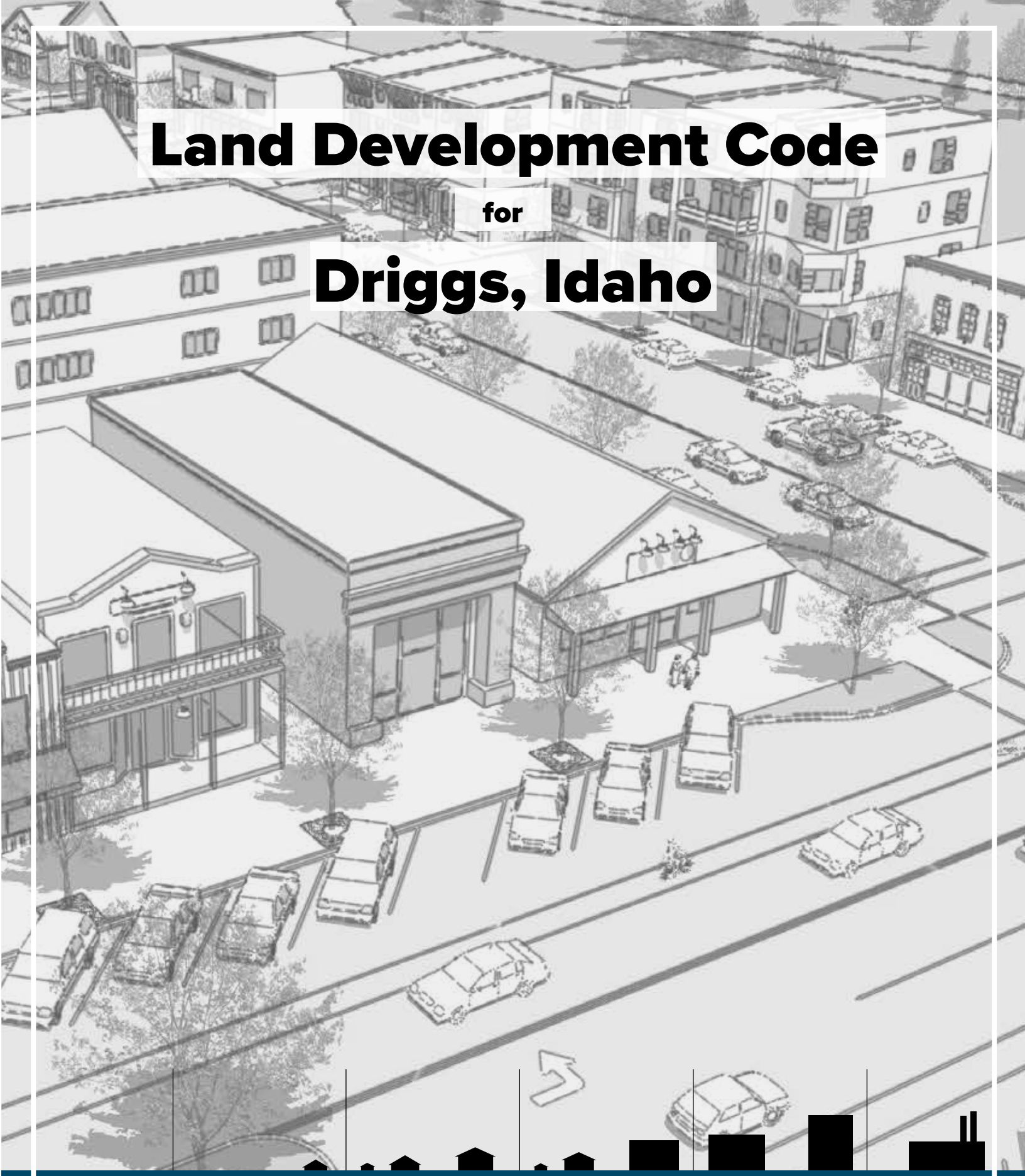
Land Development Code

for

Driggs, Idaho



Adopted by Ordinance 374-16, Effective 9/29/2016
Last amended by Ordinance 502-26, Effective 7/15/26

EST. 1910
CITY OF DRIGGS

Adoption & Amendment History

Adopted Ordinance 374-16, Effective 9/29/2016
Amended Ordinance 380-17, Effective 6/15/2017: Annual review
Amended Ordinance 382-17, Effective 8/10/2017: Appendix A Design Standards amd.
Amended Ordinance 385-17, Effective 12/28/2017: AOI Airport Overlay
Amended Ordinance 388-18, Effective 8/16/2018: Annual review
Amended Ordinance 392-19; Effective 6/12/2019: Annual review
Amended Ordinance 395-19, Effective 9/4/2019: Tributary PUD
Amended Ordinance 406-20; Effective 5/13/2020: Annual review
Amended Ordinance 418-20; Effective 12/23/2020: Creekside Meadows PUD
Amended Ordinance 430-21; Effective 8/25/2021: Annual review
Amended Ordinance 446-22; Effective 6/8/2022; Affordable and Workforce Housing Initiative
Amended Ordinance 456-23; Effective 1/18/2023; Transportation and Natural Resources
Amended Ordinance 459-23; Effective 2/15/2023; Landscaping Standards
Amended Ordinance 490-25; Effective 8/19/25; Airport Overlays
Amended Ordinance 492-25; Effective 11/26/25; Housing Density Bonus Program Amendments
Amended Ordinance 495-26; Effective 2/25/26; LDC Clean Up Amendments
Amended Ordinance 499-26; Effective 6/10/26; Flood Damage Prevention
Amended Ordinance 500-26; Effective 5/20/26; Tributary PUD Master Plan Amendments
Amended Ordinance 502-26; Effective 7/15/26; Short Term Rental Amendments

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1.1.1. Title

This document is the "Land Development Code for the City of Driggs," and may referred to or cited in this document as "this code."

1.1.2. Purpose and Intent

A. This Land Development Code is adopted for the purpose of guiding development in accordance with the Adopted Comprehensive Plan and existing and future needs in order to protect, promote and improve the public health, safety and general welfare.

B. This Land Development Code is enacted to exercise the full range of authority available under Idaho law to establish standards to regulate and restrict the:

1. Height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures;
2. Percentage of lot occupancy, size of courts, yards, and open spaces;
3. Density of population; and
4. Location and use of buildings and structures.

C. This Land Development Code is enacted for the following purposes:

1. To ensure that important environmental features are protected.
2. To encourage the protection of prime agricultural, forestry and mining lands and land uses for production of food, fiber and minerals, as well as the economic benefits they provide to the community.
3. To encourage urban development within the incorporated cities.
4. To protect life and property in areas subject to natural hazards and disasters.
5. To protect fish, wildlife and recreation resources.
6. To avoid undue water and air pollution.
7. To provide a system for the subdividing of lands and the accurate recording of land titles.
8. To encourage economically sound, orderly, and compatible land development practices in accordance with the Comprehensive Plan;
9. To ensure that adequate public facilities and services are provided at reasonable cost;
10. To ensure that the development on land is commensurate with the physical characteristics of the land; and
11. To assure the provision of needed open spaces and public facility sites in new land subdivisions through the dedication or preservation of land for public purposes.

D. This Land Development Code is intended to provide a mechanism for achieving the following goals:

1. Mix land uses;
2. Take advantage of compact building design;
3. Create a range of housing opportunities and choices;
4. Create walkable neighborhoods;
5. Foster distinctive, attractive communities with a strong sense of place;
6. Preserve open space, natural beauty, and critical environmental areas;
7. Provide a variety of transportation choices;
8. Make development decisions predictable, fair and cost effective; and
9. Encourage community and stakeholder collaboration in development decisions.

1.1.3. Application

A. Territorial Application

This Land Development Code applies to all land, uses, buildings and structures within Driggs city limits.

B. General Application

In their interpretation and application, the provisions of this Land Development Code are the minimum requirements necessary to meet the purpose and intent of these regulations.

C. Required Conformance

All buildings, structures or land, in whole or in part, must be used or occupied, in conformance with this Land Development Code. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged or structurally altered in conformance with this Land Development Code.

D. Control Over Less Restrictive Private Agreements

This Land Development Code does not nullify any private agreement or covenant. However, where this Land Development Code is more restrictive than a private agreement or covenant, the Land Development Code controls. The city will not enforce any private agreement or covenant.

E. Control Over Less Restrictive Laws and Regulations

If any condition or requirement imposed by this Land Development Code is more restrictive than a condition or requirement imposed by any other law, rule or regulation of any kind, the more restrictive condition or requirement governs.

F. Conflict

If any condition or requirement imposed by this Land Development Code contains an actual, implied or apparent conflict, the more restrictive condition or requirement controls.

G. References to Other Laws

Whenever a provision of this Land Development Code refers to any other part of the City Code or to any other law, the reference applies to any subsequent amendment of that law.

H. Text and Graphics

Illustrations, photographs and graphics are included in this Land Development Code to illustrate the intent and requirement of the text. In the case of a conflict between the text and any Illustrations, photographs and graphics, the text controls.

1.1.4. Severability

If any section, paragraph, clause, sentence or provision of this Land Development Code is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remainder of the Land Development Code. The effect of the judgment is confined to the section, paragraph, clause, sentence or provision immediately involved in the controversy in which judgment or decree was rendered.

1.1.5. Violations; Penalties

Unless specifically provided elsewhere, any person, firm or corporation violating any of the provisions of this title shall be deemed guilty of a misdemeanor and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this title is committed, continued or permitted in accordance with City Code Title 1 Chapter 4.

1.1.6. Effective Date

This Land Development Code was adopted on September 20, 2016 and became effective on September 29, 2016 (Ordinance 374-16); amended on June 6, 2017 and effective on June 15, 2017 (Ordinance 380-17); Amended on August 1, 2017 and effective August 10, 2017 (Ordinance 382- 17); Amended on November 9, 2017 and effective December 28, 2017 (Ordinance 385-17); Amended on July 17, 2018 and effective on August 16, 2018 (Ordinance 388-18); Amended

on May 22, 2019 and effective on June 12, 2019 (Ordinance 392-19); Amended on August 20, 2019 and effective on September 4, 2019 (Ordinance 395-19); Amended on May 5, 2020 and effective on May 13, 2020 (Ordinance 406-20); Amended December 15 and effective on December 23, 2020 (Ordinance 418-20); Amended on August 17, 2021 and effective on August 25, 2021 (Ordinance 430-21); Amended on November 4, 2025 and effective on November 26, 2025 (Ordinance 492-25); Amended on 2/4/26 and effective on 2/25/26 (Ordinance 495-26); Amended on 4/21/26 and effective on 6/10/26 (Ordinance 499-26); Amended on 5/5/26 and effective on 5/20/26 (Ordinance 500-26); Amended on 7/9/26 and effective on 7/15/26 (Ordinance 502-26).

In order to implement this Land Development Code, the city is divided into the following zoning districts as established on the Official Zoning Map in Art. 1.3.

1.2.1. Rural Districts

A. RC-2.5: Residential Cluster

B. RC-1.0: Residential Cluster

C. RC-0.5: Residential Cluster

1.2.2. Residential Districts

A. RS-16: Residential Single-Family

B. RS-7: Residential Single-Family & Two-Family

C. RS-5: Residential Single-Family & Two-Family

D. RS-3: Residential Single-Family & Two-Family

E. RM-1: Residential Multi-Family

F. RM-2: Residential Multi-Family

1.2.3. Mixed Use Districts

A. RX: Residential Mixed Use

B. NX: Neighborhood Mixed Use

C. CX: Commercial Mixed Use

D. DX: Downtown Mixed Use

E. CC: Commercial Corridor

F. CH: Commercial Heavy

G. IX: Industrial Flex

1.2.4. Industrial Districts

A. IL: Light Industrial

1.2.5. Civic and Open Space Districts

A. CIV: Civic and Institutional

B. REC: Parks and Recreation

C. CON: Conservation

1.2.6. Special Districts

A. Floodplain Overlay

B. Airport Overlay

C. Design Review Overlay

D. PUD-T: Tributary

E. Area of Impact Airport Overlay

F. PUD- CM: Creekside Meadows

G. PUD- SRT: Stone Ridge Townhomes

H. PUD- APT: Aspen Point Townhomes

1.3.1. Zoning Maps Established

A. The boundaries of the zoning districts within the City of Driggs are shown on the Driggs Official Zoning Map.

B. Maps may be kept electronically in GIS. Copies published on the web or otherwise portrayed electronically do not constitute originals.

C. Map originals must be kept on file with the City of Driggs and must indicate the date of the adoption and most recent amendment.

