

ORDINANCE NO. 351

**AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO,
PROHIBITING THE USE OF AIR COMPRESSION BRAKES WITHIN THE CITY LIMITS,
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, The City Council has determined that the health, safety and welfare of the citizens of Idaho City would best be served by prohibiting the use of air compression brakes within the city limits;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:

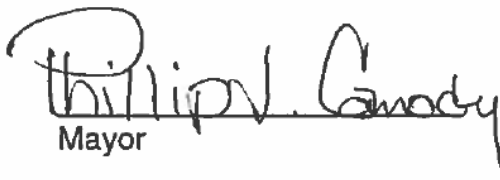
SECTION 1. USE OF AIR COMPRESSION BRAKES PROHIBITED: The use of air compression brakes by any vehicle, defined in section 49-123(2), Idaho Code, or truck, defined in section 49- 121(10), Idaho Code, within the city limits is prohibited, except in circumstances of emergency where the use of air compression brakes is reasonably necessary to prevent an accident involving injury to persons or property.

SECTION 2. PENALTY: A violation of this section is herein declared to be an infraction and punishable as provided by the laws of the state of Idaho.

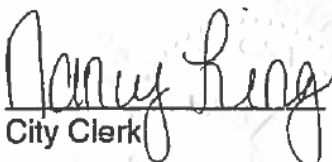
SECTION 3. That this ordinance shall be in full force and effect upon passage, approval and publication according to law.

PASSED BY THE COUNCIL of the City of Idaho City this 27th day of December, 2017.

APPROVED BY THE MAYOR of the City of Idaho City this 27th day of December, 2017.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 352

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, CREATING A NEW TITLE TO ADOPT A ZONING ORDINANCE, ESTABLISHING A PLANNING AND ZONING COMMISSION, ADOPTING AN OFFICIAL ZONING MAP, ESTABLISHING ENFORCEMENT PROVISIONS AND PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council finds, in order to promote the welfare of the citizens of Idaho City, that a Zoning Ordinance should be adopted to govern the use and development of lands within the city limits of Idaho City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:

CHAPTER 1. GENERAL PROVISIONS

Section 1. Title.

This title shall be known as the "Zoning Ordinance of Idaho City, Idaho."

Section 2. Purposes.

The purposes of this Zoning Ordinance are, consistent with the policies of the Comprehensive Plan, to separate, to the extent possible, land uses that might be incompatible with one another and to endeavor to assure public services sufficient to support land uses that are allowed.

Section 3. Legal Authority.

This title is enacted pursuant to authority granted by title 67, chapter 65, Idaho Code (Local Land Use Planning Act); title 50, chapter 13, Idaho Code (Plats and Vacations); and Article 12, Section 2 of the Idaho Constitution as currently comprised or as subsequently amended.

Section 4. Applicability.

This title shall apply, to the extent permitted by law, to all land and the use thereof, within the City of Idaho City boundaries (City limits). Lands owned by the government of the United States of America shall be governed hereby only to the extent provided by Federal law. Lands owned by the State of Idaho shall be governed hereby to the extent allowed by state law. The Planning and Zoning Commission or its Administrator shall have authority to act for the City. The Administrator is authorized to establish administrative procedures, develop application forms and administer the permitting

process as necessary to demonstrate compliance with this title and applicable provisions of state law.

Section 5. Minimum Requirements.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this title conflict with the express requirements of any other locally adopted title, the title providing the greatest measure of protection for the public health, safety and general welfare shall prevail.

Section 6. Buildings Previously Permitted or Under Construction at Time of Title Adoption.

Any building or structure for which a building permit has been lawfully issued or for which a completed application has been accepted prior to the effective date of this title may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, if construction is commenced and inspections are requested within one hundred-eighty (180) days after the issuance of said permit, and if construction is diligently pursued to completion.

Section 8. Certificate of Occupancy or Zoning Compliance Required.

It is unlawful to occupy or use any building or premises, or part of building or premises created, erected, changed, converted, wholly or partly altered, or enlarged in its use or structure until a certificate of occupancy and a certificate of zoning compliance has been issued. It is unlawful to establish any land use on lands within Idaho City other than agricultural use that does not constitute a confined animal feeding operation unless a certificate of zoning compliance has been issued. The Administrator may issue a temporary certificate of occupancy for a period of time, not exceeding nine (9) months, to allow for completion of weather-dependent work or improvements. Certificates of occupancy or certificates of zoning compliance issued on the basis of plans and applications approved by the Administrator or designee authorize only the use and/or arrangement set forth in such approved plans and applications or amendments, and no other uses or arrangements. The Planning and Zoning Commission shall maintain records of certificates of occupancy and certificates of zoning compliance at City hall.

Section 9. Information Required for Zoning or Building Permits.

An application for a permit governed by this title shall address the information necessary to determine compliance with this title and other applicable provisions of law. An application for a permit for any property located within the boundaries of the Idaho City Historic Preservation District shall include proof of compliance with the provisions of Title 8, Chapter 2 of Idaho City Code, the *HISTORICAL PRESERVATION TITLE OF IDAHO CITY, IDAHO*.

Section 10. Principles of Interpretation.

Provided that the context does not give rise to practical difficulties, interpretations of certain Zoning Title language and certain standards will usually be applied in the following manner:

A. Buildings Across Parcel Description Lines:

1. Provided legal and contiguous parcels of record are owned by the same property owner(s), building(s) that have been developed across property lines shall merge the properties into one parcel for the determination of zoning standards.

B. Fences and Wall Height Measurement:

1. Maximum fence and wall height shall be measured from the finished grade at the property line. That portion of a wall or fence functioning as a retaining wall shall not be counted in determining overall fence or wall height.

C. Yard Orientation on Through Lots:

1. On through lots, where public road frontage at both ends exists, either line may be designated by the Administrator as the front yard; however, the predominate orientation of existing structures and the presence of street access limitations on that block shall determine the front of the structure.

D. Setback Encroachments:

1. Setbacks shall not be less than the minimum dimension specified in the specific section, except as follows: Cornices, canopies, eaves, or other similar architectural features not providing additional floor space within the building may extend into a required side, front or rear yard setback no more than three feet (3'). Setbacks will be measured from the property line to the foundation of the structure. A minimum of ten feet (10') separation is required between adjacent building overhangs, canopies, etc. Paved, uncovered parking is generally allowed in setback areas, unless other restrictions provide to the contrary.

E. Interpretation of District Boundaries:

1. Where uncertainty exists with respect to the boundaries of any zoning district as shown on the Official Zoning Map, the following shall apply:
 - a. Where zone boundaries are indicated as approximately following the centerline of street or highway right-of-way lines, streams, lakes or

other bodies of water, the centerline shall be construed to be such boundary.

- b. Where zone boundaries approximately follow lot lines, such lot lines shall be construed to be the boundaries.
- c. Where zone boundaries are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such zone boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map.
 - i. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

CHAPTER 2. PLANNING AND ZONING COMMISSION

Section 1. Planning and Zoning Commission Established.

There is hereby established a Planning and Zoning Commission for Idaho City, which shall consist of 5 members. The Mayor shall appoint these members, with the consent of the City Council as provided by state law. The Mayor as provided by state law may remove appointed members.

Section 2. Membership on Commission.

At least 3 members shall be residents of the City, and up to 2 members may be residents of the area of the City impact jointly agreed upon with the County. Commission members shall be appointed for a term of 4 years.

Section 3. Planning and Zoning Commission – Idaho City and Authority.

- A. Idaho City Planning and Zoning Commission as established by this chapter shall be responsible for performing the duties set forth in the Local Land Use Planning Act and for fulfilling the duties of the City Council as set forth in this title.
- B. In addition to those activities where the Local Land Use Planning Act or this title has assigned responsibility to make recommendations to the City Council, the Planning and Zoning Commission shall have decision-making authority, subject to appeal to the City Council, concerning the following matters:
 - 1. Conditional Use Permits.
 - 2. Variances.

3. Appeals from decisions by the Administrator solely concerning associated conditions, approval or denial of permits authorized or required by this title.
 4. Applications expressly requiring Commission approval by this or other titles.
- C. The Commission shall carry out the following responsibilities concerning matters of planning and community development:
1. Initiate or review proposed amendments to the Comprehensive Plan and to conduct a periodic review of the Comprehensive Plan.
 2. Review all proposed amendments to this title and provide recommendations to the City Council.
 3. Review all planned unit developments and other actions authorized by this title and, where applicable, provide recommendations to the City Council.
 4. Hear and decide appeals where there is an alleged error of law in any order, requirement, decision, interpretation or determination made by the Administrator as authorized by this title.

Section 4. Planning and Zoning Commission - Organization.

The Commission shall select a Chairman and Vice-Chairman annually at the initial meeting in January and create and fill any other office(s) that it may deem necessary. The Commission may establish subcommittees, advisors, etc. to assist in carrying out the responsibilities of the Commission. Written organizational by-laws and procedural rules may be adopted consistent with this title and laws of the state.

Section 5. Rules, Recordkeeping and Meetings.

All meetings and records of the Commission shall conform to open meeting act and public records act, respectively. Meeting schedules and other aspects of Commission activities shall comply with state law.

Section 6. Planning and Zoning Commission - Expenditures and Staff.

With approval of the City Council, the Commission may receive and expend funds, goods and services from the federal government or agencies and instrumentalities of state or local government or from civic and private sources and may contract with these entities and provide information and reports as necessary to secure aid. Expenditures by the Commission shall be within the amounts appropriated by the City Council. The Commission may contractually bind Idaho City only with City Council approval.

Section 7. Conflict of Interest.

