with the City a non-refundable fee made payable to the City of Inkom. The City Council shall, by resolution from time to time, prescribe the amount of such fee, which shall be for the purpose of reimbursing the City for the expense of checking and deriving such preliminary subdivision plats.

**Final Plat Application Fee**: At the time of filing the final plat, the Subdivider shall deposit with the City a non-refundable fee made payable to the City of Inkom. The City Council shall, by resolution, from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the City for the expense of checking and reviewing such final subdivision plats.

**Recording Fee**: At the time of recording the final plat, the Subdivider shall be responsible for the recording fee.

**Inspection Fee**: Prior to recording the final plat, the Subdivider shall deposit with the City a construction inspection fee. The City Council shall, by resolution, from time to time prescribe the amount of such fee, for the expense of review and inspection of the subdivision improvements.

# Subdivision Agreement

This Subdivision Agreement made and entered into this_____day of_____,20____, by and between the City of Inkom, a body politic of the State of Idaho, hereinafter referred to as "Inkom" and_____, hereinafter referred to as "Subdivider".

**WITNESSETH:**

WHEREAS, Subdivider has applied to Inkom for final plat approval on a subdivision entitled_____, which is more particularly described and identified as Exhibit A, attached hereto, incorporated herein, and made a part hereof; and,

WHEREAS, as a condition to approval of the subdivision, subdivider must enter into an agreement with Inkom; and,

WHEREAS Inkom is willing to approve the subdivision so that the same may be recorded, but desires to ensure that the improvements required by the ordinances of Inkom are fully met;

NOW THEREFORE, in consideration of the mutual covenants and promises contained hereafter, the parties hereto agree as follows:

1. Inkom does hereby approve the subdivision identified on Exhibit A attached hereto, and does authorize the appropriate officers of Inkom to sign the subdivision plat, showing their approval of the said subdivision plat.

2. Subdivider represents to Inkom that the improvements contemplated in the subdivision, as evidenced in the plans and specification submitted with this contract and made a part of this contract by reference, are in full compliance with the Inkom subdivision ordinances. Subdivider agrees to install at his/her own cost all of the improvements identified in the plans and specifications, which are incorporated herein as a part of this agreement, and to have the said improvements installed within two (2) years from the date of this agreement. All work shall be completed as identified in the City of Inkom Land Use Ordinances , copies of which are on file in the City of Inkom. In addition, the sanitary sewer and water systems shall be in accordance with the specifications and requirements of the Southeastern Idaho Public Health District. It is expressly understood and agreed that nothing in this agreement shall limit the responsibility of the Subdivider to comply with all laws, ordinances, rules, or regulations of the City of Inkom.

3. All work, as it is completed within the subdivision, shall be inspected by the City of Inkom's Building Inspector. As the entire subdivision is completed, the City Building Inspector will inspect the entire subdivision and certify to the City Council that the subdivision is complete.

4. In accordance with the requirements of the City of Inkom Subdivsion Ordinances relating to platting and recording of subdivisions, Subdivider shall furnish to the City of

Inkom, upon execution of this agreement, a bond, cash deposit, irrevocable letter of credit or escrow arrangement in the amount of_____dollars. The said sum represents at least 125% of the engineer's estimate of the cost of the improvement contemplated within the subdivision. The bond, irrevocable letter of credit, cash, or other surety shall remain in effect until one year after the City Building Inspector certifies to the City Council that the subdivision has been completed. Notwithstanding the foregoing, the bond, cash, irrevocable letter of credit or other surety may be reduced the cost of any improvements as they are completed upon review and approval by the City Building Inspector. In no event, however, shall the bond, cash, irrevocable letter of credit, or other surety be reduced below twenty-five percent (25%) of the amount of the bond.

5. Subdivider hereby warrants and guarantees that the improvements contemplated herein and any part thereof will remain in good condition for a period of one (1) year after the date the City Building Inspector certifies to the City Council that the subdivision is complete, and Subdivider agrees to make all repairs to and maintain the improvements and every part thereof in good condition during the one (1) year period with no costs to the City.