D. The City of Driggs may make paper copies available to the public for a reasonable fee.

E. All map amendments must follow the procedures in Art. 14.9.

1.3.2. Interpretation of Map Boundaries

Where uncertainty exists with respect to the boundaries of any zoning district on the Official Zoning Map or Area of City Impact Zoning Map, the Planning & Zoning Administrator is authorized to interpret the boundaries using the following methods.

A. Where a district boundary line is shown as approximately following the center line of a street, highway, railroad right-of-way or waterway, the district boundary is the center line of that street, highway, railroad right-of-way or waterway.

B. Where a district boundary line is shown as running approximately parallel at a distance from the center line of a street, highway, railroad right-of-way or waterway, the distance from the center line is determined by the map scale.

C. Where a district boundary line is shown as approximately following a lot line or municipal boundary line, the district boundary is the lot line or municipal boundary line.

D. Where a boundary line is shown and its location is not fixed by any of the rules of this sub-section, its precise location is determined by the map scale.

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2.1.1. Site

A site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

A. Site Area

Site area is the cumulative area of all contiguous lots that make up the site. Site area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

B. Site Width

Site width is the cumulative width of all contiguous lots that compose the site.

C. Site Depth

Site depth is the cumulative depth of all contiguous lots that compose the site.

2.1.2. Lot

A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.

A. Lot Area

Lot area is the area included within the rear, side and front lot lines. Lot area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use. In the A- Districts, minimum lot area may not include constrained land such as jurisdictional wetlands, floodways and floodplains, and slopes over 25% which are 2,000 square feet or more of contiguous sloped area. Where on-site waste water treatment is permitted, Health District standards will determine whether minimum lot area must be increased to accommodate the on-site waste water treatment system.

B. Lot Width

Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot.

C. Lot Frontage

Every lot must abut a public or private street, or a courtyard specifically for a cottage court building type (see Art. 8.4). In the case of a Flag Lot, the lot must be granted access to a public or private street via a recorded easement

D. Lot, Flag

A lot with less width of property on a public street than is normally required, with no less than 18 feet abutting a public or private street generally intended to make deeper property accessible. Flag Lot also includes lots with no property directly abutting private or public street, but are granted access via a recorded easement.

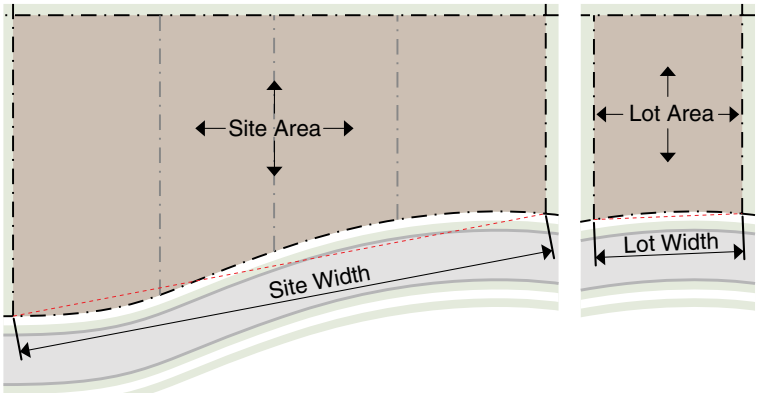
E. Lot, Corner

A lot abutting on, and at the intersection of, two or more streets.

F. Lot Coverage

1. The maximum area of the lot that is permitted to be covered by buildings, including both principal structures, structured parking and roofed accessory structures, including gazebos.

2. Lot coverage also includes paved areas such as driveways, walkways, uncovered porches or patios, decks, swimming pools, parking lots, and roof overhangs of over 2 feet, steps, terraces and uncovered decks.



2.2.1. Type of Setbacks

There are 4 types of setbacks – primary street, side street, side interior and rear. Building setbacks apply to both principal and accessory buildings or structures except where it explicitly states otherwise.

2.2.2. Measurement of Setbacks

A. The primary street setback is measured at a right angle from the primary street right-of-way line.

B. On corner lots, the side street setback is measured at a right angle from the side street right-of-way line.

C. The rear setback is measured at a right angle from the rear property line or the rear right-of-way or easement line where there is an alley. The rear property line is the property line opposite to the primary street property line. Where there is more than one primary street, the Planning & Zoning Administrator will determine if and where the rear property line is based on the criteria in Sec. 2.2.4.

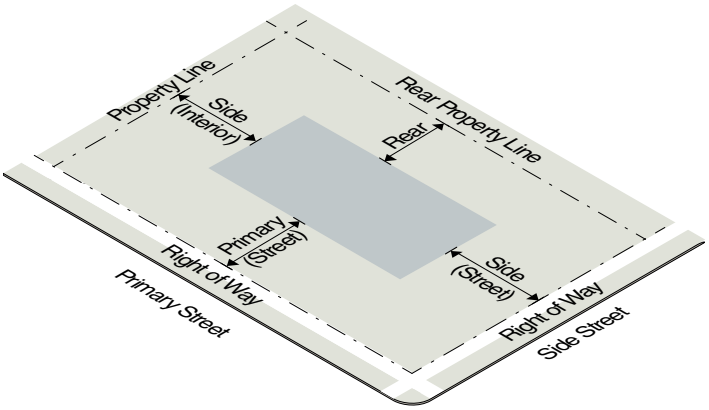
D. All lot lines which are not primary street, side street or rear lot lines are considered side interior lot lines for the purpose of measuring setbacks. Side interior setbacks are measured at a right angle from the side property line.

E. When the side interior or rear setback is 0 or 5 feet, the building or structure may be placed on the property line or be placed a minimum of 5 feet from the property line.

F. When the rear setback is 4 or 20 feet, the building or structure may be placed 4 feet from the property line or be placed a minimum of 20 feet from the property line.

2.2.3. Irregular Shaped Lots

The Planning & Zoning Administrator will determine setbacks for irregularly-shaped lots.



2.2.4. Primary/Side Street Designation

A. Where only one street abuts a lot, that street is considered a primary street.

B. A multiple street frontage lot must designate at least one primary street. A lot may have more than one primary street. The Planning & Zoning Administrator will determine which streets are primary streets based on (where applicable):

1. The street or streets with the highest classification;
2. The established orientation of the block;
3. The street or streets abutting the longest face of the block;
4. The street or streets parallel to an alley within the block;
5. The street that the lot takes its address from; and
6. The pedestrian orientation of adjacent or abutting development, existing or proposed.

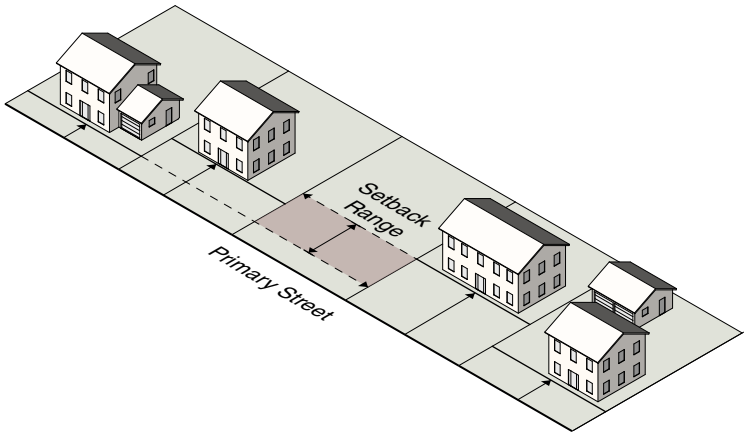
2.2.5. Primary Setback Averaging

The primary street setback requirements for principal buildings in RS-16, RS-7, RS-5 and RS-3 must meet the following requirements:

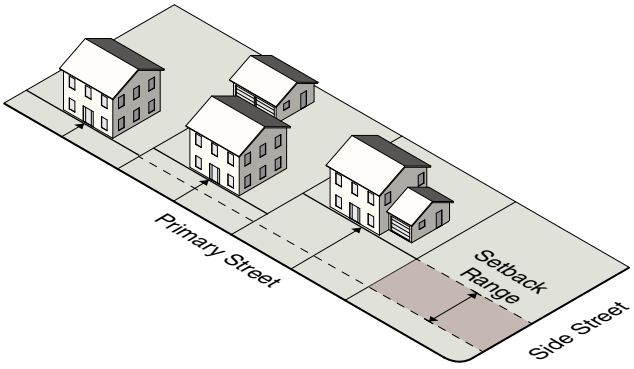
A. The lot must have been recorded for at least 20 years. This time period includes subsequent recombinations or subdivisions of the original lot configuration or recordation.

B. The proposed building must be located within the range of primary street setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range.

C. On an interior lot, the range of setbacks is measured on the basis of the closest lots in either direction along the block face.



D. On a corner lot, the range of setbacks is measured on the basis of the 2 closest lots along the block face.

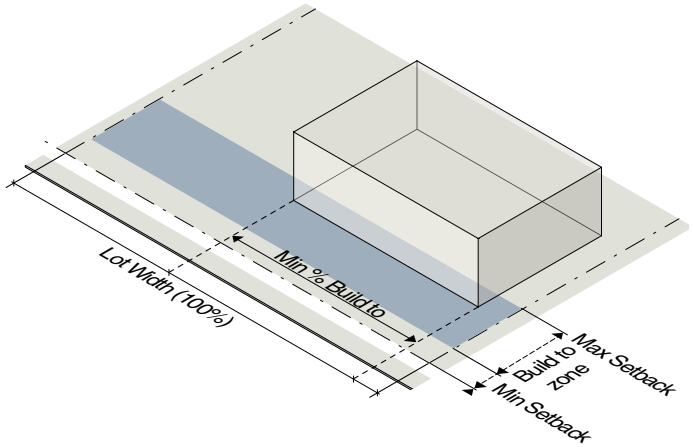


E. Where the calculation cannot be applied to at least 4 lots on an interior lot or 3 lots on a corner lot, (i.e. when the lots are vacant) the building must meet the district standards.

2.3.1. Defined

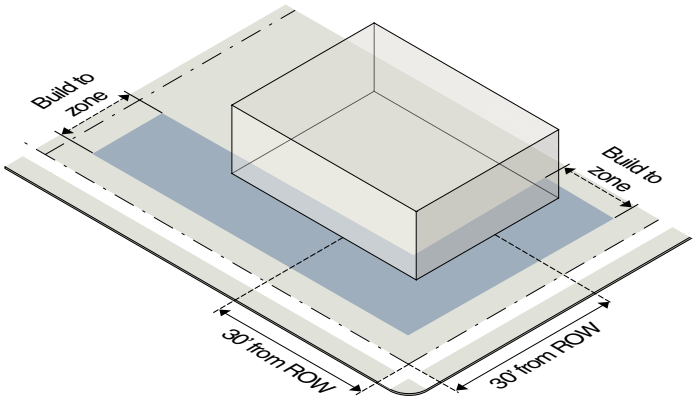
A. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

B. The required percentage specifies the amount of the front building facade that must be located in the build-to zone, measured based on the width of the building divided by the width of the lot.



2.3.2. Corner Lots

On a corner lot, a building facade must be placed within the build-to zone for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines.



2.3.3. Uses Allowed

With the exception of parking spaces and outdoor storage, all structures and uses (including outdoor dining) allowed on the lot are allowed in the build-to zone.

2.4.1. In General

All buildings and structures must be located at or behind the required setbacks except as listed below. Unless specifically stated, no building or structure may extend into a required easement or public right-of-way.

2.4.2. Building Features

A. Porches, stoops, balconies, galleries and awnings/ canopies may extend into a required primary or side street setback as stated in Art. 8.17.

B. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than 10 feet wide, cornices, belt courses, sills or other similar architectural features may encroach up to 3 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line and at least 2 feet above grade.

C. Chimneys or flues may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.

D. Unenclosed patios, decks, balconies, stoops, porches, terraces or fire escapes may encroach into a side interior or rear setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

E. Handicap ramps may encroach to the extent necessary to perform their proper function.

F. Structures below and covered by the ground may encroach into a required setback, provided that such encroachment is at least 2 feet from the vertical plane of any lot line.

2.4.3. Site Features

A. Fences and walls may encroach into a required setback to a height of six feet, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over three feet in height.

B. Sidewalks and driveways may encroach into a required setback.

C. Required buffers may encroach into a required setback.

2.4.4. Low Impact Stormwater Features

A. Low impact stormwater management features may encroach into a primary street setback (but not into the sidewalk), including, but not limited to:

1. Rain barrels or cisterns, 6 feet or less in height;
2. Planter boxes;
3. Bioretention areas; and
4. Similar features, as determined by the Planning & Zoning Administrator.

