

BY THE COUNCIL: HORTON, KULL, WILLIAMS & YOUTZ

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ZONING REGULATIONS WITH COUNTY/CITY; PROVIDING FOR THE TITLE INTERPRETATION AND ENACTMENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR ESTABLISHMENT AND PURPOSE OF DISTRICTS; PROVIDING FOR OFFICIAL ZONING MAP; PROVIDING FOR DISTRICT REGULATIONS: PROVIDING FOR OFFICIAL SCHEDULE OF DISTRICT REGULATIONS; PROVIDING FOR OFFICIAL HEIGHT AND AREA REGULATIONS: PROVIDING FOR FLOOD PLAIN OVERLAY DISTRICT (FP); PROVIDING FOR DESIGN REVIEW OVERLAY DISTRICT (DR); PROVIDING FOR PERFORMANCE STANDARDS; PROVIDING FOR SPECIAL USE PERMITS; PROVIDING FOR PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR NON-CONFORMING USES PROVIDING FOR OFF-STREET PARKING AND LOADING FACILITIES; PROVIDING FOR SIGNS; PROVIDING FOR APPEAL, VARIANCE AND ACTION BY AFFECTED PERSONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR AMENDMENT; AND PROVIDING FOR EFFECTIVE DATE.

ARTICLE 1

TITLE, INTERPRETATION AND ENACTMENT

SECTION A. TITLE

This Ordinance shall be known as the "Zoning Ordinance of (County/City)" of Garden City, Idaho.

SECTION B. AUTHORITY

This Zoning Ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.

SECTION C. PROVISIONS OF ORDINANCE DECLARED TO BY MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern.

SECTION D. COMBINING OF PERMITS

The commission is hereby required to coordinate with other departments and agencies concerning all permits which may be required in this Ordinance and previously or subsequently adopted (County/City) Ordinances. A one-stop permit application and processing procedure may be developed with the respective departments and agencies for the purpose of reducing errors, misunderstanding, confusion and unnecessary delay for everyone involved.

SECTION E. SEPARABILITY CLAUSE

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

SECTION F. REPEAL OF CONFLICTING ORDINANCE - EFFECTIVE DATE

All Ordinances or parts of Ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

5. Considerations relating to drainage;
 - a. The effect of the site development plan in relation to the adequacy of the storm and surface water drainage proposals.

SECTION E. ACTION BY COMMISSION

Within forty-five (45) days after receipt of an application for Design Review, the Commission shall investigate and hear every application and shall either approve or deny such application. In approving an application, the Commission may impose additional conditions or limitations as deemed necessary. Upon granting or denying the application the Commission shall specify:

1. The Ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

The Commission shall direct the Administrator to issue a Zoning Certificate listing the conditions as specified by the Commission. The applicant or any person who appeared in person or in writing before the Commission may appeal the decision of the Commission to the (Board/Council), provided the appeal is submitted to the (Board/Council) within fifteen (15) days from the Commission's action.

SECTION F. NOTIFICATION TO APPLICANT

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

SECTION G. APPEAL TO (BOARD/COUNCIL)

Upon receipt of an appeal from the action of the Commission, the (Board/Council) shall set a hearing date to consider all information, testimony and Commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the Commission. The (Board/Council) shall only overrule the Commission by a favorable vote of one-half (1/2) plus one (1) of the full (Board/Council).

ARTICLE XI

PERFORMANCE STANDARDS

SECTION A. GENERAL

The purposes of Performance Standards is to set specific conditions for various uses, classification of uses or areas where problems are frequently encountered,

SECTION B. SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this Ordinance, the following provisions shall be adhered to:

1. Visibility at Intersections - On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street right-of-way lines twenty-five (25) feet from the point of intersection;
2. Fence and Wall Restrictions in Front Yards - In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard between the height of two and a half (2 1/2) feet and ten (10) feet;

12. Outdoor Storage of Commercial and Industrial Materials -
 - a. Will be screened from view from any existing adjoining residence or residentially 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;

13. Riding Stables and Schools -
 - a. Will locate all stables or loafing sheds not nearer than one hundred (100) feet from any residence, except for an 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;

14. 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 periods of use;

15. Sanitary Landfill -
 - a. Will conform to time limits for daily operation as defined by the (Board/Council);
 - b. Will provide a bond, for privately owned sites, to insure compliance with the provisions of the zoning certificate;
 - c. Will provide for a paved street to the facility; and
 - d. Will be supervised during the hours of operation;

16. Wrecking Yard -
 - a. Will be completely enclosed by a solid six (6) foot high site obscuring fence;
 - b. Will not result in the storage of automobile, junk or salvage material that is visible from any public right-of-way;
 - c. Will not result in the storage of automobiles that exceed the height of the fence; and
 - d. Will have such landscaping that is appropriate with the surrounding area.

ARTICLE XII

SPECIAL USE

SECTION A, GENERAL

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

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

SECTION B, CONTENTS OF APPLICATION FOR SPECIAL USE PERMIT

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