A member of the City Council or Commission, or an Idaho City employee, shall not participate in any proceeding or action when the person, or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second (2nd) degree, has an economic interest in the procedure or action. Any actual or potential interest in any proceeding or legally significant *ex parte* contact should be disclosed at or before any meeting at which the action is being heard or considered. Any such disclosure shall be noted in the minutes.

CHAPTER 3. ADMINISTRATION OF ZONING TITLE

Section 1. Administrator - Designation.

This title shall be administered by an Administrator appointed by the Mayor.

Section 2. Administrator – Responsibility and Authority.

For the purposes of this title, the Administrator shall have the following responsibility and authority:

- A. Advise interested persons regarding zoning and subdivision title provisions.
- B. Notify the public and interested media as required by law.
- C. Advise applicants regarding required applications and title compliance.
- D. Administer and issue land use and development permits, notifications and similar administrative duties.
- E. Investigate possible violations of this title and take the actions necessary and appropriate to remedy such violations.
- F. Assist the Planning and Zoning Commission and City Council in implementing the provisions of this title.
- G. Any employee or agent designated by the Mayor or City Council of Idaho City may act on behalf of Idaho City concerning any matter or proceeding arising out of this title.

Section 3. Coordination with Other Departments.

The Administrator is directed to coordinate with other City departments and public agencies concerning all permits which may be required by this title and by previously or subsequently adopted laws.

Section 4. Fees.

The City Council will establish by resolution a schedule of fees, charges and expenses and for matters pertaining to the administration and enforcement of this title requiring investigations, advisory reports, inspections, legal advertising, postage and other expenses. The schedule of fees will be available City hall and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full; no application shall be deemed complete for processing pursuant to this title.

Section 5. Appeal of Decisions by Administrator.

Any administrative decision made by the Administrator may be appealed to the City Council. Any such appeal shall be in writing and shall clearly set forth the legal basis upon which the appeal is brought. The party to whom the appeal is made shall establish procedures appropriate to the question presented. After considering information that the appellate decision-maker deems necessary and appropriate, they shall render a written decision setting forth the rationale for the conclusion reached.

CHAPTER 4. PUBLIC HEARINGS

Section 1. Public Hearings – Purpose.

Public hearings are distinguished from ordinary public meetings by expressly allowing active public participation in the planning and zoning process. The purpose of the public hearing process is to gather information from the public concerning issues relevant to making a decision concerning particular issues and requests. Public hearing opportunities are governed by procedures adopted by resolution of the City Council and are subject to management by the Chairman of the meeting at which the public hearing occurs. Public hearing procedures provide general guidelines and may be varied in order to allow orderly decision-making that respects the interests of all parties concerned with a proposal or request. Legislative hearings are conducted to obtain general public comment about proposals to change planning and zoning law. Quasi-judicial hearings address specific applications for permits or approvals and must maintain due process protections for all with qualified interests.

Section 2. Public Hearing - When Required.

The purpose of a public hearing is to give potentially affected persons an opportunity to offer oral testimony in support of or in opposition to an application or proposal. The resultant opinions and evidence submitted create part of the record upon which the decision-makers must base their decisions. Any of the following planning and zoning activities will be required to hold a public hearing or hearings in accordance with the applicable requirements of state law. If any provision of this title conflicts with state law, provisions of state law shall prevail.

A. Zoning Title Text and Map Amendments and Zoning District Overlays:

1. These procedures require a mandatory public hearing before the Planning and Zoning Commission and an optional public hearing before the City Council. The

City Council shall render decisions concerning Zoning Title text and map amendments either by passing an amending title or declining to do so.

B. Variances:

1. Variances require a public hearing before the Planning and Zoning Commission. The Planning and Zoning Commission shall render decisions concerning variance applications, subject to appeal to the City Council.

C. Conditional Use Permits:

1. Conditional use permits require a public hearing before the Planning and Zoning Commission. The Commission shall render decisions concerning Conditional Use Permit applications, subject to appeal to the City Council.

D. Planned Unit Developments (PUD):

1. PUD permits require one public hearing before the Planning and Zoning Commission and an optional public hearing before the City Council. PUD permits are to be decided by the City Council after receiving a recommendation from the Planning and Zoning Commission.

E. Zoning Designation Upon Annexation:

1. Zoning upon annexation requires public hearings before the Planning and Zoning Commission and the City Council. The City Council shall decide zoning designation(s) upon annexation after a Planning and Zoning Commission recommendation has been received.

Section 3. Public Hearing Notice.

Prior to any required public hearing, notice shall be provided as required by law. The City of Idaho City will administer provision of public notice. The applicant may be required to supply an ownership report prepared by an Idaho-licensed title company containing all current property owners in order to provide required notice. Any such obligation shall conform to the administrative direction provided by the Administrator.

Section 4. Alternative Public Hearing Notification.

When public hearing notification is required for two hundred (200) or more property owners or purchasers of record, the alternative procedure for official notice provided in sections 67-6511 and 67-6512, Idaho Code or their successor, shall be given. The applicant shall bear the cost of alternative public hearing notice as determined by the Administrator.

Section 5. Public Hearing Procedures - Required.

- A Public hearing procedures shall be established by resolution of the City Council consistent with state law. For public hearings associated with changes to the Comprehensive Plan, amending the zoning map, amending the subdivision or related titles, modifying the zoning map or considering changes to other land use titles for which a hearing is required by state law, there shall be at least one (1) public hearing required, such hearing(s) to be held by the Planning and Zoning Commission, with an additional hearing to be conducted by the City Council upon its decision to do so.
- B For public hearings concerning conditional use permit applications, variances, subdivisions, and planned unit developments, there shall be one (1) public hearing required, such hearing to be held by the Planning and Zoning Commission. Either the City Council or the Mayor may schedule an additional public hearing concerning such matters. Any additional meeting for a decision, by appeal or otherwise, comes to the City Council. Such hearing is optional based upon the discretion of the City Council. Whenever Idaho Code authorizes the use of a hearing examiner, the City Council may approve a resolution or motion authorizing use of a hearing examiner as an alternative to the Planning and Zoning Commission whenever it deems such use to be appropriate.

Section 6. Appeals.

An appeal is a request challenging the propriety of a land use decision or interpretation of the Zoning Title by the Administrator, the Planning and Zoning Commission or a hearing examiner if one should be employed. Fees governing appeals must be paid and the specific legal basis for appeals must be stated in writing before an appeal will be deemed accepted for consideration. Appeals will follow the procedures specified below. An appeal that has not been perfected by payment of fees or statement of issues may be dismissed in the sound discretion of the City Council.

- A. Appeals of final decisions made by the Planning and Zoning Commission or hearing examiner shall follow procedures established by City Council resolution. Any such appeal shall include the specific legal basis for appeal and the result sought through the appellate process. Employing whatever procedure(s) it deems appropriate in accordance with its procedures resolution, the City Council will render a written, reasoned decision that will be communicated to the appellant and/or applicant as required by law.
- B. Appeals of decisions made by the Administrator shall use procedures established by City Council resolution. Any such appeal shall include the specific legal basis for appeal and the result sought through the appellate process. Employing whatever procedure(s) it deems appropriate in accordance with its procedures resolution, the Planning and Zoning Commission or the City Council should render a written, reasoned decision that will be communicated to the appellant and/or applicant as required by law.

Section 7. Reconsideration.

Reconsideration is a procedure by which an applicant or other affected person seeks to have a final decision-maker revisit the outcome or rationale of a quasi-judicial land use decision. A request for reconsideration must be initiated within no more than seven (7) days after a final decision is made and must address a specific error or omission. The determination to reconsider rests solely in the discretion of the decision-maker. If the decision-maker agrees to reconsider it shall specify the procedures to be followed and inform those entitled to notice. If the decision maker determines that it will not reconsider, it should state the reasons why and notify those entitled to notice. The decision not to reconsider shall be deemed a final decision for purposes and timing of maintaining an appeal. A decision to reconsider shall toll the time for appeal until a final decision has been rendered after reconsideration.

CHAPTER 5. ZONING DISTRICTS

Section 1. Establishment of Zoning Districts.

In order to classify, regulate, restrict, and segregate the uses of lands and buildings from incompatible uses, to allow uses where public infrastructure is sufficient to support such uses, to regulate and restrict the height, bulk and construction of buildings, to regulate the dimensions and area of yards and other open spaces around buildings and uses, to implement the policies of the Comprehensive Plan, and to regulate the intensity of land use and the density of residences, the zoning districts set forth herein are established and shall be applied as depicted upon the adopted Official Zoning Map of Idaho City.

Section 2. Effect of Zoning.

The regulations for each district set forth by this title are minimum regulations and shall apply to each type of land use, except as otherwise provided. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with the regulations specified in this title for the zoning district in which it is located. No building or other structure shall be erected or altered to provide for greater height or bulk, accommodate or house a greater number of residential units, or to occupy a greater percentage of lot area than allowed by this title. No yard area or lot existing at the time of passage of this title shall be reduced in dimension or area below the minimum requirements set forth in this title. Yards or lots created after the effective date of the title codified in this title shall meet at least the minimum requirements set forth in this title. Uses and structures lawfully existing on the date of adoption of this title may continue so long as they are not changed in ways that conflict with provisions of this title. No aspect of nonconformity may be expanded contrary to the provisions of this title, except by means of variance or special exception. The uses allowed by zoning districts are exclusive. Only land uses authorized by this title or by administrative application of

provisions of this title may be established in the land use zones depicted on the Official Zoning Map. The descriptions of types of land use zones addressed by this title are intended to explain, in general terms, how zones will be applied to implement the Comprehensive Plan. The specific entries in the use and bulk and placement matrices are intended to identify specific uses that fit within the general descriptions set forth in this chapter.