B. Low impact stormwater management features listed above may encroach into a side interior or rear setback.

2.4.5. Mechanical Equipment and Utility Lines

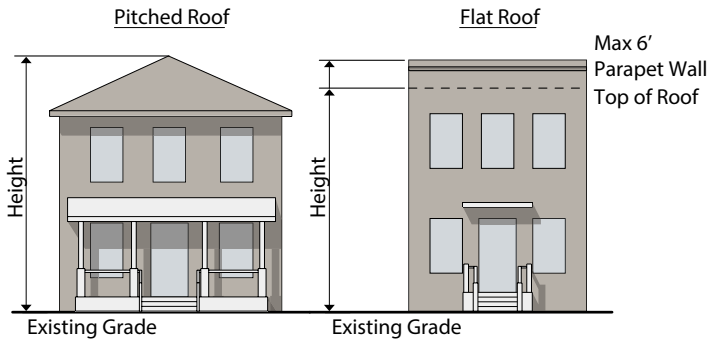
A. Mechanical equipment associated with residential uses, such as HVAC units, swimming pool pumps or filters, may encroach into a side interior or rear setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.

B. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures and related fences) may encroach into a required rear or side setback.

C. Minor utilities below and covered by the ground may encroach into a required setback.

2.5.1. Building Height

A. Building height is measured from the existing grade to the highest point of a building or structure or portion thereof.



2.5.2. Height Encroachments

Any height encroachment not listed below is prohibited except where the Planning & Zoning Administrator determines that the encroachment is similar to a permitted encroachment listed below.

A. The maximum height limits of the district do not apply to public utility facilities, except telecommunication towers, which by design or function must exceed the established height limits. Chapter 10 addresses height standards for telecommunication towers.

B. Building features such as a spire, belfry, cupola, dome, or other similar feature may exceed the established height limit of the district provided that the following standards are met:

1. Does not exceed the maximum height by more than 120%;
2. The setbacks for such features are increased over the base setback requirements of the applicable zone by the same percentage as the proposed height increase over the base height limit;
3. Does not measure, in any horizontal direction, more than 20% of the length of the building's exterior wall running in approximately parallel direction to the measurement;
4. Does not contain heated or conditioned space; and
5. Is not intended for human occupancy.

C. The following may exceed the established height limit of the district provided they do not exceed the maximum height by more than 6 feet:

1. Chimney, flue or vent stack;
2. Rooftop deck, patio, shade structure;
3. Flagpole;
4. Vegetation associated with a rooftop garden or landscaping;
5. Skylights;
6. Parapet wall; and
7. Solar panels, wind turbines and rainwater collection systems.

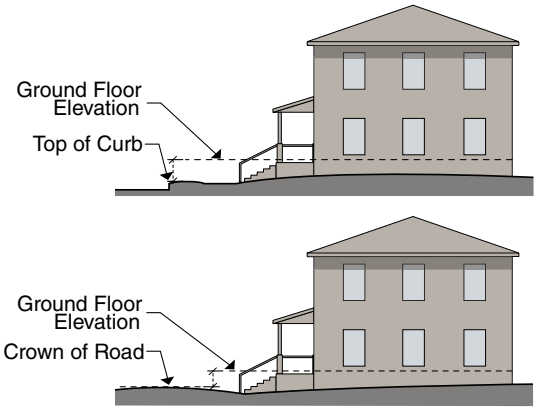
D. The following, when located outside of the Design Overlay District, may exceed the established height limits provided they do not exceed the maximum building height by more than 10 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the edge of the roof:

1. Elevator or stairway access to roof; and
2. Mechanical equipment.

2.5.3. Ground Floor Elevation

A. Ground floor elevation is the height of the ground floor relative to the height of the sidewalk and is measured from top of the abutting curb, or from the crown of the road where no curb exists, to the top of the finished ground floor.

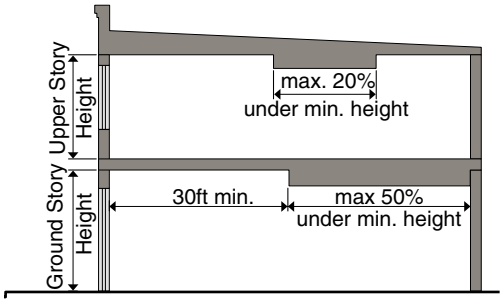
B. Minimum ground floor elevation applies to the first 20 feet of the lot measured from the right-of-way line.



2.5.4. Story Height

A. Story height is the height of each story of building and it is measured from the top of the finished floor to the ceiling above.

B. Minimum ground story height applies to the first 30 feet of the building measured inward from the interior wall of the primary street-facing facade. At least 50% of the ground story must meet the minimum height provisions. At least 80% of the upper story must meet the minimum height provisions.



2.6.1. Transparency

A. Transparency is the minimum percentage of windows and doors that must cover a ground or upper story facade.

B. Transparency applies to primary and side street-facing facades only.

C. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.

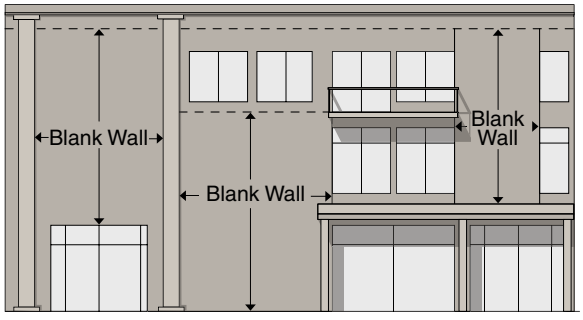
D. Ground story transparency is measured between 2 and 12 feet above the abutting sidewalk.

E. Upper story transparency is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate.



2.6.2. Blank Wall Area

A. Blank wall area means a portion of the exterior facade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change).



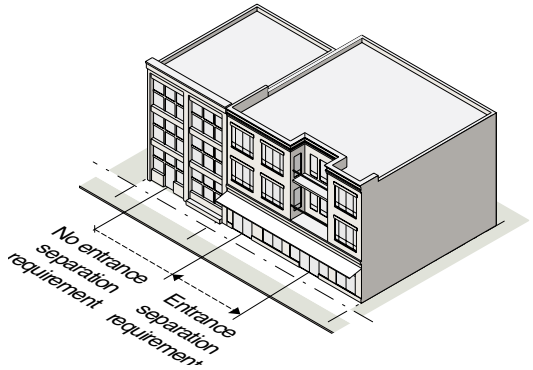
B. Blank wall area applies in both a vertical and horizontal direction. Blank wall area applies only to ground and upper story primary and side street-facing facades and facades visible from Highway 33.

C. Buildings located in the Design Review Overlay may be subject to additional Blank Wall Area provisions.

2.6.3. Pedestrian Access

A. An entrance providing both ingress and egress, operable to residents or customers at all times, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.

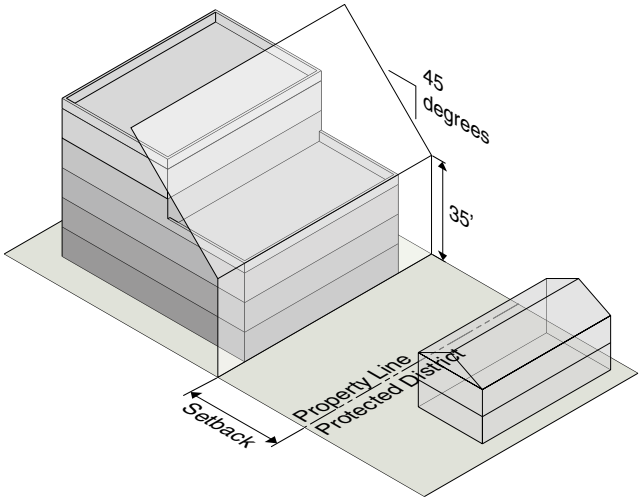
B. The entrance spacing requirements must be met for each building, but are not applicable to adjacent or abutting buildings. Entrance spacing is measured from the edge of door to the edge of the next door.



C. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.

2.7.1. Height Plane

A height plane is required when RM-2, CX or DX abut RC- or RS-. When abutting RC- or RS-, a building cannot extend into a 45-degree angular plane projecting over the subject property measured from a height of 35 feet at the side interior or rear setback line. One foot of additional setback is required for every foot of height above 35 feet until the maximum height of the district is reached.



2.7.2. Property Line Buffer

A property line buffer may also be required (see Sec. 11.2.2).

Chapter 3 - Rural Districts

Art. 3.1. RC-2.5: Residential Cluster

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3.1.3. Building Placement 3-3
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Art. 3.2. RC-1.0: Residential Cluster

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Art. 3.4. Open Space in Cluster Subdivisions

3.4.1. Amount of Open Space 3-8
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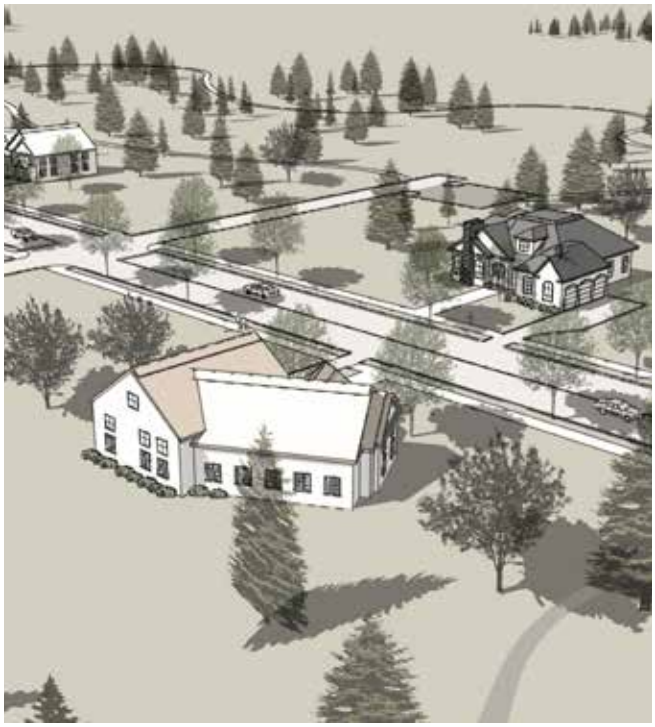
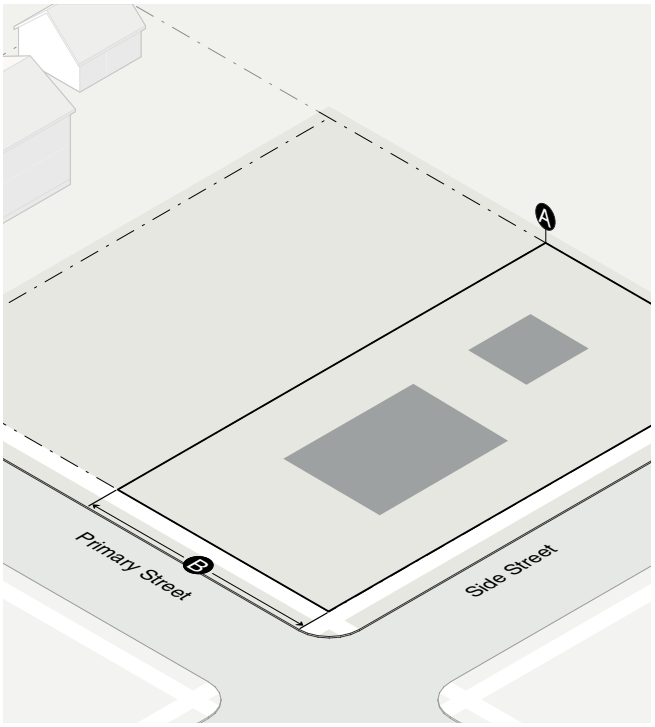
3.1.1. Intent



Description
RC-2.5 is intended to accommodate single family uses at a gross density not exceeding 1 unit per 2.5 acres. RC-2.5 should be applied where the existing land use pattern is predominately single-family or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed. RC-2.5 allows residential cluster development in exchange for preserving open space.