6. In the event the subdivision is not completed within two (2) years from the date of this agreement, Inkom shall be entitled to as much of the bond, cash, irrevocable letter of credit, or other surety needed to complete the improvements set forth in the plans and specifications included as a part of this agreement, which have not been completed. It is understood and agreed that this paragraph does not obligate Inkom to complete the subdivision, but does authorize Inkom to use the money held as security for performances of this contract to complete the improvements.

7. At any time during this agreement or the one (1) year guarantee period, should any of the improvements contemplated by the plans and specifications, which are a part of this agreement, be in need of repair or be in any way defective, Inkom shall be able to look to the bond, cash, irrevocable letter of credit, or other security for the money needed to make the repairs or correct the defects.

8. Time is of the essence in this agreement.

9. This agreement is binding upon the heirs, administrators, and assigns of the parties.

10. In the event Subdivider defaults in any of the terms or conditions of this agreement, Subdivider agrees to pay all costs of enforcing this agreement, including, but not limited to, a reasonable attorney's fee, whether or not the matter is finally resolved by litigation.

WHEREFORE, the parties hereto have signed this agreement the day and year first above written.

CITY OF INKOM COUNCIL

_____ _____

Mayor Date

Attest:

_____ _____

City Clerk Date

_____ _____

Subdivider Date

# Chapter 8 Definitions

For the purpose of this title, certain terms are defined as set forth in this chapter. 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 natural construction of the sentence indicates otherwise. The word "shall" is mandatory.

**Accessory Building.** A building which is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal; or principal use served, contributes to the comforts, convenience, or necessity of the occupants of the principal buildings or principal use; and is located on the same lot as the principal building or principal use. For example, an accessory building in a Residential Zone might include garden sheds, carports, detached garage, but would not include chemical storage sheds, etc. An accessory building does not include a railroad car or motor vehicle cargo container.

**Accessory Use.** A use incidental and subordinate to the principal use of the premises as allowed in that Zone.

**Agriculture.** Tilling of soil, horticulture, raising crops, livestock, dairying, including all uses customarily accessory and incidental thereto, but, excluding slaughterhouses and commercial feed lots.

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

**Airport Hazard**. Any structure, or tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

**Animal Hospital.** Any building or portion thereof designed or used for the care or treatment of cats, dogs, or other animals.

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

**Appeal.** A request for a review of the City's interpretation of any provision of this section or a request for a variance.

**Area of Special Flood Hazard.** Premises on which the land in the floodplain within a community is subject to a one percent (1%) or greater chance of flooding in any given year.

**Automobile Sales Lot.** Premises on which new and used passenger automobiles, trailers, mobile homes, or trucks all in operating condition are displayed in the open for sale or trade, and where no repair or service work is done.

**Automobile Service Station.** Premises used primarily for the retail sale and delivery to the vehicle or motor vehicle fuel and of lubricating oils, tires, and incidental vehicular accessories, and providing vehicular lubrication and related services, including minor motor vehicle repairs and/or manual or automatic car washes.

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

**Base Flood.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

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

**Boarding 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 persons who are not members of the house-holder's family.

**Buffer.** A strip of land established to protect one type of land use from another, visually, or with respect to noise, noxious emissions, or other potentially bothersome activities. A buffer yard is normally landscaped and kept in open space uses. The term may be used broadly to describe yards that separate two unlike Land Use Zones.

**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 openings, which are designed or intended for the shelter, enclosure, or protection of persons, animals, chattels, or property of any kind.

**Building, Detached.** Any building which does not conform to the requirements of this Title.

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

**Building Official.** The officer or other designated authority charged with the administration and enforcement of the Building Code and any other codes dealing with building, adopted by the City of Inkom, or his/her duly authorized representative.

**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 other maintenance and use of offices or professional and trade rendering services.

**City.** The City of Inkom.

**City Clerk.** The Clerk of the City of Inkom.

**Board.** The Planning/Zoning Board of the City of Inkom. The Land Use Board is declared to also be the Zoning Board of the City of Inkom.