Section 3. Residential Zones.

Residential (R) zones are intended to provide a living environment that supports a place for families and individuals to live with limited adverse influence from commercial or industrial activity and to permit other accessory uses that are associated and compatible with residential use. Certain residential zones may be established that allow higher residential densities, and hence higher activity levels, but always with the goal of enjoyment of a residential environment. Residential zones are primarily applied in the areas designated Residential in the Comprehensive Plan. Permitted uses, conditionally permitted uses and lot area and building bulk and placement requirements shall comport with the standards set forth in the zoning matrix contained in this title. A primary distinction between low density and higher density residential neighborhoods should be the ability of community infrastructure to accommodate higher levels of activity without creating undue congestion, without unduly stressing utility systems that support development and without compromising the quality of public facilities available to provide public service.

Section 4. Commercial Zones.

Commercial (C) land use zones are intended to support uses that include retail sales and services for household and traveling consumers by allowing a variety of retail, professional, or service businesses. Businesses involving the manufacture, processing, or fabrication of goods or providing service or repair to commercial products or equipment are not generally permitted unless activities can be conducted within buildings that can thrive in the midst of commercial infrastructure. Commercial zones are to be applied in areas identified by the text and mapping of the Comprehensive Plan as being suitable for commercial business, primarily addressing lands located near arterial and collector streets. Residential uses may be allowed within a commercial zone by conditional use permit when the presence of housing will not compromise present or future commercial uses or when the housing environment within the commercial zone will not be unsuitable for residential occupancy by virtue of congestion, environmental factors or activity levels. Uses permitted by right in the Industrial zone may be conditionally allowed in certain commercial zones by conditional use permit so long as no industrial activities or processes are conducted outdoors or in a manner that creates adverse environmental effects.

Section 5. Industrial Zones.

The Industrial (I) land use zone permits light industrial uses such as warehousing, assembly, processing and light manufacturing as permitted uses and conditionally allows heavy industrial uses such as fabrication, manufacturing, refining and processes that produce external effects such as noise, emissions, and outside activities by conditional use permit. The Industrial zone is primarily applied in areas designated suitable for industrial development by the text and future land use map of the Comprehensive Plan. Residential uses may only be established in an Industrial one if subordinate and accessory to a primary industrial use and should be permitted only by conditional use permit.

Section 6. Government Use Zones.

Land uses to be established by government agencies (G) may be permitted in accordance with the use matrix adopted as part of this title. Any such use shall be subject to provisions of state and federal law.

Section 7. Mixed Use Zones.

Mixed Use (MU) zones provide for a variety and mixture of uses such as limited office, limited commercial, and residential. This zone is intended to ensure compatibility of new development with existing and future development. It is also intended to ensure assemblage of properties in a unified plan with coordinated and harmonious development which shall promote outstanding design without unsightly and unsafe strip commercial development.

Section 8. Official Zoning Map.

The zones established in this title shall be applied as depicted on the Official Zoning Map which is hereby incorporated into this title by reference as it exists today or as modified by the text of subsequent amending ordinances. The Administrator shall maintain the Official Zoning Map to reflect changes made by the City Council from time to time and shall depict such changes on the Official Zoning Map. Each change shall be documented at the time the map is modified, including reference to the titles authorizing changes. A register of such changes including descriptions of the lands affected thereby shall be maintained by the Administrator throughout the duration of the existence of the Official Zoning Map, until it is superseded by a replacement zoning map.

CHAPTER 6. PROCEDURES

Section 1. Amendment of Zoning Map.

- A The City Council, after receiving a recommendation from the Planning and Zoning Commission or hearing examiner, may amend, by title, the boundaries of the zoning district classifications of lands in accordance with applicable provisions of Idaho Code and this title. Amendments to the zoning map should generally be in accordance with the future land use map and the text of the City of Idaho City Comprehensive Plan.

- B Any application for a zoning map amendment or to apply zoning upon annexation shall include the information required by the application forms supplied by the Administrator, the information required by state law and information otherwise required by this title or by the Administrator, Commission, Hearing Examiner or City Council. In addition to information required by the application form, an application to change zoning district boundaries shall provide a description of the amendment or zoning requested along with a statement that describes the rationale for the request, how it would better implement the Comprehensive Plan, and the public purpose that would be achieved by amendment of the zoning map. All applications for zoning map amendments or zoning upon annexation shall be submitted to the Planning and Zoning Commission or to the designated hearing examiner, which shall recommend action to the City Council that may adopt, modify, or reject the proposed amendment.
- C Upon granting or denying an application to amend the zoning map, the City Council shall explain its rationale for doing so, making reference to title standards and Comprehensive Plan policies relied upon in evaluating the application and stating the reasons for approval or denial. An amendment, if approved, shall be implemented by the passage of an title or as otherwise required by law.

Section 2. Amendment of the Text of the Zoning Title.

- A The City Council, after receiving a recommendation from the Planning and Zoning Commission or hearing examiner, may amend, by title, the text of this Zoning Title in accordance with applicable provisions of Idaho Code and the Idaho City Comprehensive Plan.
- B Any application for a Zoning Title text amendment shall address the questions posed by the application forms supplied by the Administrator, the information required by state law and information otherwise required by this title or by the Administrator, Commission, Hearing Examiner or City Council. In addition to information required by the application form, an application to change the text of the Zoning Title shall provide a description of the amendment requested along with a statement that describes the rationale for the request, the proposed text of the amendment, how it would better implement the Comprehensive Plan, and the public purpose that would be achieved by amendment of the Zoning Title. All applications for Zoning Title text amendments shall be submitted to the Planning and Zoning Commission which shall recommend action to the City Council, which may adopt, modify, or reject the proposed amendment. An amendment, if approved, shall be implemented by the passage of an title. Amendment of the text of the Zoning Title is a legislative act committed to the sound discretion of the City Council.

Section 3. Land Use and Schedule of Area and Height Regulations.

- A. Adoption of Land Use Tables – Purpose:

The purpose of this section is to identify permitted and conditionally permitted land uses within the Idaho City in order to foster compatibility with uses in the same land use designations and to promote a measure of protection against the intrusion of the effects of incompatible land uses. The use of land is characterized by the activity for which the building, improvements or lot is designed, configured, conducted, occupied, or maintained. A land use that will not operate for more than thirty (30) days in any calendar year should be considered a temporary use, subject to the requirements governing temporary uses. Unless a temporary use permit has been approved pursuant to titles of Idaho City, establishment of any land use will be presumed to require compliance with all applicable provisions of this title.

B. Interpretation of Land Use Tables:

1. Matrix-style land use tables that address allowable uses and building bulk and placement standards are made part of this title and shall be interpreted consistent with the principles and rules set forth in this section.
 - a. If the letter "P", for "Permitted", appears in the box at the intersection of a column and a row, the use is allowed in that classification, subject to the development and operational requirements of this and other applicable title provisions.
 - b. If the letter "C", for "Conditionally Permitted", appears in the box at the intersection of a column and a row, the use is conditionally allowed in that classification, subject to obtaining a conditional use permit and subject to the development and operational requirements of this and other applicable title provisions. The responsibility of demonstrating that a conditional use permit request is appropriate rests with the applicant.
 - c. Uses not designated as permitted (P) or conditionally permitted (C) are prohibited. The land use table in this section indicates whether a specific use is allowed in a zone classification.
 - d. Any proposed use not listed in the table may be classified by the Administrator as a permitted use (P), conditional use (C), or prohibited, based on the listed use(s) to which the proposed use is most similar. If the Administrator determines that the proposed use is not similar to any use in the table, the proposed use shall not be permitted. The determination of the Administrator may be appealed to the Planning and Zoning Commission as provided herein.

C. Zoning Designation Matrix:

Land Use

	R	C	I	G	MU
Single-family	P	P			P
Duplex	P	P			P
Multi-family	C	P			P
Mobile home	C				P
Manufactured housing	P				P
Animal boarding facilities					C
Automotive sales/service		P			
Bed and breakfasts	C	P			C
Churches		C			C
Communication transmitters, towers					C
Community use centers				C	C
Equine centers, including stables, riding arenas, riding schools and trails		C			C
Grocery and convenience stores		P			C
Home occupations/accessory uses		P			C
Hotels/motels		P			C
Laundromats, dry cleaners		P			C
Limited service	C	P			C
Maintenance and storage facilities			P		C
Medical clinics/medical buildings or facilities		P			C
Parking and transit service facilities			P		C
Parks, playgrounds, indoor/outdoor recreation				C	C

facilities, campgrounds,
golf course facilities

Professional offices

P P C

Public or private airports,
helipad pads

C C

Restaurants, bars,
brewpubs, nightclubs

P C

Sales or marketing
facilities and model homes

P

Spas, salons, health clubs
and fitness centers

P C

Theaters, movie houses or
other entertainment uses

P C

Uses related to on site
development and
construction, including
rock quarries, rock
crushing and storage,
asphalt and concrete batch
facilities and associated
manufacturing,
construction yards, storage
and administrative
buildings and landscape
nurseries

C

Wholesale/retail

C P C

Light manufacturing

C P

Heavy manufacturing

C C

General agriculture

P

Timber production

P

Governmental buildings
and facilities

C

Public and private clubs,
lodges, or social halls,
including all related
buildings and facilities

C C

Public and private schools, daycare facilities, preschools and other educational facilities	C	C		C	C
Public recreation				C	C
Public service and utility services, including all related buildings and facilities			P		

D. Schedule of Area and Height Regulations:

District	Maximum Height (Feet)	Minimum Yard Requirements (Feet)			Maximum Lot Coverage (Percent)	Minimum Lot Area Per DU (Square Feet)	Density (Dwelling Units Per Acre)
		Front	Rear	Side			
R	35	25	25	20	30	5,000	8
C	35	25	10	5	60	5,000	-
I	35	0	0	0	100	5,000	-
G	35	12	20	0	40	5,000	-
MU	35	10	15	0	80	1,000	10

CHAPTER 7. PERMITS AND APPROVALS

Section 1. Conditional Use Permits.