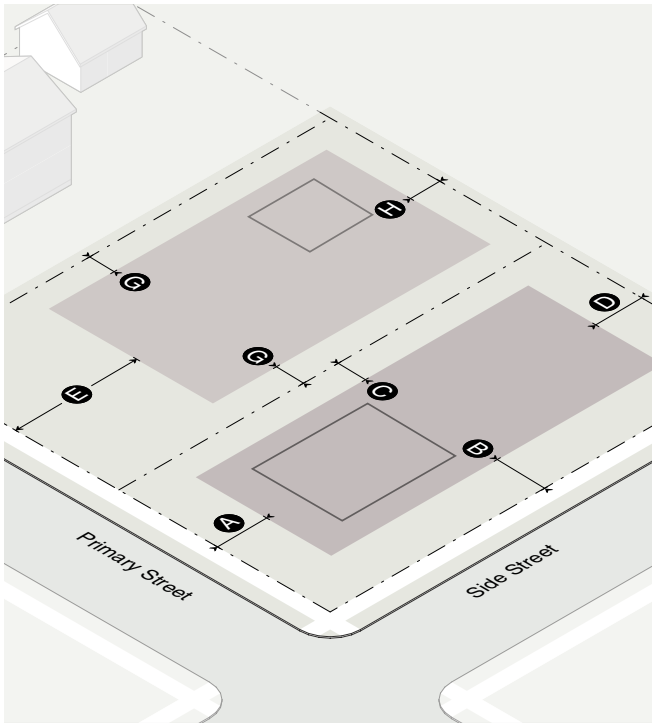
Building Types Allowed	
Detached house	see Art. 8.2 & Sec.10.3.1.B
Backyard cottage	see Art. 8.3 & Sec. 10.8.2
Land Uses Permitted	see Art. 10.2

3.1.2. Lot Dimensions



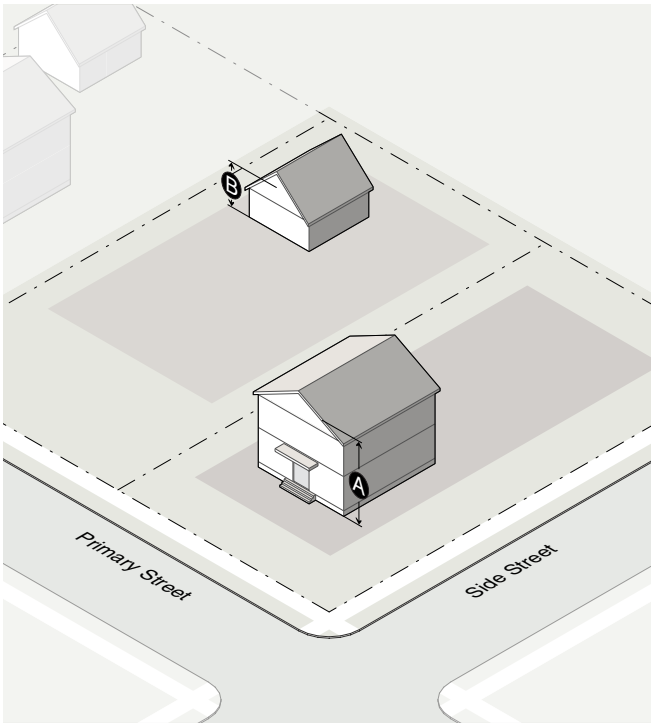
Project		
Gross density	1 primary unit / 2.5 acres max	
Open space (projects 10 acres or more)		20% min
Lot	**Ⓐ Area**	**Ⓑ Width**
Detached house	9,000 SF min	75' min
Backyard cottage	9,000 SF min	75' min
Coverage		
Lot coverage	50% max, not to exceed 10,000 SF	

3.1.3. Building Placement



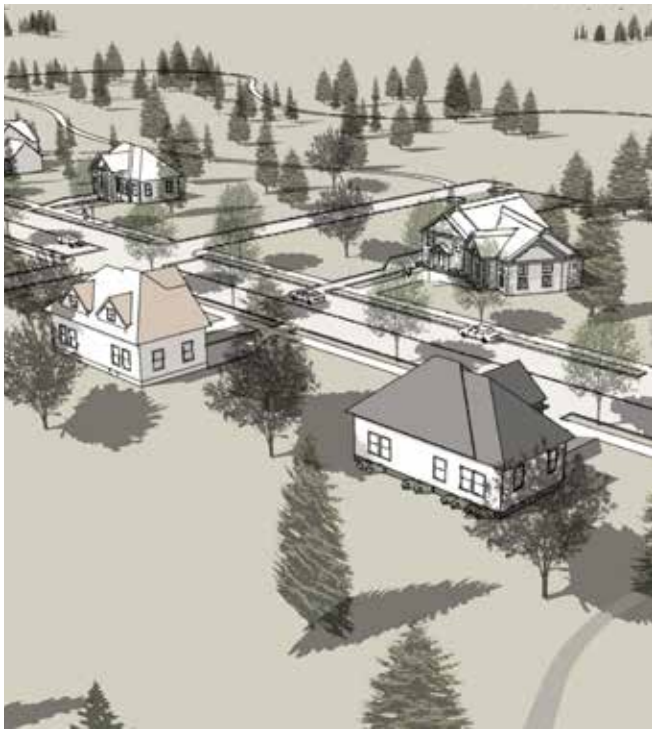
Principal Building Setbacks		
Primary street	20' min	A
Primary street (Garage doors)	20' min (see also Art. 8.18)	A
Side street	20' min	B
Side interior	10' min	C
Rear	20' min	D
Accessory Structure & Detached Garage Setbacks		
Primary street	40' min	E
Primary street (Detached garage)	20' min (see also Art. 8.18)	E
Side street	20' min	F
Side interior	10' min / 0' if <120 SF	G
Rear	10' min/ 0' if <120 SF	H
Setback Encroachments		
Porches, stoops, and balconies	Art. 8.17	
Building features	Sec 2.4.2	

3.1.4. Building Height



Height		
Principal building	30' max	A
Accessory structure	24' max	B

3.2.1. Intent



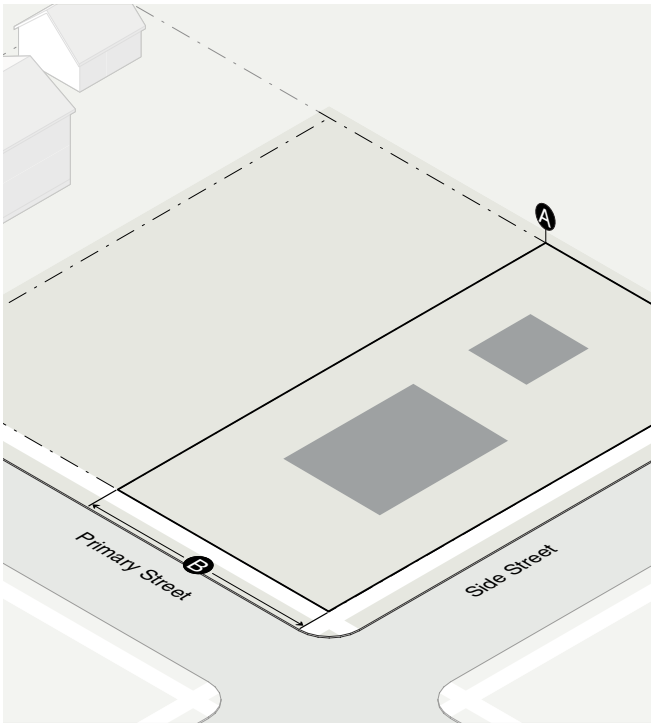
Description

RC-1.0 is intended to accommodate single- and two-family uses at a gross density not exceeding 1 unit per acre. RC-1.0 should be applied where the existing land use pattern is predominately single- or two-family or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed. RC-1.0 allows residential cluster development in exchange for preserving common open space.

Building Types Allowed

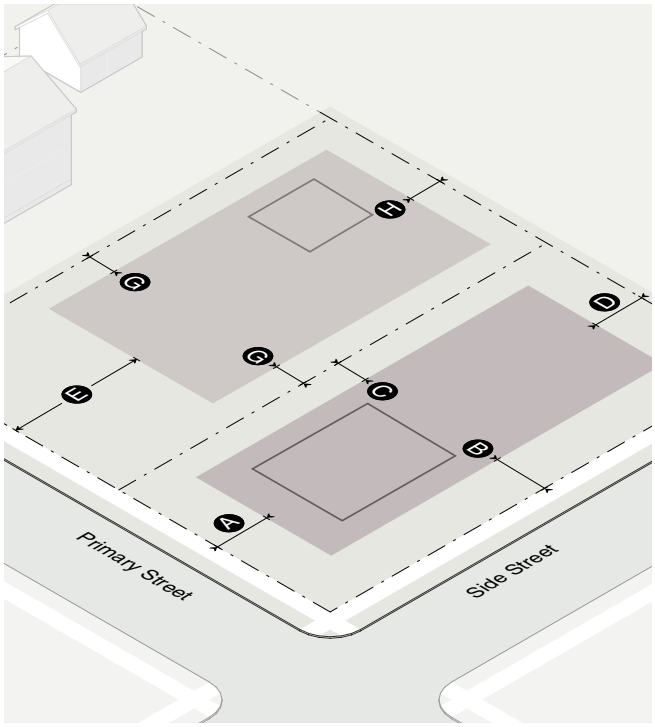
Detached house	see Art. 8.2 & Sec. 10.3.1.B
Backyard cottage	see Art. 8.3 & Sec. 10.8.2
Duplex: side by side	see Art. 8.5
Duplex: back to back	see Art. 8.6
Attached house	see Art. 8.7
Land Uses Permitted	see Art. 10.2

3.2.2. Lot Dimensions



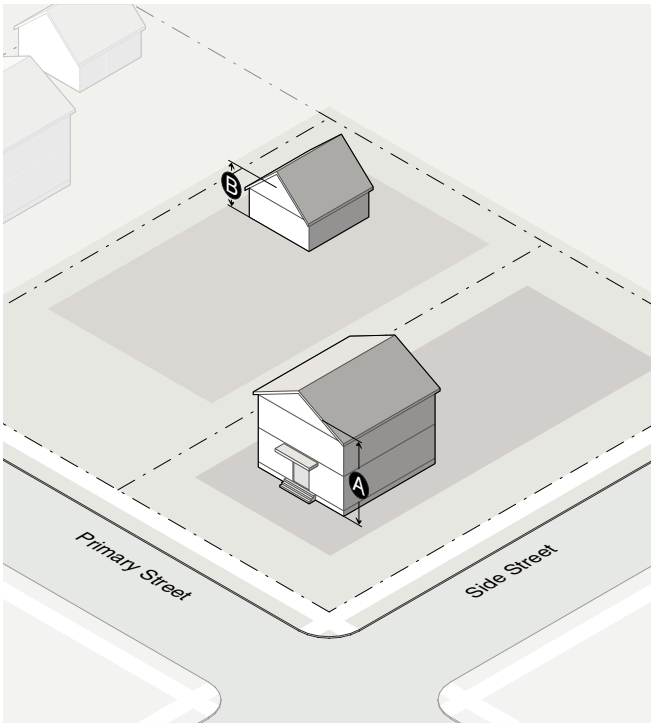
Project		
Gross density	1 unit/acre max	
Open space (projects 10 acres or more)		20% min
Lot	**Ⓐ Area**	**Ⓑ Width**
Detached house	9,000 SF min	75' min
Backyard cottage	9,000 SF min	75' min
Duplex: side by side	12,000 SF min	100' min
Duplex: back to back	12,000 SF min	75' min
Attached house	6,000 SF min	50' min
Coverage		
Lot coverage	50% max, not to exceed 10,000 SF	

3.2.3. Building Placement



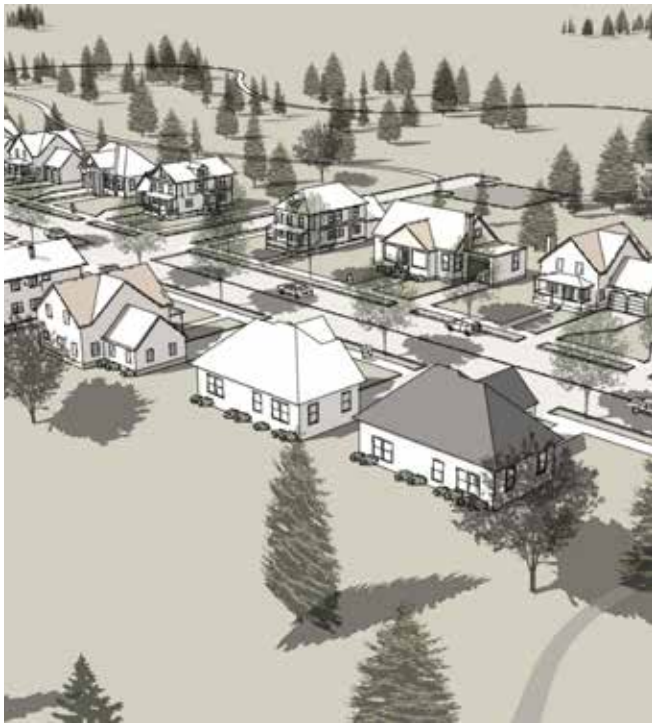
Principal Building Setbacks		
Primary street	20' min	A
Primary street (Garage doors)	20' min (see also Art. 8.18)	A
Side street	20' min	B
Side interior	10' min	C
Rear	20' min	D
Accessory Structure & Detached Garage Setbacks		
Primary street	40' min	E
Primary street (Detached garage)	20' min (see also Art. 8.18)	E
Side street	20' min	F
Side interior	10' min/ 0' if <120 SF	G
Rear	10' min/ 0' if <120 SF	H
Setback Encroachments		
Porches, stoops, and balconies	Art. 8.17	
Building features	Sec 2.4.2	