**Common Open Space.** A parcel or parcels of land, or an area of water, or combination of land and water within a planned unit development or subdivision designated and intended for the use or enjoyment of residents of the development. Common open spaces may contain complementary structures and improvements if necessary and appropriate for the benefit and enjoyment of occupants of the development.

**Comprehensive Plan.** A compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social, and economic development, both public and private, of the City of Inkom and its environs, as defined in the Local Planning Act of 1976, and adopted by ordinance by the City of Inkom.

**Conditional Use.** A permit to use a certain piece of land in a manner for which no right exists; i.e. the use would not comply with Zone regulations, but with the acquisition of a permit, development may proceed, provided that the conditions of the permit are followed.

**Condominium or Condominium Project.** A real estate condominium project; plan or project whereby two (2) or more apartments or dwelling units in existing or propsed structures are separately offered or proposed to be offered for sale pursuant to the Idaho Condominium Property Ownership Act.

**Council.** The City Council of the City of Inkom.

**Cul-de-sac.** A street with only one outlet, having an appropriate terminal for the safe and convenient reversal of traffic movement with a one hundred (100) foot minimum diameter.

**Day Care.** Any agency, organization, or individual providing daytime care of six or more children not related by blood or marriage to, or not the legal wards or foster children of, the attendant adult.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.

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

**Duplex.** A building, or portion thereof, containing one or more dwelling units and two (2) separate kitchens.

**Dwelling.** A building, or portion thereof, containing one or more dwelling units. The term dwelling does not include any trailer, motel, hotel, guest house, or boarding house as defined herein.

**Dwelling, Multiple-Family.** A multiple-family building, or portion thereof, containing three or four dwelling units.

**Dwelling, Single-Family.** A building designed for use and occupancy by no more than one family. Single-family dwellings may include manufactured homes, so long as they are constructed according to conditions in this Ordinance.

**Dwelling Unit.** One or more rooms designed for, or used as a residence for not more than one family, including all necessary household employees of such family, and constituting a separate and independent housekeeping unit, with a single kitchen permanently installed. The term does not imply or include such types of occupancy such as a lodging or boarding house, club, sorority, fraternity, or hotel.

**Easement.** A right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

**Eminent Domain.** The legal right of government to acquire or take private property for public use or public purpose, upon paying just compensation to the owner.

**Engineer.** A person licensed in conformance with Sections 54-1201 through 54-1234, Idaho Code, to practice engineering in the State of Idaho.

**Equitable Interest.** An interest in land or the structure appurtenant thereto through a deed, contract of sale, or an option to buy.

**Farm.** Land used primarily for farming, dairying, pasturage, cultivation, tillage, horticulture, floriculture, silviculture, animal and poultry husbandry, and necessary ancillary used for packing, treating, or storing the produce.

**Habitable Floor.** Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

**Height, Building.** The vertical distance above the lowest point of elevation of the finished surface of the ground to the highest point of the coping of a flat roof or to the deck line of a mansard hipped roof. The measurement may be taken from the highest point of adjoining sidewalk or ground surface with a five (5) foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above the lowest point of elevation of the finished ground surface. The height of a stepped or terraced building is the maximum height of any segment of the building.

**Home Occupation.** Any occupation for the purpose of gainful income engaged in by an occupant of a dwelling unit.

**Junk 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; excluding 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.

**Kennel, Commercial.** Any lot or premises on which three (3) or more domesticated animals are housed, groomed, bred, boarded, or trained in return for compensation, or sold, and which may offer incidental medical treatment.

**Livestock Confinement Operation (LCO).** Any lot, corral, or facility where more than ten (10) animal units of livestock are confined, or stabled and fed, or maintained for a total of one hundred eighty (180) days or more in any 12 month period; and on which crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Livestock shall be considered domesticated animals, poultry, rabbits, and furbearing animals. Animal units shall be determined by the county standard.

**Lot.** A parcel, plot, or other land area created by subdivision, for sale or lease, or where one residential dwelling unit or structure is placed or erected. This would include a multi-family structure as allowed by this ordinance. Lot of Record – a lot which is part of a subdivision

recorded in the office of the County Recorder; or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to the effective date of this Ordinance.