A. Conditional Use Permits – Standards:

The purpose of this section is to establish standards and a framework of procedures for consideration of requests for conditional use permits. Conditional uses are not permitted by right in a particular zoning district but may be authorized following a public hearing provided that they comply with the standards established by this title. "Conditional use" as used in this title is the same as "special use" referenced in section 67-6512, Idaho Code, as such Code provision exists at the time of enactment of this title. A conditional use permit is not transferable from one parcel of land to another, nor shall it be considered as establishing a binding precedent to grant other conditional use permits in similar locations or circumstances. As its name implies, a conditional use permit may be issued subject to performance or compliance with conditions as outlined in this title and as addressed by the specific proposal or application.

B. Procedures:

Conditional use permit requests require a public hearing before the Planning and Zoning Commission (or hearing examiner) following appropriate procedures. Notice shall comply with legal requirements established by Idaho Code. Any decision by the

Planning and Zoning Commission may be appealed to the City Council by an affected person within no more than fourteen (14) days after the final decision of the Planning and Zoning Commission has been rendered. Any such request to appeal must be signed by the appellant and received by the Administrator within the time constraints established by this title. An appeal not timely filed shall be dismissed. Failure to appeal a decision of the Planning and Zoning Commission to the City Council shall constitute a failure to exhaust administrative remedies pursuant to this title.

C. Application Required:

A completed conditional use permit application shall be submitted to the Administrator which shall include, among other matters addressed by the application form; a description of the use proposed; the manner of implementation of the proposed use including information about appearance, materials to be used and configuration; how it would be compatible with infrastructure and land uses, present and future; and why the proposal would be in the public interest.

D. Hearing and Standards of Decision:

As its schedule and agenda allow the Planning and Zoning Commission shall conduct a public hearing and shall consider testimony and other evidence and review the particular facts and circumstances of each proposed conditional use. In considering a conditional use request, the Planning and Zoning Commission may attach appropriate conditions to mitigate impacts and to ensure conformance with the intent of the Comprehensive Plan and applicable provisions of this title. An application for a conditional use permit may be approved as presented, conditionally approved, or denied by the Planning and Zoning Commission upon determining the following:

1. Whether the proposed conditional use would/would not conform with the purposes and express terms of the applicable zoning district in which it would be located.
2. Whether the proposed use constitutes an allowable conditional use as established by this chapter for the zoning district involved, and complies with all other applicable laws, titles, and regulations of Idaho City and the State.
3. Whether the proposed conditional use as presented will/will not be compatible with the health, safety, and welfare of the public in general and with present or future land uses in the vicinity of the proposal.
4. Whether the proposed conditional use will/will not further positive development of the vicinity in accordance with relevant policies set forth in the Comprehensive Plan and land use titles.

E. Conditions:

When granting a conditional use permit, the Planning and Zoning Commission may attach conditions and requirements specific to the proposal including, but not limited to:

1. Minimizing conflicts with present or future development.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Controlling the location and setbacks of development.
6. Requiring more restrictive standards than those generally required in the zoning title for uses permitted outright. Such more-restrictive standards may include but not be limited to:
 - a. additional setbacks,
 - b. requiring development within time limitations,
 - c. height restrictions,
 - d. additional landscaping or screening,
 - e. lighting restrictions,
 - f. signage restrictions,
 - g. selection of building or hardscape materials,
 - h. location of site accesses,
 - i. location of site features,
 - j. prescribing site layout,
 - k. circulation or grading,
 - l. restricting hours of operation or activity,
 - m. design limitations,
 - n. circulation limits for vehicles or pedestrians,
 - o. control of site drainage or area wide drainage patterns,
 - p. prescribing specific use limitations and such other features of use or site development as may be needed to enhance compatibility with use of surrounding lands and public facilities.

F. Written Decision Required:

Whenever granting or denying an application for a conditional use permit, the Planning and Zoning Commission shall render its decision in writing.

G. Permits and Progress Required:

Unless expressly allowed to the contrary by the terms of a conditional use permit, if permits for development of a requested conditional use have not been issued within

six (6) months of the date of granting a conditional use permit or if development of the approved conditional use has not commenced with sustained effort to complete development within one (1) year after granting approval of the conditional use permit, the conditional use permit shall become null and void, unless the Planning and Zoning Commission or the City Council, whichever gave final approval, has granted an extension, such extension not to exceed twelve (12) months upon a showing of good cause by the applicant. An extension to the permit may only be granted if applied for in writing to the approving body prior to the date of expiration and if the approving body finds, upon review of the record, that an extension is warranted due to weather or other circumstances outside control of the applicant.

H. Violation – Revocation or Penalty:

Any conditional use that operates in violation of the requirements or conditions established for a conditional use permit, pursuant to this Chapter, may be revoked and the use restricted, suspended, and/or be subject to penalties for violation of this title. Enforcement of provisions of terms of conditional use permits issued pursuant to provisions of this title may be by criminal penalty or by civil action seeking to obtain compliance.

Section 2. Variance.

- A. A variance is a discretionary exception to the requirements of the Zoning Title concerning bulk and placement standards such as lot area, lot coverage, width, depth, setbacks, parking location requirements, height, or any other title provision affecting the size of a structure or the placement of the structure upon the property. Variances may be permitted when, due to unusual natural physical characteristics of the site, a literal enforcement of the provisions of this title would result in unnecessary hardship denying an owner all reasonable use of the owner's land. An applicant for a variance bears the responsibility for demonstrating an undue hardship because of unique physical characteristics of the site, and after meeting that obligation must demonstrate that the implemented variance would not harm the public interest.
- B. A complete application using an application form supplied by the Administrator shall include a site plan, a written description of the variance requested, reasons why the variance is warranted, and any supporting documents. The application will be scheduled for public hearing whenever it can be accommodated by the schedule of the hearing body.
- C. At least one (1) public hearing must be held before the Planning and Zoning Commission using the hearing and notice procedure required by state law.
- D. The Planning and Zoning Commission shall consider the following when deciding a variance request:

1. Whether unvaried application of the provisions of this title would deprive the applicant of all reasonable use of his land and whether circumstances exist that are peculiar to the natural conditions of the land in ways not generally applicable to other lands in the community.
 2. Whether the variance, if granted, would harm the public interest by adversely affecting public safety, the environment or the legitimate interests of neighboring owners.
- E. When granting or denying an application, the Commission shall specify the relevant facts considered in evaluating the application, the reasons for approval or denial, and the actions, if any, that the applicant could take to obtain a permit. The applicant will be notified of the decision in writing. A variance decision may be appealed to the City Council within fourteen (14) days of final action by the Planning and Zoning Commission by an applicant or other affected person.

Section 3. Decisions by the Planning and Zoning Commission and City Council – Form.

- A. All decisions made by the Planning and Zoning Commission or City Council shall be made in a manner and form consistent with the requirements of Idaho law. Decisions that are deemed quasi-judicial shall identify relevant facts and provisions of law that lead to the conclusion reached. In recognition that such requirements may change from time to time by virtue of judicial decision and legislative enactment, decision-makers are referred to relevant provisions of state law for guidance in shaping decisions required by this title.
- B. All decisions that are deemed legislative decisions by requirements of state law shall be undertaken in the same manner that legislative decisions are typically made.

Section 4. Temporary Use Permit.

- A. Temporary uses may be allowed in appropriately zoned areas without full site development as otherwise required by this title. Such uses may include, but are not limited to, erection of temporary structures such as tents, fences, booths or parking of trailers for activities such as carnivals, circuses, fairs, religious meetings, temporary outdoor displays and/or sale of Christmas trees, art objects or other items and other similar activities conducted either outdoors or within temporary structures. A temporary use is a land use established for a period of time not to exceed ninety (90) days in a calendar year and does not require permanent site improvements. The actual use embodied by a temporary use permit must be a permitted use in the zoning district in which it is proposed to be located. The temporary use permit may be allowed subject to conditions required by the Administrator so long as the Administrator determines that granting the Temporary Use Permit will not harm the public interest if the required conditions are complied with.

- B. An application for a temporary use shall include a written description of the use, proposed starting date of the use, and a site plan that shows the location of the use, access, setbacks from property lines, parking, restroom facilities (if applicable), and any other pertinent information that the Administrator may require to evaluate the use. An application for a temporary use with a duration in excess of thirty (30) days shall include the names and addresses of abutting land owners. The Administrator will prepare a notice of the administrative permit request and mail it to abutting property owners who will have seven (7) days from the date of mailing within which to respond with written comments supporting or opposing the request. Notice of the proposal may also be sent to Idaho City operating departments for comment.
- C. A temporary use may be approved, approved with conditions or denied by the Administrator. A temporary use permit is valid on the date of approval or on the date requested by the applicant and will be valid for the time period requested or no more than ninety (90) days during a calendar year, such days to be designated at the time of issuance. The Administrator, when deciding a temporary use permit request, should consider the following:
 - 1. Whether the proposed temporary use would be consistent with the general policies of the Zoning Title and Comprehensive Plan.
 - 2. Whether the use would otherwise be permitted within the zoning district wherein located.
 - 3. Whether granting the temporary use permit would be detrimental to the nearby neighborhood or to the community in general.
 - 4. Whether the proposed temporary use would create a traffic hazard.
 - 5. Whether the proposed temporary use would impair the functioning of community facilities or delivery of public services.