3.2.4. Building Height



Height		
Principal building	30' max	A
Accessory structure	24' max	B

3.3.1. Intent

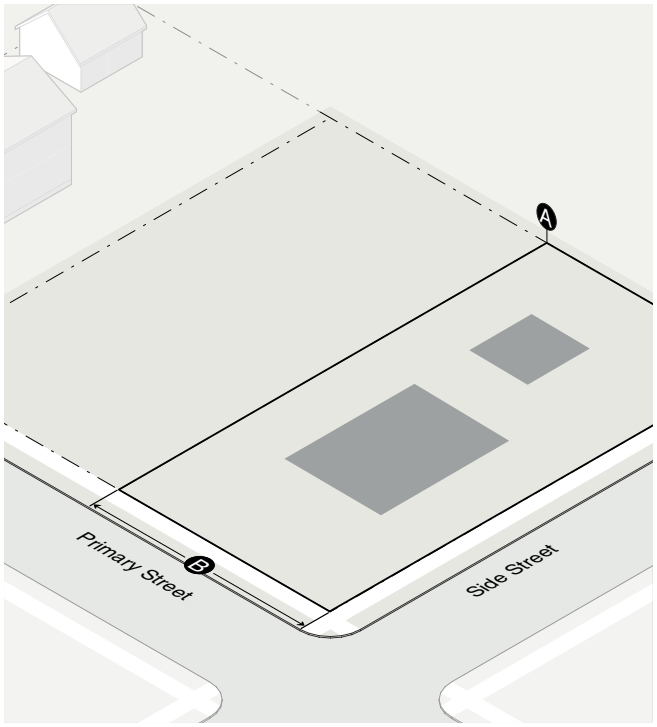


Description

RC-0.5 is intended to accommodate single- and two-family uses at a gross density not exceeding 2 units per acre. RC-0.5 should be applied in areas of transition to lower density where the existing land use pattern is predominately single- or two-family and serviced by city utilities, or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed. RC-0.5 allows residential cluster development in exchange for preserving common open space.

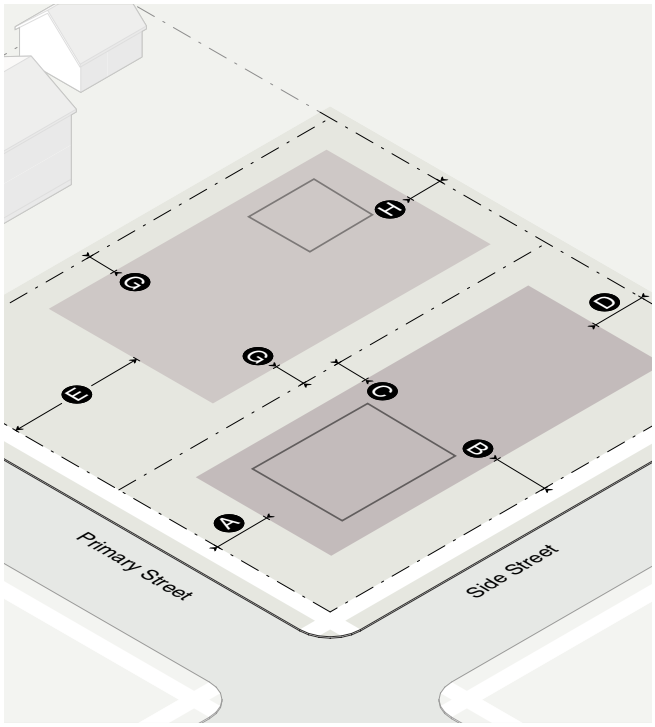
Building Types Allowed	
Detached house	see Art. 8.2 & Sec. 10.3.1.B
Backyard cottage	see Art. 8.3 & Sec. 10.8.2
Duplex: side by side	see Art. 8.5
Duplex: back to back	see Art. 8.6
Attached house	see Art. 8.7
Land Uses Permitted	see Art. 10.2

3.3.2. Lot Dimensions



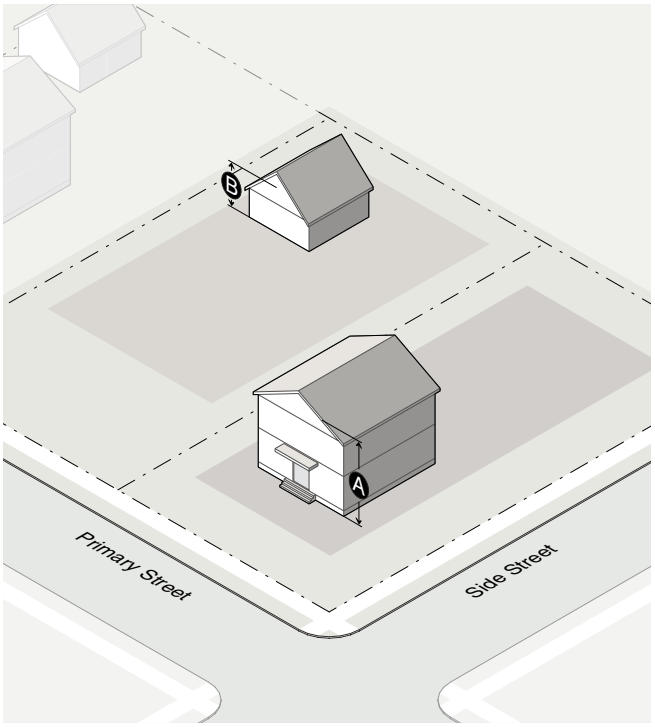
Project		
Gross density	2 units / acre max	
Open space (projects 10 acres or more)		20% min
Lot	**Ⓐ Area**	**Ⓑ Width**
Detached house	9,000 SF min	75' min
Backyard cottage	9,000 SF min	75' min
Duplex: side by side	12,000 SF min	100' min
Duplex: back to back	12,000 SF min	75' min
Attached house	6,000 SF min	50' min
Coverage		
Lot coverage	50% max, not to exceed 10,000 SF	

3.3.3. Building Placement



Principal Building Setbacks (including garages)		
Primary street	20' min	A
Primary street (Garage doors)	20' min (see also Art. 8.18)	A
Side street	20' min	B
Side interior	10' min	C
Rear	20' min	D
Accessory Structure & Detached Garage Setbacks		
Primary street	40' min	E
Primary street (Detached garage)	20' min (see also Art. 8.18)	E
Side street	20' min	F
Side interior	10' min/ 0' if <120 SF	G
Rear	10' min/ 0' if <120 SF	H
Setback Encroachments		
Porches, stoops, and balconies	Art. 8.17	
Building features	Sec 2.4.2	

3.3.4. Building Height



Height		
Principal building	30' max	A
Accessory structure	24' max	B

3.4.1. Amount of Open Space

The amount of required open space is set by district, and is calculated as a percentage of the gross site area.

3.4.2. Permanent Preservation

Required open space set aside in a cluster subdivision must be permanently preserved.

3.4.3. Ownership and Management of Open Space

A. Ownership

Required open space must be owned and maintained by one of the following entities:

1. Single Landowner

A single landowner may retain the open space, subject to a conservation easement. The responsibility for maintaining the open space and any facilities may be borne by a land conservancy or land trust.

2. Land Conservancy or Land Trust

A land conservancy or land trust may own the open space. The responsibility for maintaining the open space and any facilities may be borne by a land conservancy or land trust.

3. City or County

A City or County may retain the open space, subject to a conservation easement. The responsibility for maintaining the open space and any facilities may be borne by a land conservancy or land trust.

4. Homeowners' Association

A homeowners' association representing residents of the development may own the open space. The homeowners' association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities is borne by the homeowners' association.

B. Conveyance

The conveyance of open space must be in accordance with the following:

1. Open space must be conveyed to the land conservancy or land trust, local government or homeowners' association in fee simple without any encumbrances except utility and conservation easements.

2. Title to the real property must be conveyed no later than the time of the conveyance of the first lot within the applicable phase of the development.

3. Open space must be preserved and it must be restricted against private or public ownership for any other purpose except acquisition by condemnation or in lieu of condemnation, and the granting of conservation easements.

C. Dissolution

If the homeowner's association is dissolved, the open space may be offered to another entity who will be responsible for the maintenance and upkeep of the open space. If no other offer is accepted, the open space must be offered to the city and if accepted, deeded to the city.

3.4.4. Configuration of Open Space

A. The minimum width for any required open space is 100 feet. Exceptions may be granted by the city for elements such as trail easements and linear parks.

B. Where the Idaho Department of Fish & Game designates an animal migration corridor on the property, they must be consulted as to the appropriate width of the corridor.

C. On sites less than 40 acres, no more than one pod of development is allowed, and the remaining open space must be contiguous. Where multiple roads serve a property, additional pods of development may be approved where they improve the protection

of the key site resources by reducing the intrusion of development into the site.

D. Required open space must adjoin any neighboring areas of dedicated open space or other protected natural areas.

3.4.5. Open Space Priorities

A. Planning & Zoning Commission Authority

The final determination as to which land must be protected as required open space will be made by the Planning & Zoning Commission.

B. Primary Open Space

The following are considered primary open space areas and must be the first areas reserved as required open space:

1. Land whose elevation is lower than 2 feet above the elevation of the 100-year flood as defined by FEMA;
2. Land within 100 feet of any wetland (as defined by United States Code of Federal Regulations 40 CFR, Parts 230-233 and Part 22), and isolated wetlands or areas of special concern identified by state or local rule;
3. Slopes above 25% of at least 5,000 square feet contiguous area; and
4. Any state-designated wildlife corridor.

C. Secondary Open Space

The following are considered secondary open space areas and must be included as required open space once the primary open space areas are exhausted:

1. Significant natural features and scenic views such as ridgelines, open vistas across meadows or fields, river or stream views;
2. Specific wildlife or habitat protection areas listed in the Comprehensive Plan, including, but not limited to:
    a. Sharp-tailed grouse breeding habitat;
    b. Songbird/raptor breeding and wintering habitat;
    c. Waterbird breeding, migration and wintering habitat;
    d. Big game migration corridors and seasonal range.
3. Habitat for any species on Federal or State threatened, endangered, or species of concern lists;
4. Traditional trail access to adjacent public (federal or state) lands;
5. Natural woodlands that help block the view of the development;
6. Historic, archeological and cultural sites, cemeteries and burial grounds; and
7. Soils with severe development limitations.

3.4.6. Allowed Uses of Open Space

To the extent not otherwise prohibited by the use table for the applicable district, required open space may be used for the following:

A. Agricultural purposes (including row and field crops, pasturage, floriculture, horticulture, viticulture, sod farm, silviculture and grazing, except that feed lots or other concentrated animal feeding operations are not allowed in required open space);

B. Conservation areas for natural, archeological or historical resources;

C. Meadows, forests, wetlands, wildlife corridors, game preserves or similar conservation-oriented areas;

D. Pedestrian or multipurpose trails; including pervious parking areas for users;

E. Passive or active recreation areas;

F. Water bodies such as lakes, ponds, rivers, streams and creeks and their associated floodplains and floodways;

G. Street crossings that create the minimum impact possible on the open space and are necessary for access; and

H. Easements for drainage, access and underground utility lines.

3.4.7. Prohibited Uses of Open Space

Required open space cannot be used for the following:

A. Individual wastewater disposal systems;

B. Streets (except as allowed street crossings above); and

C. Impervious parking areas.

3.4.8. Access

Access to required open space may be restricted where necessary for public safety reasons or to prevent interference with agricultural operations, sensitive natural resources or critical wildlife habitat.