**Lot Coverage.** The area of a lot occupied by the principal building or buildings and accessory buildings.

**Lot, Front.** That portion of the lot that faces the public right of way on which the majority of buildings are facing or are intended to face.

**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 most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a side line in common with another lot.

**Lot Width.** The horizontal distance between side lot lines measured at the right angles to the depth at a point midway between the front and rear lot lines.

**Manufactured Home.** A structure, constructed according to the HUD/FHA manufactured/mobile home construction and safety standards, built after July 1, 1976, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, 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, except that such term shall include any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 43 U.S.C. 5401 et seq.

**Manufactured/Mobile Home Park.** Any area, tract, plot, or site of land, whereupon two (2) or more manufacture/mobile homes are placed, located, and maintained for dwelling purposes on a permanent or semi-permanent basis and for which a fee, rental, or contract for payment for such use is collected by or collectable to the person holding the land.

**Motel.** A building, or group of buildings on the same premises whether detached or in connected rows, containing sleeping or dwelling units independently accessible from the outside, with garage space or parking space located on the premises and designed for, or occupied by, travelers. The term includes, but is not limited to, any buildings or building groups designated as auto courts, motor lodges, tourist courts, or by any other title or sign intended to identify them as providing lodging to motorists.

**Nonconforming Use.** Any use lawfully occupying a building, structure, or land at the effective date of the Ordinance codified in this Title, or of subsequent amendments thereto, which does not conform to the regulations for the Zone in which it is located.

**New Construction.** Structures for which the start of construction commenced on or after the effective date of this section.

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

**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, injury, deformity, or requiring care because of old age.

**Occupancy.** The purpose for which a parcel of land, building structure, or part thereof is used, or intended to be used.

**Owner.** Any person(s), agent(s), firm(s), or corporation(s) having a legal or equitable interest in property.

**Parcel.** A contiguous quantity of land in the possession of, or owned by, or recorded as the property of the same individual.

**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, not less than one hundred and eighty square feet (180 sq ft), nine (9) feet by twenty (20) feet, exclusive of access drives, aisles, or ramps for the storage of one passenger automobile or commercial vehicle.

**Person.** An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

**Planned Unit Development (PUD).** An area of land in which a variety of residential, commercial, and industrial uses develop under single ownership or control are accommodated in a pre-planned environment with more flexible standards, such as lot sizes and set backs, than those restrictions that would normally apply under these regulations.

**Plat.** That drawing, map, or plan of a subdivision, cemetery, townsite, or other tract of land, or the re-platting of such, including all required descriptive data, certifications, and approvals.

**Private Right-of-Way.** A thoroughfare which by easement or by ownership has been reserved for a lot owner(s) to be used as private access to serve the lot. No public entity shall have responsibility for maintenance or improvements to the private right-of-ways.

**Public Utility and Public Service Facility.** Structures essential to furnishing the public with electric power, water supply, water treatment, and public services, including power plants or substations, water treatment plants or pumping stations, fire stations, or police stations.

**Recycling Collection Center.** A facility for the collection of recyclable items to include aluminum, tin, plastic, cellophane, paper, cardboard, and glass to be transported to a recycling plant on a frequent and regular basis. No recycling of any product, other than the collection, compaction, bundling, and transportation of said products shall occur or be permitted at a recycling collection center. No medical or hospital hazardous waste and refuse, or items used in treatment of patients, shall be permitted to be collected or stored at any recycling collection center.

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

**Restrictive Covenants.** A private legal restriction on the land contained in the deed to the property or otherwise formally recorded.

**Right-of –Way.** A legal right of passage or use, such right being held by someone other than the owner who holds title to the land. Usually applies to a strip of land occupied or intended to be occupied by a public street, crosswalk, railroad, road, electric transmission line, oil or gas pipelines, water main, sanitary or storm sewer main, or for another special use.