Section 5. HOME OCCUPATION PERMITS.

- A. Certain limited business or professional uses may be conducted as a home occupation within a residential dwelling as a permitted land use subject to specific limitations established to maintain compatibility with the surrounding residential neighborhood. Examples of permissible use types include home offices, home child care, handicrafts, computer activities, tailoring, barber/hair salon or similar businesses. The purpose of this section is to establish standards for home occupations that retain and do not disturb the residential character of a neighborhood.
- B. Before establishing a home occupation, an application fee must be paid, and an application must be approved by the Administrator, in response to an application which addresses necessary information to demonstrate compliance with this title in addition to providing an accurate and concise description of the requested home occupation.

- C. The Administrator will review the application materials and may grant, grant with conditions, or deny a home occupation permit upon finding that the home occupation will not change the character of the neighborhood or create a nuisance. A permit may be revoked or a violation may be prosecuted for non-compliance with title standards or conditions of approval. A decision by the Administrator may be appealed to the Planning and Zoning Commission and thereafter to the City Council respectively, in accordance with procedures established by this title and by the procedures resolution of Idaho City. A Home Occupation Permit is non-transferable and is valid so long as there is compliance with the conditions of approval issued with the permit and home occupation standards set forth herein are met (*alternative – can have annual permit renewal, subject to compliance review and renewal payment*).
- D. Home Occupation Performance Standards. All home occupations shall comply with the following standards, in addition to the site-specific conditions required by the Administrator:
1. The home occupation must be clearly subordinate, both visually and with respect to space occupied, to the primary residential use. Not more than one third (1/3) of the floor area of the actual dwelling unit may be used in the conduct of the home occupation.
 2. No outside storage of goods, equipment, materials or other instruments of production or packaging of any kind related to the home occupation shall be permitted.
 3. No home occupation shall create a need for parking or traffic beyond that required for the primary single-family residential use.
 4. There shall be no change in appearance that would alter the residential character of the premises.
 5. No more than one sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal residence, is permitted.
 6. A permitted home occupation shall have no more than one full-time employee equivalent who is not a family member on the premises.
 7. Employees (other than the resident and one employee), of a permitted home occupation, may not work, gather, park, or meet, at the residence of a home occupation on a regular or frequent basis.
 8. A home occupation must be fully enclosed within the residence or approved accessory building. Home occupation daycare shall provide care to no more than five (5) children at any time, inclusive of residents of the household requiring

daycare. Daycare for more than five (5) children in a home shall require a conditional use permit, if allowed by the zone where the home is located.

9. Excepting activities conducted exclusively indoors with no external consequences, operation of a permitted home occupation shall not be conducted prior to 7:00 a.m. or after 11:00 p.m.
10. No home occupation shall create noise, dust, vibration, odors, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance beyond that caused by typical single-family residential occupancy in a residential neighborhood.
11. Uses of the following type or with the following characteristics are expressly prohibited as home occupations:
 - a. Repair and/or servicing, storing or painting of automobiles, trucks, boats, RVs, motorcycles, and ATV's.
 - b. Any use requiring sewage pre-treatment in accordance with the Idaho City wastewater treatment title.
 - c. Any business creating external noise, odors, vibrations, or other potential nuisance factors including levels of customer traffic that could have the effect of disrupting peaceful occupancy of neighboring dwellings.

CHAPTER 8. STANDARDS

Section 1. Performance Standards for Land Uses.

The purpose of this section is to provide performance standards that protect the community and environment through proper site development and thereby achieve conformance with the regulations found in this title and other provisions of applicable law. The following performance standards apply to developments in all zoning districts and are supplemental to requirements established thereby:

- A Vision Triangle: Visibility shall be maintained at all intersections of Idaho City streets by maintaining an unobstructed view between 3 and 10 vertical feet within a right triangle, whose sides adjacent to the intersecting right-of-way lines are 40 feet in length in compliance with Idaho Code.
- B Temporary Construction Facilities: Temporary buildings, trailers, equipment and materials used in conjunction with construction work, may be permitted in any district during the construction period. Any such temporary installations shall comply with basic safety and sanitation standards and not create a hazard or significant detriment to neighboring lands. Temporary facilities shall be removed upon

completion of the construction work or upon expiration of the building or construction permit.

- C. **Dangerous or Nuisance Conditions:** No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, or noxious conditions that may adversely affect the neighborhood or adjoining premises. Non-compliance with nuisance statutes, building, fire or life safety codes shall not be excused merely because the land use does not violate this title.
- D. **Glare/Exterior Lighting Shielding/Redirection Required:** No interior or exterior lighting shall create direct or reflect glare which will adversely affect any surrounding property, nor shall such lighting adversely affect vision on nearby public streets, public walkways or other rights-of-way. It shall be the duty of any landowner to direct or shield lighting to avoid impacts on neighboring lands or land uses. Failure to do so shall constitute a violation of this title.
- E. **Street Right-of-Way Dedication & Frontage Improvements Required:** Additional street rights-of-way as established by approved transportation plans or by title standards and construction of frontage improvements is required at the time of establishment of any use, any development of a new land use or expansion of an existing land use by thirty-three percent (33%) or more in floor area. Street improvements shall include widening or extension of base and pavement, curb, gutter, sidewalk, water lines, sewer lines, street lighting and drainage facilities. Right-of-way dedication shall conform to the transportation element of the Comprehensive Plan or a specific transportation plan, or as otherwise required by the Idaho City engineer pursuant to site plan review or other title-specified procedures. All such requirements must be reasonably related to and proportional to the impact of the development on the infrastructure of the community. It shall be the responsibility of the developer of any parcel of land to extend water and sewer utilities across the full width of any frontage in order to maintain continuity of public systems.
- F. **Utility Line Placement:** All wire, fiber optic or cable utility service lines shall be placed underground. The Administrator may waive this requirement if the use is temporary in nature or if there are practical physical difficulties that make compliance impossible.
- G. **Surfacing – Residential and Commercial/Industrial:** All required residential access drives and parking areas shall be surfaced with portland cement concrete or asphalt paving. All required commercial/industrial access drives, maneuvering areas and parking areas, outdoor merchandise display areas and motorized vehicle display lots shall be surfaced with concrete or asphalt paving. Surfacing material shall be designed for the loading anticipated. Actual load design for commercial/industrial uses will be determined at site plan review. Outdoor storage areas in the Industrial zone for storage of production materials shall be surfaced with all-weather materials and shall be enclosed within sight screening fence.

- H. **Water Supply & Sewage Disposal:** The method of water supply and sewage disposal for all land uses must comply with Idaho City Code and other applicable state codes.
- I. **Dust Control:** During all on-site grading and construction activities, adequate measures shall be implemented to control dust in order to prevent a blowing dust nuisance. Methods for dust control may be specified at site plan review. The Administrator may issue a stop-work order on any development project that demonstrates an inability to control dust until an acceptable dust control program is implemented.
- J. **Architectural Projections:** Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard setbacks.
- K. **Height Regulation Exceptions:** The height limitations contained in this title do not apply to spires, belfries, cupolas, antennas, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport. Idaho City utility and public service structures are excepted from height restrictions.
- L. **Fences (Including Walls and Landscaping):** All walls, hedges and fences shall not exceed three (3) feet in height within the required front yard setback and nor shall they exceed six (6) feet in height in the rear and side yard setback areas. Corner lots which abut the side yard of an adjoining lot may not block visibility of a driveway on the adjoining lot above 3 feet with a rear or side yard fence. Fences shall not violate the vision triangle requirements of Idaho Code.
- M. **Solid Waste Screening:** All solid waste collection areas or facilities shall be enclosed on at least three (3) sides by a sight-obscuring wall or fence tall enough to shield any bulk solid waste container or shall be stored within an enclosed building or structure. Adequate vehicular access shall be provided to allow use of the container.
- N. **Outside Storage & Screening:** Outside storage areas in Commercial or Industrial zones must be screened from public view by sight obscuring fences, walls, berms, or a combination of these, as approved by the Administrator. The Administrator may approve alternative methods of reducing the visual impact in lieu of screening or waive the requirements if visual impact is of no consequence.
- O. **Factory-built Commercial Structures:** All factory-built commercial structures (commercial coaches) must be located in commercial or industrial zones. Factory-built commercial structures may also be allowed in conjunction with a school provided that site development requirements for site-built structures are maintained. Factory-built commercial structures may be used temporarily in other zones in conjunction with construction and must be removed upon completion of such construction.

- P. **Buffering Residential Interface:** Buffering between commercial/industrial land uses and residential zones shall be the responsibility of the developer of the commercial/industrial site. If the Zoning Title does not otherwise provide specific standards, the commercial industrial site shall otherwise provide a setback from an adjacent residential zoning boundary or from existing residential lands no less than 25 feet or the height of the commercial industrial structure, whichever is greater. Such interface shall be screened by evergreen landscaping and berming that is continuous and serves as an effective buffer against sound and light. Such obligation shall not apply retroactively to an existing commercial/industrial use.

Section 2. Manufactured Housing Placement Standards.