Chapter 4 - Residential Districts

Art. 4.1. RS-16: Residential Single-Family

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4.1.2. Lot Dimensions....4-2
4.1.3. Building Placement....4-3
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Art. 4.2. RS-7: Single-Family & Two-Family

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4.6.2. Lot Dimensions....4-12
4.6.3. Building Placement....4-13
4.6.4. Building Height....4-13

4.1.1. Intent



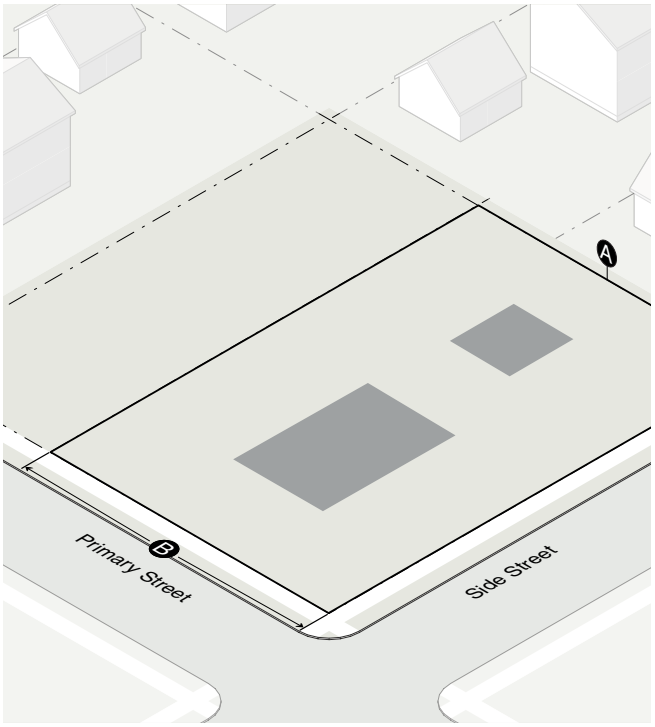
Description

RS-16 is intended to accommodate existing single-family detached houses with a minimum lot size of 16,000 square feet. RS-16 is applied in areas where the land use pattern is predominately single-family that is served by central water and sewer facilities or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed.

Building Types Allowed

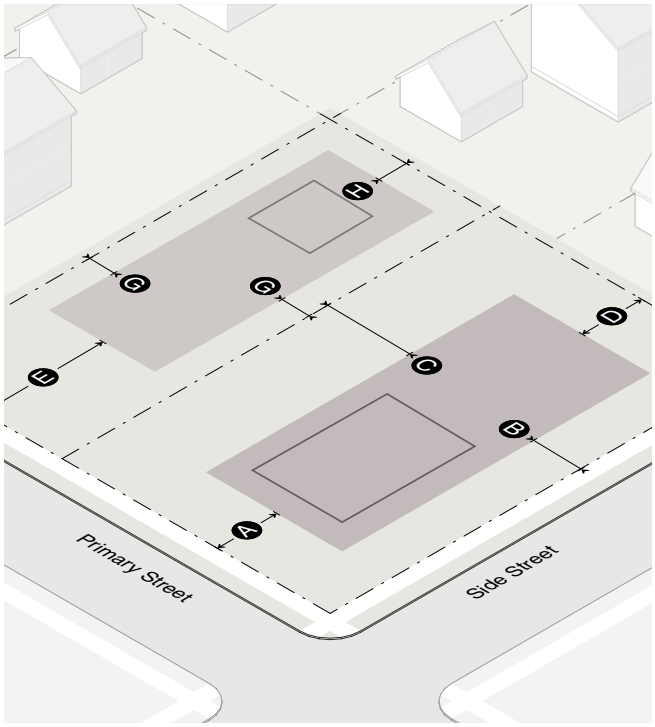
Detached house	see Art. 8.2 & Sec. 10.3.1.B
Backyard cottage	see Art. 8.3 & Sec. 10.8.2
Land Uses Permitted	see Art. 10.2

4.1.2. Lot Dimensions



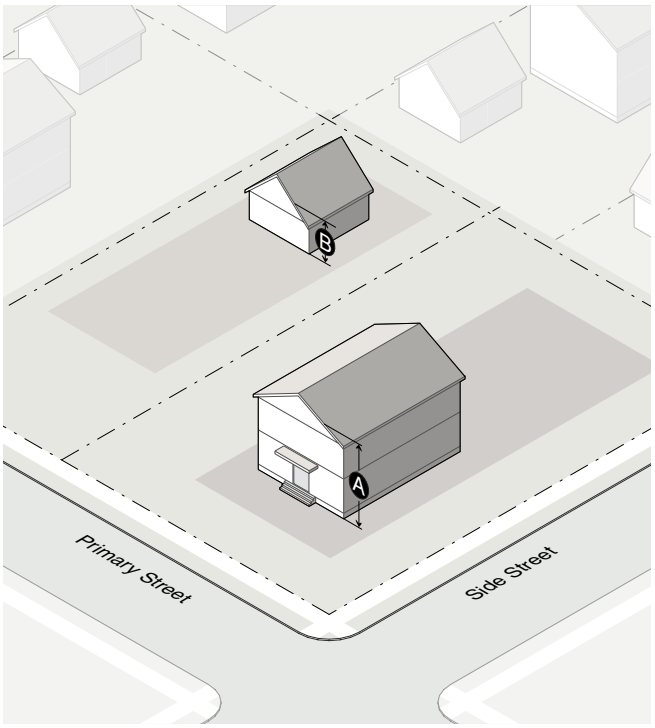
Lot	Ⓐ Area	Ⓑ Width
Detached house	16,000 SF min	75' min
Flag lot	16,000 SF min	18' min
Backyard cottage	16,000 SF min	75' min
Coverage		
Lot coverage		50% max

4.1.3. Building Placement



Principal Building Setbacks		
Primary street	25' min or Avg. front setback (Sec. 2.2.5)	A
Primary street (Garage doors)	20' min (see also Art. 8.18)	A
Side street	20' min	B
Side interior	10' min	C
Rear	25' min	D
Accessory Structure & Detached Garage Setbacks		
Primary street	40' min	E
Primary street (Detached garage)	20' min (see also Art. 8.18)	E
Side street	20' min	F
Side interior	10' min/ 0' if < 120 SF	G
Rear	10' min/ 0' if < 120 SF	H
Setback Encroachments		
Porches, stoops, and balconies	Art. 8.17	
Building features	Sec 2.4.2	

4.1.4. Building Height



Height		
Principal building	30' max	A
Backyard Cottage	24' max	B
Accessory structure	24' max	B

4.2.1. Intent

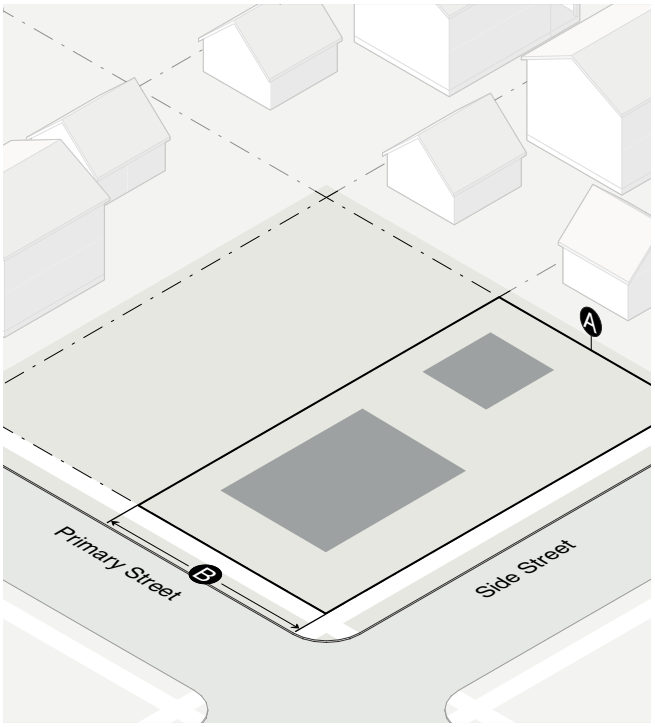


Description

RS-7 is primarily intended to accommodate single-family detached houses with a minimum lot size of 7,000 square feet. Additional building types are allowed that include backyard cottage, cottage court, duplex and attached house. RS-7 should be applied in areas where the land use pattern is predominately single- or two-family that is served by central water and sewer facilities or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed.

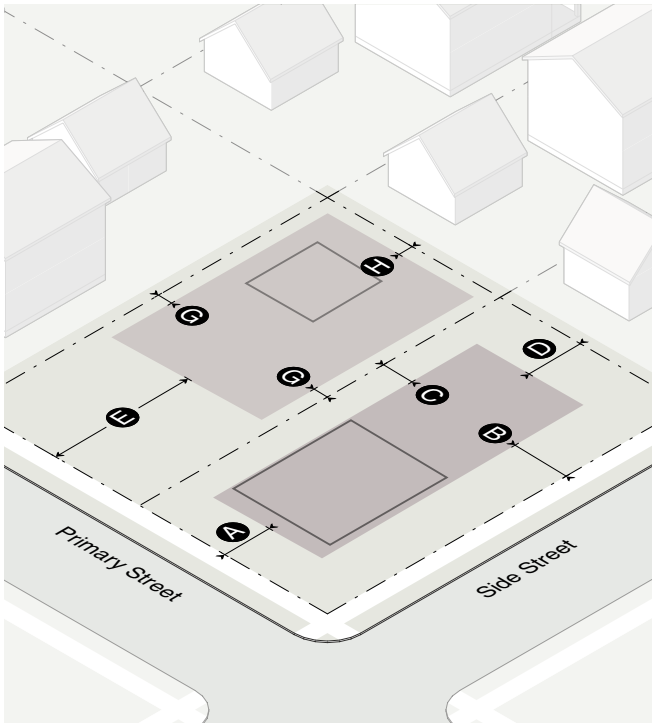
Building Types Allowed	
Detached house	see Art. 8.2 & Sec. 10.3.1.B
Backyard cottage	see Art. 8.3 & Sec. 10.8.2
Cottage court	see Art. 8.4
Duplex: side by side	see Art. 8.5
Duplex: back to back	see Art. 8.6
Attached house	see Art. 8.7
Land Uses Permitted	see Art. 10.2

4.2.2. Lot Dimensions



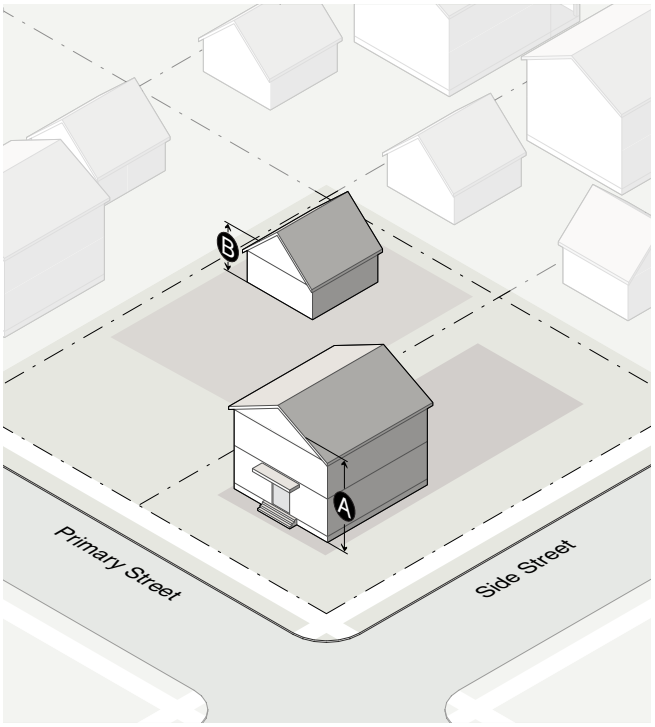
Lot	Ⓐ Area	Ⓑ Width
Detached house	7,000 SF min	65' min
Flag lot	7,000 SF min	18' min
Backyard cottage	7,000 SF min	65' min
Cottage court	22,500 SF min	150' min
Cottage court (per unit)	1,200 SF min	20' min
Duplex: side by side	9,000 SF min	75' min
Duplex: back to back	9,000 SF min	65' min
Attached house	4,500 SF min	35' min
Coverage		
Lot coverage		60% max

4.2.3. Building Placement



Principal Building Setbacks		
Primary street	15' min or Avg. front setback (Sec. 2.2.5)	A
Primary street (Garage doors)	20' min (see also Art. 8.18)	A
Side street	20' min	B
Side interior	10' min	C
Rear	20' min	D
Rear, abutting alley	4' or 20' min	D
Accessory Structure & Detached Garage Setbacks		
Primary street	40' min	E
Primary street (Detached garage)	20' min (see also Art. 8.18)	E
Side street	20' min	F
Side interior	5' min/ 0' if < 120 SF	G
Rear	5' min/ 0' if < 120 SF	H
Rear, abutting alley	4' or 20' min	H
Setback Encroachments		
Porches, stoops, and balconies	Art. 8.17	
Building features	Sec 2.4.2	