**Roadway.** That portion of the street right-of-way designed for vehicular traffic.

**Secondary or Ancillary Use.** A use occupying a subordinate or auxiliary position other than, but related to, that of the principal use.

**Setback Area.** The space on a lot required to be left open and unoccupied by ceilings or structures, either by the front, side, or rear yard requirements of this ordinance, or the delineation on a recorded subdivision map.

**Sign.** Any structure or natural object, such as tree, rock, bush, and the ground itself, or part thereof, or device attached thereto, or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of 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, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

**Start of Construction.** The first placement of permanent construction of a structure, (other than a manufactured/mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading, and filling, nor does it include the installation of streets and /or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units, or not as part of the main structure. For a structure (other than a manufactured/mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured/mobile homes not within a manufactured/mobile home park, "start of construction" means the affixing of the manufactured/mobile home to its permanent site. For manufactured/mobile homes within manufactured/mobile home parks, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured/mobile home is to be affixed (including, at minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

**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 and the ceiling or roof above. If the

finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

**Street.** Any street, avenue, boulevard, road, land, parkway, place, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law, or approved by official action and includes the land between street lines, whether improved or unimproved and may compromise pavement, shoulders, gutters, sidewalks, parking areas, and other areas within the right-of-way.

A. Street. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than fifty (50) feet wide which has been made public by right of use and which affords the principal access to the abutting property, and/or provides vehicular circulation.

B. Street, Major Arterial. An existing or proposed street which is intended to serve as a major traffic way with controlled access.

C. Street, Minor Arterial. An existing or proposed street, which is intended to serve as a major traffic way with direct access from lots discouraged.

D. Street, Major Collector. A street which is intended to provide some access to lots and mainly to provide transportation routes from local streets to major collector or arterioles.

E. Street, Local. A street which is intended to provide access to lots and serve the needs of a neighborhood.

F. Street, Marginal Access. A street which is parallel to and adjacent to a major arterial street which provides access to abutting properties and protection from through traffic.

G. Street, Minor Terminal. A local street which is terminated with a cul-de-sac and which is not intended to go through to connect with other streets.

**Structure.** Anything constructed or erected, except fences, not exceeding three (3) feet in height, which requires permanent location on the ground or is attached to something having location on the ground.

**Subdivision.** The division of any tract, lot, or parcel of land owned at the time of the adoption of this ordinance as an undivided tract by one individual, or by joint tenants, or by tenants in common, or by tenants by the entirety into three (3) or more lots, plots, sites, or other divisions of land for purposes, whether immediate or future, or sale or lease of building development.

A. Subdivision of land and Exemptions:

1. A Subdivision in the City of Inkom shall be a tract of land divided into four (4) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future.
2. Subdivision of land by minor platting – four (4) lots or less.
3. Subdivision of land by regular platting – five (5) lots or more.

4. Unless the method of disposition is adopted for the purpose of evading this Ordinance, the following divisions of land are not Subdivisions under this Ordinance:

    a. Divisions made for the purpose of relocating Common Boundary Lines between adjoining properties

    b. A division of land in the settlement of an estate or a court decree for the distribution of property thereunder

    c. The exercise of the power of eminent domain as defined and authorized by Section 7-701 through 7-720, Idaho Code

    d. Which is created by a lien, mortgage, or trust indenture

    e. Which creates an interest in oil, gas, minerals, or water, which is now or hereafter severed from the surface ownership or real property

    f. Which is created by the reservation of a life estate

**Substantial Improvement.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: (1) before the improvement or repair is started, or; (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state of local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Swale.** A drainage channel or shallow depression with the purpose of directing surface water flow.

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

**Variance.** A device which grants a property owner relief from certain provisions of this Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner as distinguished from mere inconvenience.

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

**Yard, Front.** The yard extending across the full width of the lot to the adjacent front street line.

**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, extending from the front yard or the front lot line to the rear yard.

**Zoning Board.** The Land Use Board.

**Zoning Map.** The map incorporated into this Title designating the Land Use Zones.

**Zoning Ordinances.** The City of Inkom Zoning Ordinances.