- A. Manufactured/modular homes meeting the standards set forth in this section may be placed at any location within Idaho City where a detached single-family dwelling can be located in accordance with this title. In order to be placed outside of a manufactured housing park, a manufactured home must comply with all of the standards concerning construction and placement set forth in this section.
- B. A manufactured/modular home shall include any structure produced at a factory, built on a permanent metal frame, which is designed and constructed for transportation to a site for installation and used as a dwelling when connected to required utilities; properly connected to sewer, water, gas and electrical service; designed for residential use by a family, contains a kitchen, bath, living and sleeping facilities, is multi-sectional and at least twenty (20) feet wide with a minimum total square footage equal to nine hundred (900) square feet, manufactured on or after June 15, 1976 and certified as meeting the Manufactured Housing Construction Safety Standards of the United States Department of Housing and Urban Development.
- C. The manufactured home must be affixed to a permanent foundation that complies with the set-up requirements of Title 44, Chapter 22, Idaho Code, when placed in any permitted location excepting within a residential mobile home park.
- D. The home must have metallic, wood shake, shingle, asphalt shingle, or similar shingle-type roof with a minimum pitch of 3:12 (pitch to run) and a six (6) inch minimum overhang.
- E. Where garages are required for site-built homes, they are required for manufactured homes except in existing mobile home parks.
- F. Any neighborhood design standards shall also apply to any manufactured home placed at any location outside of a manufactured housing park where spaces are rented or leased for less than ten (10) year terms.

Section 3. Off-Street Parking Requirements.

- A. **General Requirements:** Off-street parking, loading spaces and display lots shall be provided for facilities, or portions thereof constructed, newly established, reconstructed, or moved onto a lot after the effective date hereof. The required off-street parking, loading spaces and display lots shall be developed and maintained according to the applicable provisions of this Zoning Title. The Administrator is empowered to determine the regulations and standards to be required in each particular circumstance, considering the long-term needs of the facility constructed. Land uses in existence prior to the effective date of this title may be continued as a nonconforming use subject to other provisions of this title concerning provision of off-street parking.
- B. **Change of Use or Increase of Space:** Except for alterations or additions to individual dwelling units, parking spaces meeting the requirements of this chapter shall be provided whenever the use of a facility is changed to a higher parking category or if the facility floor area is increased by more than ten percent (10%) in any five (5) years. Neither the number, size, location nor maintenance of existing parking and loading spaces shall be altered nor reduced below the requirements and standards specified for the use in this chapter. Whenever an individual lot or parcel has a facility with more than one use or activity requiring different spaces for parking and loading, the sum of the required spaces for each use or activity shall be used in determining the overall requirements.
- C. **Street Parking Excluded:** No portion of any public right-of-way shall be used in satisfying the minimum parking requirements established by this title.
- D. **Front-to-Back (Tandem) Parking Prohibited:** Except for detached single-family dwelling units, the design and development of front-to-back parking and loading spaces shall not be allowed in meeting the minimum space requirements of this chapter. A required space shall not be blocked by another space such that a vehicle would be required to enter and leave a space by having to cross another required space.
- E. **Maintenance of Parking and Loading Areas:** All paved areas intended for use by the public and required by this chapter shall be maintained on a regular basis. Regular maintenance shall include, but not be limited to, pavement repair and seal coating; pavement marking and striping; removal of dust, leaves and litter; removal of snow and ice; maintaining landscaped areas; and maintaining signs, fences, wheel stops, curbs, walks, drainage facilities and any other appurtenances pertinent to the requirements of this chapter and the Zoning Title.
- F. **Off-Site or Shared Parking:** Whenever any required parking or loading areas are located on a site which is not within the property limits of the facility being served, the permit applicant shall present an agreement authorizing use of the off-site parking for the duration of use of the site. Such agreement shall be subject to approval by the Administrator. The primary considerations for such approval shall be the functionality of the parking spaces, the safety of parking users and the effects on

neighboring land uses. Any change in use or increase in use during the term of the agreement shall require re-evaluation of the conditions and factors upon which the agreement was based.

- G. **Parking Spaces Must Be Available:** Required off-street parking areas shall not be used for any purpose that would at any time prevent their intended use as parking spaces by occupants and patrons of the facility being served. No required parking area may be used for both parking and loading.
- H. **Required Spaces Determined by Administrator:** Where this title requires the Administrator to prescribe the number of parking and loading spaces, the Administrator shall base his/her determination on the following:
 - 1. Traffic generation, giving particular attention to attendance potential at any facility.
 - 2. Location of the facility and the peak hours of operation.
 - 3. Extent and frequency of loading/unloading operations.
 - 4. The number of employees during peak period.
 - 5. Any other factors that would affect parking and loading requirements.
- I. **Location of Handicapped-Accessible Spaces:** The spaces for persons with disabilities shall be located as near as practical to a primary accessible entrance
- J. **Off-Street Parking and Loading Area Standards:** The layout and design of off-street parking and loading areas established hereafter shall meet the requirements of this title.
- K. **Parking Space Sizes:** Off-street parking spaces shall meet the minimum dimensions for the following types of spaces and conditions:
 - 1. Standard 90 degree (90°) non-parallel parking spaces shall be
 - 2. nine feet (9') wide by twenty feet (20') long.
 - 3. Parallel parking spaces shall be eight feet (8') wide by twenty
 - 4. Twenty three feet (23') long for all vehicles.
 - 5. Where a side of a parking area abuts a building or other
 - 6. obstruction, additional width shall be added to the adjacent

7. parking spaces to allow turning movements.
- L. Proximity to Use: The distance between parking areas and the use being served shall not exceed the following:
1. Residential: On-site.
 2. Civic, Commercial and Service: Not farther than two hundred feet (200') from the entrance to the facility being served with continuity to adjoining lots.
 3. Wholesale and Industrial: Not farther than three hundred feet (300') from the entrance to the facility being served unless continuous parking is provided.
 4. Zoning: All off-site parking must be located in a zoning district that permits the use the parking serves.
- M. Aisles and Driveways for Maneuvering: All required off-street parking spaces and loading berths shall be designed with adequate space to accommodate the turning movements of the vehicles entering and leaving the facility. Space shall be provided such that all vehicles shall enter and leave the public right-of-way in a forward direction. This requirement shall not apply to residential parking areas that serve two (2) or fewer dwelling units. The location and design of approaches to parking lots shall be approved by the Idaho City engineer.
- N. Parking Area Grades/Drainage: All off-street parking shall be paved such that no surface shall exceed five percent (5%) and no longitudinal drainage gradient shall be flatter than one-half percent (0.5%). Approach grades shall be safe and convenient. Parking spaces for persons with disabilities shall be as level as possible but in no case shall the parking space, adjacent aisle, driveway or designated pathways exceed a gradient of two percent (2%) in any direction. All parking and loading areas shall provide for proper drainage of surface water to approved drainage areas or structures. Surface drainage shall be retained on-site to the extent that site run-off shall not exceed run-off from the site in its undeveloped condition.
- O. Paving of Parking and Loading Areas: All driveways, parking, loading and maneuvering areas required of this chapter shall be paved with hot asphalt, Portland cement concrete, or approved paving blocks or bricks. Single-family and duplex family uses shall be served by a paved driveway and parking spaces as required.
- P. Paving of Display Lots: Display lots for vehicles shall be paved as shall approaches, driveways, maneuvering areas and parking spaces. The actual area used for the display of the homes, nursery stock or heavy equipment may be surfaced with compacted crushed aggregate, provided that the unpaved area is maintained in a neat, dustless and weedless condition.

- Q. Lighting: The illumination of off-street parking and loading areas and display lots shall be designed such that lighting is directed away from the street and adjacent properties and toward the interior of the property focusing on the ground to be illuminated.
- R. Widths of Driveways, Parking Aisles and Turning Radii: The city's parking requirements shall be considered to be minimum standards. All off-street parking areas shall be reviewed and approved by the local fire department that may require wider driveways and parking aisles and larger vehicular turning radii as prescribed by the applicable fire code.
- S. Irrigation: All landscaped areas including buffer strips and drainage infiltration facilities shall be provided with an automated irrigation system.
- T. Dimensional Requirements: With the exception of residential parking areas that serve two (2) or fewer dwelling units all other off-street parking areas shall be laid out and designed to satisfy the following requirements:
1. Traffic Lane Widths: The minimum driveway and approach widths shall be determined from the operating speed and the classification of the street providing access, the volume of traffic being generated, the potential for truck use, and fire protection requirements. Parking aisle widths shall vary with the angle of vehicular turning required to access the required space on one-way aisles but shall be a minimum of twenty-four feet (24') wide on two-way aisles. The maximum two-way approach and driveway width shall be forty feet (40') where it can be demonstrated that generated traffic warrants a separate left turn lane for vehicles exiting the parking area and entering a public right-of-way. A forty-foot (40') wide approach may also be allowed where heavy truck use prevails.
 2. Exit Vehicle Space: There shall be at least twenty-four feet (24') separating a parking aisle from the edge of the adjacent street to provide space for one exiting vehicle.
 3. Striping: Each parking space shall be delineated with clearly marked pavement striping. Other pavement markings for spaces for persons with disabilities, pathways, crosswalks, stop bars, delineations, turning arrows, bicycles, etc., may be required.
- U. Required Off-Street Parking Spaces: The following standards shall apply to all uses constructed or established pursuant to this title, unless otherwise allowed by the administrator for good cause shown:
1. Residential Uses: The following number of paved off-street parking spaces shall be required as specified for each residential use:
 - a. Detached housing, single-family 2 spaces

- b. Group housing Title procedure
- c. Duplex housing 2 per dwelling unit
- d. Cluster housing 2 per dwelling unit
- e. Condominiums and multi-family units 2 per dwelling unit
- f. Home occupation, as per residential use 2 per dwelling unit
- g. Daycare facility requires conditional use
- h. Other per design capacity

2. Civic Uses: The following number of paved off-street parking spaces shall be required as specified for each civic use:

- a. Administrative 1 per 300 square feet
- b. Community organization 1 per 300 square feet
- c. Community assembly per design capacity
- d. Open space area, including parks per design capacity
- e. Meeting hall 1 per 4 seats
- f. Museum or art gallery 1 per 1,000 square feet
- g. Library 1 per 250 square feet
- h. Community education per primary use of bldg.
- i. Daycare or nursery 1 per 200 square feet
- j. Elementary school 9 spaces per classroom
- k. Middle or junior high school 10 spaces per homeroom class
- l. High school 11 spaces per homeroom class
- m. Hospitals/healthcare 1.79 per bed
- n. Nursing and convalescent facilities 1 per sleeping room
- o. Religious assembly 0.5 space per seat
- p. Other per title process

3. Commercial/Industrial Uses: The following number of paved off-street parking spaces shall be required as specified for each commercial use:

- a. Agriculture supplies and commodities sales: 1 per 200 square feet
- b. Automotive sales: 1 per 200 square feet
- c. Automotive accessory sales: 1 per 200 square feet
- d. Business retail supply sales: 1 per 200 square feet
- e. Construction retail sales: 1 per 200 square feet
- f. Convenience store: 1 per 200 square feet
- g. Department store retail sales: 1 per 200 square feet
- h. Farm equipment sales: 1 per 200 square feet and 3 per service bay
- i. Restaurant – seating: 1 per 75 square feet
- j. Fast food with drive in: 1 per 75 square feet and 5 unencumbered queuing spaces
- k. Fast food without drive in: 1 per 75 square feet
- l. Home furnishings retail sales: 1 per 200 square feet office and 1 per 500 square feet warehouse

- m. Specialty retail sales: 1 per 200 square feet office and 1 per 400 square feet warehouse
- n. Gasoline sales: 1 per pump and 2 spaces per service bay
- o. Professional and administrative office: 1 per 200 square feet
- p. Medical/health care practitioner office: 1 space per 150 square feet
- q. Veterinary office: 1 space per 150 square feet
- r. Child or juvenile facility: Per title procedure
- s. Hotel/motel: 1.35 spaces per unit and as required per accessory uses
- t. Automotive fleet storage, attendant parking, rental vehicles: 1 per employee and 1 per vehicle
- u. Automotive cleaning and repair: 3 spaces per bay, and 5 queuing spaces
- v. Service establishments: 1 space per 200 square feet
- w. Beauty and barber shops: 1 space per 200 square feet
- x. Banks/financial services: 1 space per 200 square feet and 5 queuing spaces
- y. Mortuary: Per title procedure
- z. Bowling alleys: 4 spaces per alley
- aa. Dance halls: 1½ spaces per 100 square feet
- bb. Theaters, auditoriums, and stadiums: 1 space per 3 seats
- cc. Laundry services: 1 space per 200 square feet
- dd. Supermarket: 3.42 per 1,000 square feet
- ee. Commercial recreation:
 - a. Golf course: 4 per hole and as required per accessory uses
 - b. Skating rink: 1 space per 100 square feet and as required per accessory uses
 - c. Tennis, handball and racquetball courts: 3 spaces per court
 - d. Swimming facilities: 1 space per 75 square feet of water surface
- ff. Wholesale uses: 1 per 200 square feet office and 1 per 500 square feet warehouse
- gg. Storage/warehouse: 1 per 500 square feet
- hh. Mini- storage: Minimum of 2 spaces/paved lot
- ii. Other: per title procedure

V. ADA Accessible Parking Spaces: Where off-street parking spaces are required by this title there shall also be required parking spaces for persons with disabilities as provided in the Americans with Disabilities Act (ADA).

CHAPTER 9. MISCELLANEOUS PROVISIONS

Section 1. Mediation.

- A. Mediation is a discretionary communication process potentially available to any affected person who owns real property that might be materially affected by a quasi-judicial zoning related issue or whenever determined by the City Council. The purpose of mediation is to promote resolution of differences concerning potentially divisive land use matters. The process for mediation, if required or proposed by the

City Council, shall follow the procedures set forth in this section, to the extent they are compatible with Idaho law.

- B. Mediation may be requested in writing by any applicant or affected person, or by the Mayor, Administrator, Planning and Zoning Commission or the City Council, during the course of any quasi-judicial matter, but in any case, no later than fourteen (14) days after entry of a final decision and prior to any person filing a petition for judicial review.
- C. The parties to any mediation application shall participate in at least one (1) mediation session if mediation is authorized by either the Planning and Zoning Commission or the City Council. The City of Idaho City shall designate the mediator and will pay the expense of mediation for the first meeting among mediating parties. Compensation of the mediator for additional sessions will be determined by parties participating in the mediation prior to any subsequent mediation sessions. After completion of the initial mediation session, an applicant or otherwise affected party may decline to participate in mediation that has been proposed by the City of Idaho City.
- D. Upon request for mediation and until at least one (1) mediation session has been held, any time limitation relevant to the application made on the basis of such mediation shall be tolled. Such tolling shall cease when the City Council determines that the mediation should cease through their official action or where no mediation session is scheduled for at least twenty-eight (28) days from the date of a mediation request. A subsequent public hearing must be held before the City Council where mediated resolution results in recommended change(s) to an application.
- E. The mediation process shall not be part of the official record regarding consideration of the application upon which the mediation is based.

Section 2. Exhaustion of Administrative Procedures Required.

Any procedure addressed by this title that authorizes the Planning and Zoning Commission to make a decision, as contrasted with a recommendation to the City Council, shall not be deemed a final decision unless it has been appealed to the City Council by the party seeking to bring a judicial appeal. Any such appeal must be filed with the Administrator within fourteen (14) days after the date of the decision entered by the Planning and Zoning Commission. Any such appeal must be accompanied by the filing fee established by resolution of the City Council and a completed appeal application as provided by the Administrator. Any such appeal shall be decided by the City Council within one hundred-eighty (180) days of the date it is filed with the Administrator. Failure to file such an appeal shall constitute a failure to exhaust administrative remedies prior to seeking a court review of proceedings.

Section 3. Administrative Exceptions.

- A. An administrative exception to express bulk or placement standards may be approved by the Administrator upon a showing by an applicant that any such exception is consistent with the intent of Zoning Title policy in general, that the exception is essential to make productive use of the land involved, that the exception would not conflict with requirements established by uniform codes, that the public safety would not be compromised and that the interests of neighboring landowners would not be impaired by approval of the exception. The maximum extent of administrative exception shall not exceed twenty percent (20%) reduction in required setback from external property lines, up to a ten percent (10%) reduction in lot area requirements or up to a ten percent (10%) increase in the allowable height of buildings, administrative discretion to allow fences or walls excess of existing maximums by up to an additional foot in the designated front yard area, and allowing fences or walls up to 2 feet higher than the maximum in a rear or side yard.
- B. An application for an administrative exception shall include a written description of the requested exception and a site plan that shows information relevant to request in order to allow the Administrator to evaluate the proposed exception. Any application requesting an exception equal to fifty percent (50%) or more of the maximum allowed by this section (e.g. a setback reduction equal to ten percent (10%) of the required setback or exceeding the maximum height allowed by five percent (5%), or more) shall include the names and addresses of adjoining property owners. The Administrator will prepare a notice of any administrative exception request and mail it to abutting property owners who will have seven (7) calendar days from the date of mailing to deliver a written responsive comment to the Administrator.
- C. After considering the merits of any comments submitted by neighboring landowners, an administrative exception may be approved, approved with modifications or denied by the Administrator. The Administrator, when deciding, shall consider the factors set forth in Subsection A of this section.
- D. Written notice of the decision shall be provided to the applicant and mailed to any abutting property owner who submitted written comments. A decision may be appealed within seven (7) days of such mailing by any affected property owner who commented or by the applicant in accordance with procedures specified by this title for decisions made by the Administrator.

Section 4. Legal Nonconforming Structures.

- A. A legal nonconforming structure is one that was in compliance with all land use and building code requirements at the time it was constructed, or that was constructed or established before land use regulations were enacted but does not conform to the structure requirements of the current land use codes of the Idaho City. It is the policy of the City of Idaho City to encourage maintenance and continued vitality of existing legal nonconforming structures until a change of land use is undertaken by the owner in conformance with requirements of the Zoning Title.

- B. Any legal nonconforming permanent structure may continue to be used and maintained as otherwise allowed by this Title. A nonconforming structure shall not be enlarged in area in any way that increases its non-conformity. A structure used to house a non-conforming nonresidential use may be enlarged by up to ten percent (10%) of its square footage so long as any such enlargement does not increase the non-conformity of any setbacks or building bulk regulations.
- C. A damaged or destroyed legal nonconforming structure may be repaired or reconstructed provided that the extent of the previously existing nonconformance is not increased.
- D. Any structure legally built prior to the adoption of land use regulations within a currently required yard setback area shall be deemed a legal non-conforming structure and the nonconforming dimension shall not be expanded by additional construction, unless otherwise qualifying for a variance.

Section 5. Legal Nonconforming Uses.

All existing uses of land that are not permitted uses in the zoning district in which such use is being conducted, and all uses which, if presently initiated, would require a conditional use permit, and which do not have a conditional use permit, are deemed legal nonconforming uses. Legal nonconforming uses shall not be expanded or extended in any way, except as otherwise expressly allowed by this title. A legal nonconforming use shall not be changed except to a use that complies with the regulations of the zoning district in which the subject property lies or to diminish its non-conformity.

Section 6. Legal Nonconforming Lots.