4.2.4. Building Height



Height		
Principal building	30' max	A
Backyard Cottage	24' max	B
Accessory structure	24' max	B

4.3.1. Intent



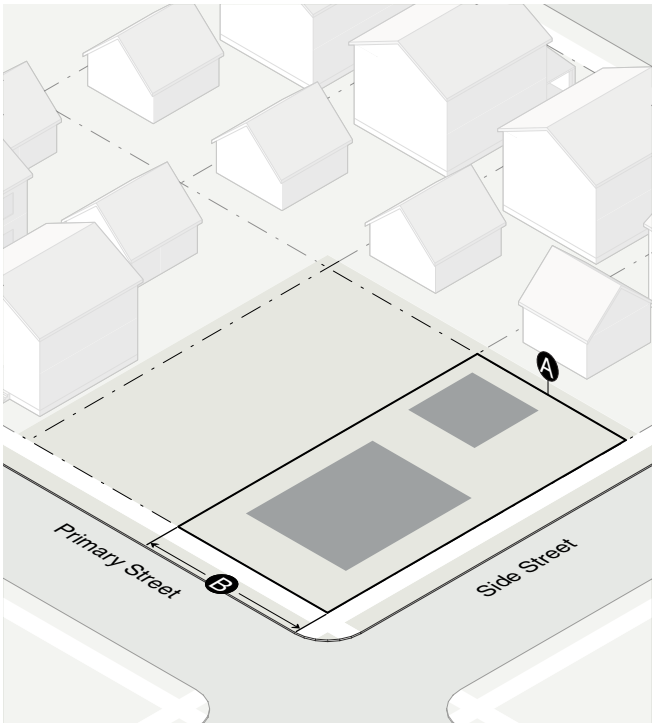
Description

RS-5 is primarily intended to accommodate single-family detached houses with a minimum lot size of 5,000 square feet. Additional building types are allowed that include backyard cottage, cottage court, duplex and attached house. RS-5 should be applied in areas where the land use pattern is predominately single-family or two-family that is served by central water and sewer facilities or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed.

Building Types Allowed

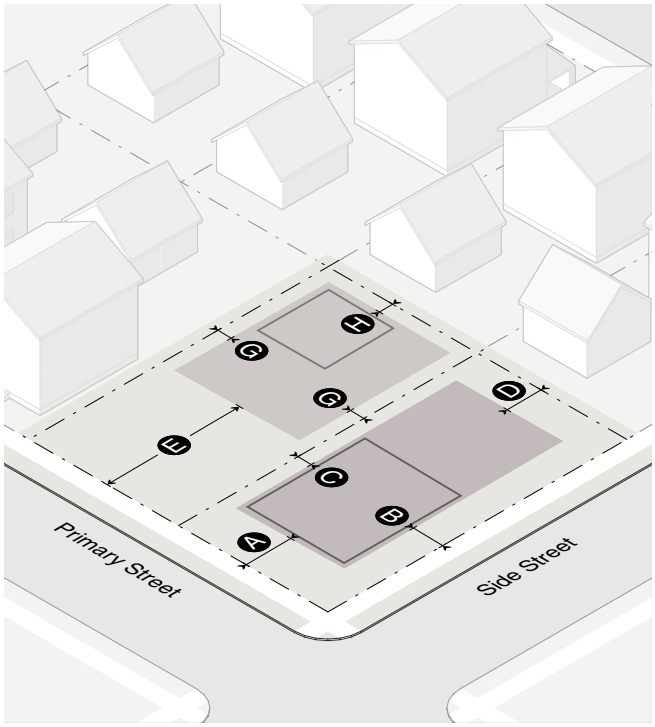
Detached house	see Art. 8.2 & Sec. 10.3.1.B
Backyard cottage	see Art. 8.3 & Sec. 10.8.2
Cottage court	see Art. 8.4
Duplex: side by side	see Art. 8.5
Duplex: back to back	see Art. 8.6
Attached house	see Art. 8.7
Land Uses Permitted	see Art. 10.2

4.3.2. Lot Dimensions



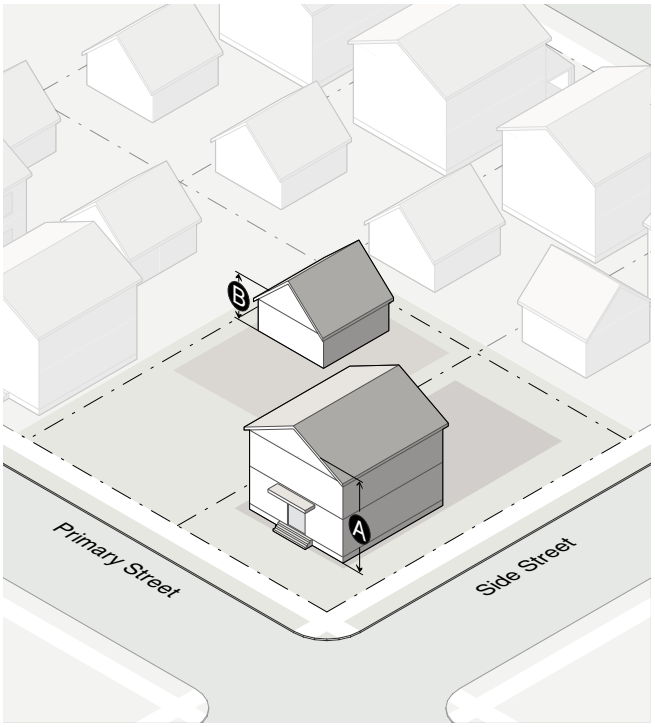
Lot	Ⓐ Area	Ⓑ Width
Detached house	5,000 SF min	50' min
Flag lot	7,000 SF min	18' min
Backyard cottage	5,000 SF min	50' min
Cottage court	22,500 SF min	150' min
Cottage court (per unit)	1,200 SF min	20' min
Duplex: side by side	7,000 SF min	65' min
Duplex: back to back	7,000 SF min	50' min
Attached house	3,500 SF min	30' min
Coverage		
Lot coverage		60% max

4.3.3. Building Placement



Principal Building Setbacks		
Primary street	15' min or Avg. front setback (Sec. 2.2.5)	A
Primary street (Garage doors)	20' min (see also Art. 8.18)	A
Side street	10' min	B
Side interior	7' min	C
Rear	15' min	D
Rear, abutting alley	4' or 20' min	D
Accessory Structure & Detached Garage Setbacks		
Primary street	40' min	E
Primary street (Detached garage)	20' min (see also Art. 8.18)	E
Side street	10' min	F
Side interior	5' min/ 0' if < 120 SF	G
Rear	5' min/ 0' if < 120 SF	H
Rear, abutting alley	4' or 20' min	H
Setback Encroachments		
Porches, stoops, and balconies	Art. 8.17	
Building features	Sec 2.4.2	

4.3.4. Building Height



Height		
Principal building	30' max	A
Backyard Cottage	24' max	B
Accessory structure	24' max	B

4.4.1. Intent



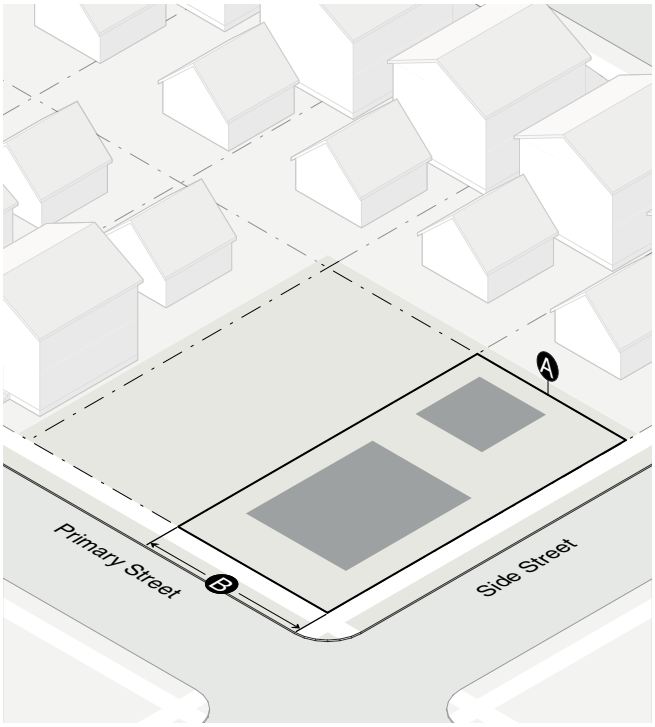
Description

RS-3 is primarily intended to accommodate single-family detached houses with a minimum lot size of 3,000 square feet. Additional building types are allowed that include backyard cottage, cottage court, duplex and attached house. RS-3 should be applied in areas where the land use pattern is predominately single-or two-family that is served by central water and sewer facilities or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed.

Building Types Allowed

Detached house	see Art. 8.2 & Sec. 10.3.1.B
Backyard cottage	see Art. 8.3 & Sec. 10.8.2
Cottage court	see Art. 8.4
Duplex: side by side	see Art. 8.5
Duplex: back to back	see Art. 8.6
Attached house	see Art. 8.7
Land Uses Permitted	see Art. 10.2

4.4.2. Lot Dimensions



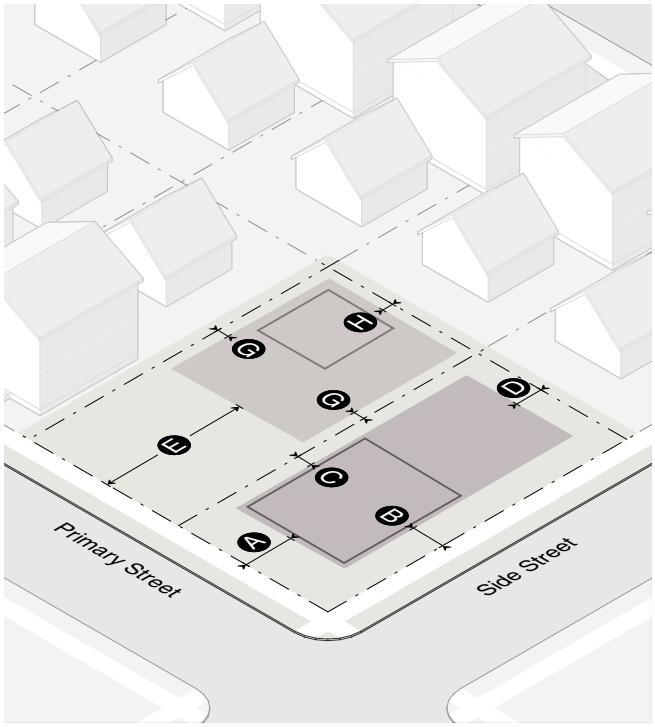
Lot	Ⓐ Area	Ⓑ Width
Detached house	3,000 SF min	30' min
Backyard cottage	3,000 SF min	30' min
Cottage court	22,500 SF min	150' min
Cottage court (per unit)	1,200 SF min	20' min
Duplex: side by side	5,000 SF min	50' min
Duplex: back to back	5,000 SF min	30' min
Attached house	2,500 SF min	25' min

All lots 40 feet or less in width are required to take vehicular access from a rear alley, except cottage courts.