- A. All existing platted subdivision lots that do not meet the minimum lot area and dimension standards of the district within which they are located are hereby deemed nonconforming lots. Any lot that was legally created prior to the effective date of this title may be used in conformance with the uses permitted by the zoning district with in which it is located, provided that all yard and setback requirements are met. If lot area is deficient in a residential zone by no more than fifty percent (50%), any such non-conforming lot may be used only for construction of a detached single-family dwelling. Undeveloped, nonconforming lots of at least fifty percent (50%) of the minimum required lot area may be used and have a single-family structure erected upon them.
- B. Notwithstanding the foregoing, if any such lot is contiguous to one or more lots of common ownership and any combination of such lots will meet the area or dimension standards of this title, such lots shall be considered to be an undivided parcel for the purposes of this title. Accordingly, the separate lots shall be treated as a single parcel concerning the issuance of a building permit for any residential construction on the lot, or contiguous commonly owned lots where this condition exists. No nonconforming or conforming lot shall be reduced in area or dimensions if such

reduction would result in a greater degree of nonconformity. In the least dense residential district in Idaho City, any lot with an area less than the minimum required for the least dense residential district may only be developed to the minimum residential use allowed in the zone. Any lot in any (Residential District) that has an area less than the minimum square footage desired, but at least fifty percent (50%) of the minimum area, unless it adjoins one or more substandard lots held in common ownership, may only be developed with a single-family dwelling unit.

CHAPTER 10. ENFORCEMENT AND PENALTIES

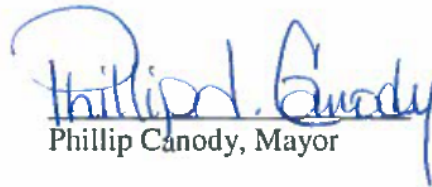
- A. The Administrator or his designee is authorized to enforce the provisions of this title. It shall be deemed a violation of this title to construct any building, structure or improvement for the purpose of establishing any land use contrary to the requirements of this title, to violate any express prohibition or exceed any express limitation contained in the text or exhibits of this title or to use any land, building, or premises, contrary to the provisions of this title, contrary to the terms or conditions of a permit, variance or in a manner contrary to the terms and conditions established by the Planning and Zoning Commission, City Council or Administrator. It shall be unlawful for any yard, open space, building, structure or land to be used for any purpose not permitted by this title, unless such use has been lawfully established prior to enactment of this title. Violations of this title are hereby declared to be unlawful and subject to the penalties established by this section and by other provisions of law.
- B. Penalties: Failure to comply with any provision or requirement of this title or terms or conditions of permits shall be deemed a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. In the discretion of the Administrator, any violation of this title may be charged as an infraction, subject to a fine alone in an amount not to exceed the limits established by state law. The Administrator may elect to pursue enforcement by filing criminal charges, pursuing enforcement by charging as infraction and/or by proceeding in any form of civil legal action related to any violation of this title deemed likely to achieve compliance. Each day a violation continues may be considered a separate offense. Any landowner, tenant, sub-divider, or builder who commits, participates in, assists in or maintains such violation shall be guilty of a violation. Nothing contained in this title shall prevent any other public official or affected person from taking such lawful action as is necessary to restrain or prevent any violation of this title.
- C. Abatement Proceedings: Agency legal counsel or his designee may commence action or proceedings for the abatement of any violation of this title as a nuisance in the manner provided by law, and may apply to such court or courts as may have Idaho City to grant relief as to abate, terminate and remove unlawful uses, buildings or structures, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any building, structure, vehicle, or property

contrary to the provisions of this title or to any permits or authorizations issued pursuant to this title.

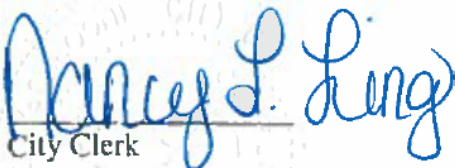
This ordinance shall be in full force and effect upon passage, approval and publication according to law.

PASSED BY THE COUNCIL of the City of Idaho City this 25th day of April, 2018.

APPROVED BY THE MAYOR of the City of Idaho City this 25th day of April, 2018.


Phillip Canody, Mayor

ATTEST:


City Clerk

ORDINANCE NO. 353

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO,
AMENDING TITLE 8 TO SPECIFY THE BUILDING CODES ADOPTED BY THE
CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council finds in order to promote the welfare of the
citizens of Idaho City that the building codes adopted by the city should be
updated;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL
OF THE CITY OF IDAHO CITY, IDAHO:

SECTION 1. That Idaho City Code 8-1-2 be amended to read as follows:

8-1-2: CODES ADOPTED: Pursuant to Idaho Code section 39-4116(1),
the following codes are adopted as published by the International Code Council
together with any amendments or revisions set forth in section 39-4109, Idaho
Code, including subsequent versions of the International Building Code as
adopted and amended by the Idaho building code board:

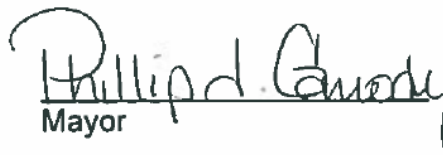
- A. 2015 International Building Code, including all rules promulgated by the
board to provide equivalency with the provisions of the Americans with
disabilities act accessibility guidelines and the federal fair housing act
accessibility guidelines;
- B. 2017 Idaho residential code, parts I-IV and IX; and
- C. 2017 Idaho energy conservation code.

The adopted versions of the foregoing codes shall be deemed superseded by
successive versions of such codes as they are adopted or approved by the Idaho
building code board effective on the date such codes are made effective by the
Idaho building code board.

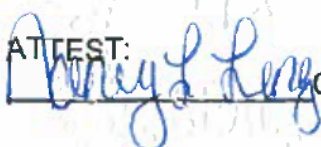
SECTION 2. That this ordinance shall be in full force and effect upon passage,
approval and publication according to law.

PASSED BY THE COUNCIL of the City of Idaho City this 13th day of
June, 2018.

APPROVED BY THE MAYOR of the City of Idaho City this 13th day of
June, 2018.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 354

ANNUAL APPROPRIATION ORDINANCE FOR FISCAL YEAR 2018-2019

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, APPROPRIATING THE SUM OF \$1,373,439 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF IDAHO CITY FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE.

BE IT ORDAINED by the Mayor and City Council of the City of Idaho City, Boise County, Idaho.

SECTION 1. That the sum of \$1,373,439 be, and the same is appropriated to defray the necessary expenses and liabilities of the City of Idaho City, Boise County, Idaho for the fiscal year beginning October 1, 2018.

SECTION 2. The objects and purposes for which such appropriation is made, and the amount of each object and purpose is as follows:

EXPENDITURES	
GENERAL FUND	
Administration	106,393.00
Law Enforcement	100,267.00
Contingency	21,321.00
Total General Fund Expenditures	227,981.00
STREET FUND	
Contingency	13,154.00
Total Street Fund Expenditures	66,487.00
SEWER FUND	
Contingency	18,310.00
Total Sewer Fund Expenditures	176,733.00
WATER FUND	
Contingency	16,038.00
Total Water Fund Expenditures	303,042.00
WATER BOND FUND	
	599,196.00
TOTAL EXPENDITURES	\$ 1,373,439.00

SECTION 3. That a general tax levy on all taxable property within the City of Idaho City be levied in an amount allowed by law for the general purposes for said City, for the fiscal year beginning October 1, 2018.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

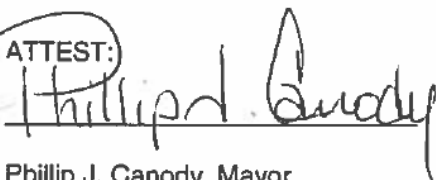
SECTION 5. This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of The Idaho World, a newspaper of general circulation in the City of Idaho City, and the official newspaper of said City.

PASSED BY THE COUNCIL of the City of Idaho City this 12th day of September, 2018.

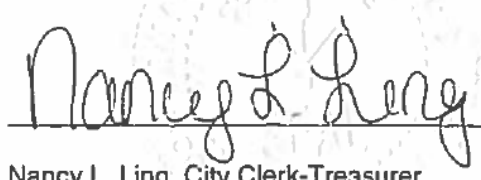
APPROVED BY THE MAYOR OF the City of Idaho City this 12th day of September, 2018.

Publish in The Idaho World September 19, 2018.

ATTEST:



Phillip J. Canody, Mayor



Nancy L. Ling, City Clerk-Treasurer

ORDINANCE NO. 355

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, AMENDING TITLE 3 TO PROVIDE THAT BUSINESS LICENSES BE ISSUED BY THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council finds, in order to promote the welfare of the citizens of Idaho City, that the City Clerk should be authorized to issue business licenses without additional approval by the Mayor and City Council;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:

SECTION 1. That Idaho City Code 3-1-4 be amended as follows:

- A. Form: Application for a business or vendor license shall be in writing on a form approved by the City Clerk, signed and sworn by the applicant.
- B. Issuance: The City Clerk shall issue a business or vendor license upon receipt of an application in such form and manner as required and payment of a fee.
- C. Term: The initial business license issued to licensee pursuant to this Chapter shall be for the period from date of issuance to December 31 of that same calendar year.

SECTION 2. That Idaho City Code 3-1-5(D) be amended as follows:

Term: The business license issued by the City Clerk shall be for the remainder of the calendar year in which the business license is first issued, subject to revocation as provided below.

SECTION 3. That Idaho City Code 3-1-9 be amended as follows:

Renewal: During December of each year, each business licensee shall submit a renewal application to the City Clerk upon a form provided by the Clerk, for licenses for the next calendar year. The Mayor and Council will establish business license renewal fees by resolution. The City Clerk shall approve a business license renewal upon payment of the fee.

SECTION 2. That this ordinance shall be in full force and effect upon passage, approval and publication according to law.

PASSED BY THE COUNCIL of the City of Idaho City this 12th day of December, 2018.

APPROVED BY THE MAYOR of the City of Idaho City this 12th day of December, 2018.

ATTEST:

Nancy L. Ptak
City Clerk

Phillip J. Gandy
Mayor