Coverage

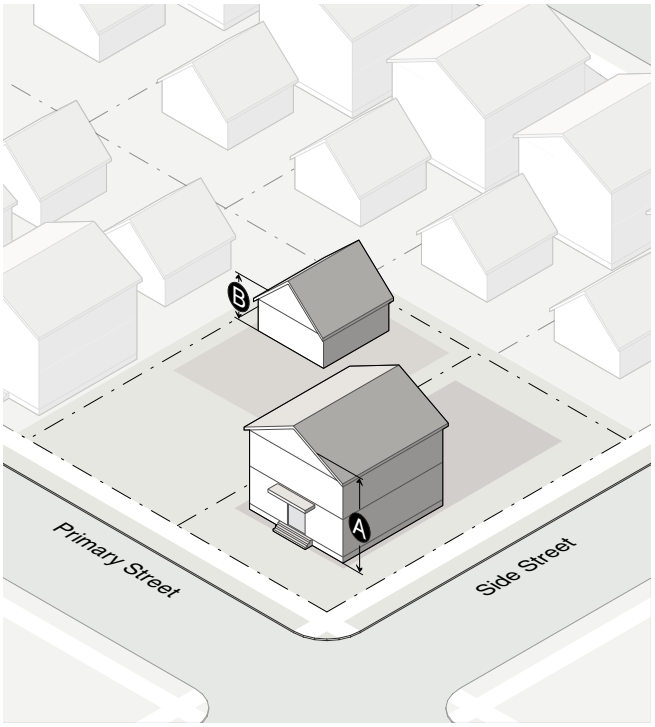
Lot coverage	70% max

4.4.3. Building Placement



Principal Building Setbacks		
Primary street	15' min or Avg. front setback (Sec. 2.2.5)	A
Primary street (Garage doors)	20' min (see also Art. 8.18)	A
Side street	10' min	B
Side interior	3' min	C
Rear	10' min	D
Rear, abutting alley	4' or 20' min	D
Accessory Structure & Detached Garage Setbacks		
Primary street	40' min	E
Primary street (Detached garage)	20' min (see also Art. 8.18)	E
Side street	10' min	F
Side interior	3' min/ 0' if < 120 SF	G
Rear	3' min/ 0' if < 120 SF	H
Rear, abutting alley	4' or 20' min	H
Setback Encroachments		
Porches, stoops, and balconies	Art. 8.17	
Building features	Sec 2.4.2	

4.4.4. Building Height



Height		
Principal building	30' max	A
Backyard Cottage	24' max	B
Accessory structure	24' max	B

4.5.1. Intent



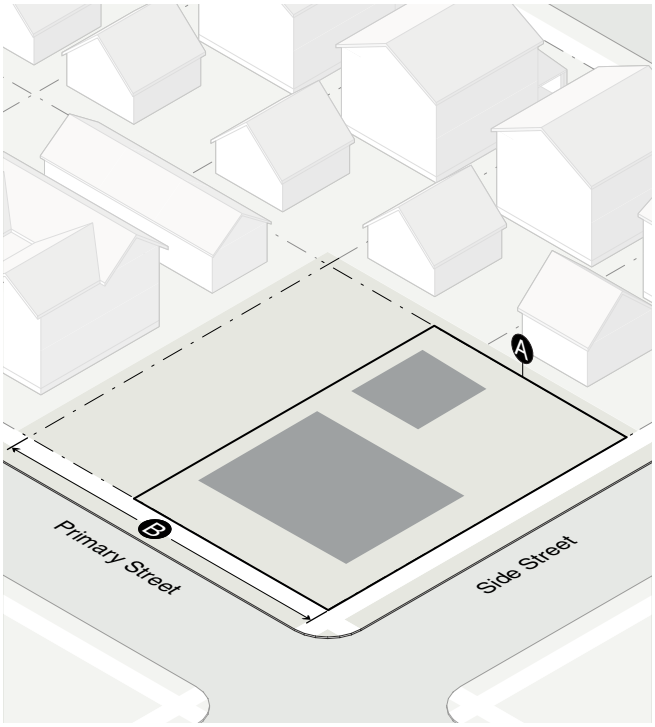
Description

RM-1 is intended to accommodate a variety of residential options including single-family, two-family and multifamily (up to 4 units). Building type options include detached house, backyard cottage, townhome, cottage court, duplex, attached house and four-plex. RM-1 should be applied in areas where the existing or proposed land use pattern allows for a variety of housing options. Uses that would substantially interfere with the residential nature of the district are not allowed.

Building Types Allowed

Detached house	see Art. 8.2 & Sec. 10.3.1.B
Backyard cottage	see Art. 8.3 & Sec. 10.8.2
Cottage court	see Art. 8.4
Duplex: side by side	see Art. 8.5
Duplex: back to back	see Art. 8.6
Attached house	see Art. 8.7
Four-plex	see Art. 8.8
Land Uses Permitted	see Art. 10.2

4.5.2. Lot Dimensions



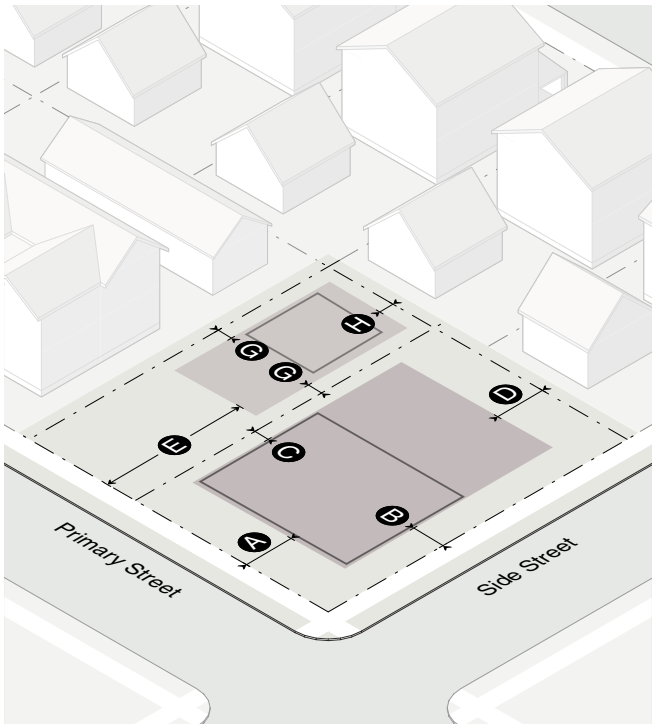
Lot	Ⓐ Area	Ⓑ Width
Detached house	3,000 SF min	30' min
Backyard cottage	3,000 SF min	30' min
Cottage court	22,500 SF min	150' min
Cottage court (per unit)	1,200 SF min	20' min
Duplex: side by side	5,000 SF min	50' min
Duplex: back to back	5,000 SF min	30' min
Attached house	2,500 SF min	25' min
Four-plex	7,000 SF min	65' min
Townhomes	1,500 SF min	25' min

All lots 40 feet or less in width are required to take vehicular access from a rear alley, except cottage courts, and townhomes when internal road system is proposed.

Coverage

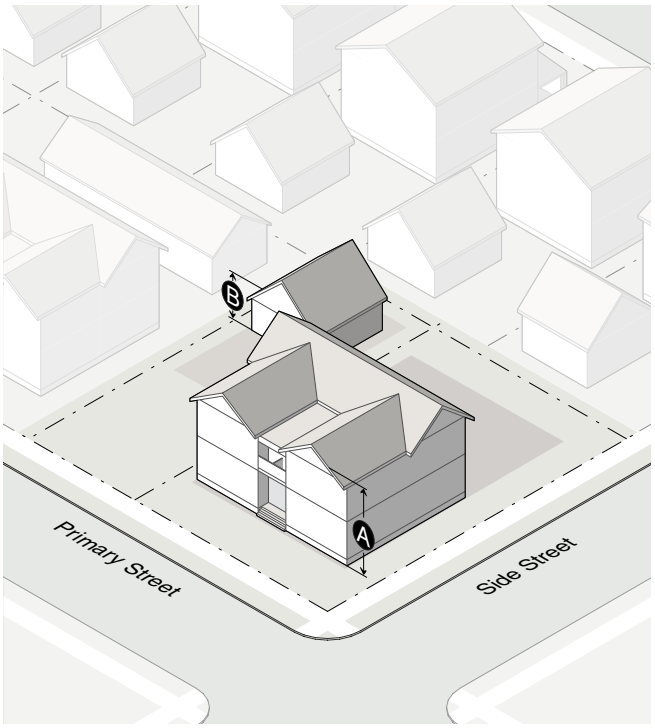
Lot coverage	70% max

4.5.3. Building Placement



Principal Building Setbacks		
Primary street	15' min	A
Primary street (Garage doors)	20' min (see also Art. 8.18)	A
Side street	10' min	B
Side interior	5' min	C
Rear	15' min	D
Rear, abutting alley	4' or 20' min	D
Accessory Structure & Detached Garage Setbacks		
Primary street	40' min	E
Primary street (Detached garage)	20' min (see also Art. 8.18)	E
Side street	10' min	F
Side interior	5' min / 0' if < 120 SF	G
Rear	5' min/ 0' if < 120 SF	H
Rear, abutting alley	4' or 20' min	H
Setback Encroachments		
Porches, stoops, and balconies	Art. 8.17	
Building features	Sec 2.4.2	

4.5.4. Building Height



Height		
Principal building	35' max	A
Backyard Cottage	24' max	B
Accessory structure	24' max	B

4.6.1. Intent



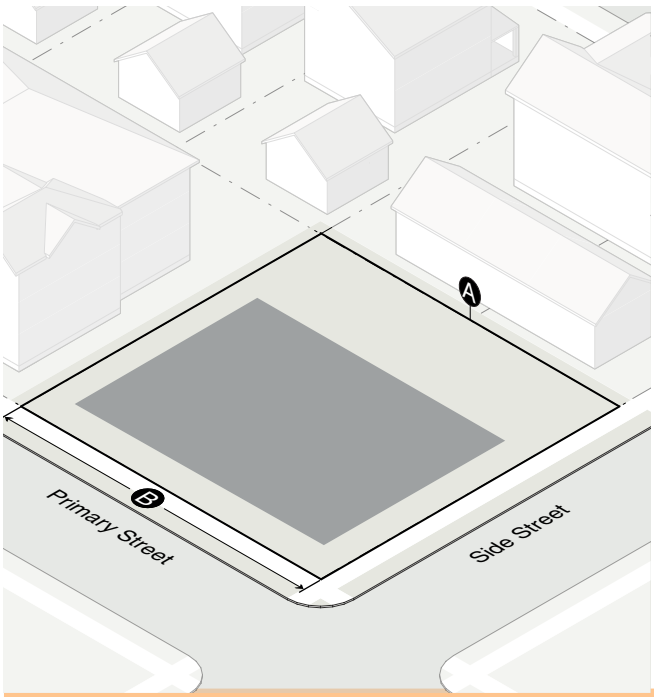
Description

RM-2 is intended to accommodate a variety of residential options including single-family, two-family and multifamily. Building type options include detached house, backyard cottage, cottage court, duplex, attached house, four-plex, townhouse and apartment. RM-2 should be applied in areas where the existing or proposed land use pattern allows for a variety of residential options. Uses that would substantially interfere with the residential nature of the district are not allowed.

Building Types Allowed

Detached house	see Art. 8.2 & Sec. 10.3.1.B
Backyard cottage	see Art. 8.3 & Sec. 10.8.2
Cottage court	see Art. 8.4
Duplex: side by side	see Art. 8.5
Duplex: back to back	see Art. 8.6
Attached house	see Art. 8.7
Four-plex	see Art. 8.8
Townhouse	see Art. 8.9
Apartment	see Art. 8.10
Land Uses Permitted	see Art. 10.2

4.6.2. Lot Dimensions



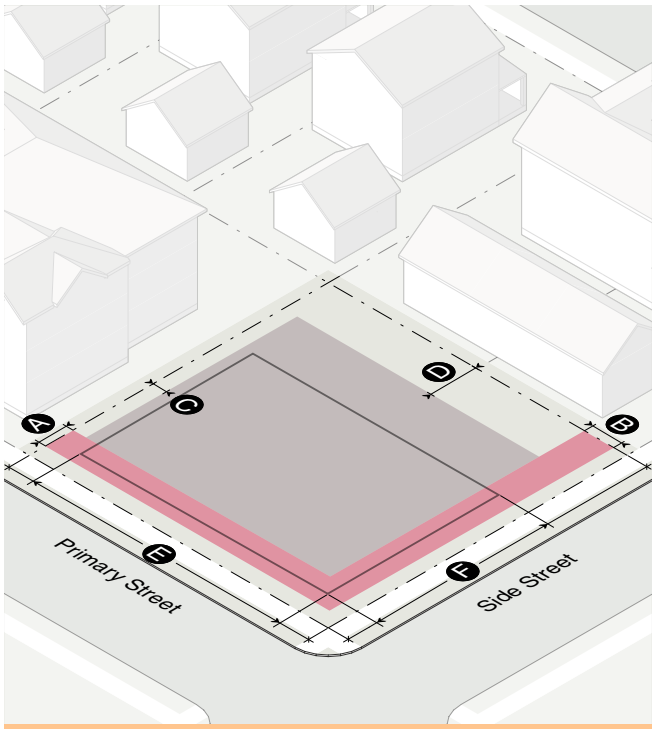
Lot	Ⓐ Area	Ⓑ Width
Detached house	3,000 SF min	30' min
Backyard cottage	3,000 SF min	30' min
Cottage court	22,500 SF min	150' min
Cottage court (per unit)	1,200 SF min	20' min
Duplex: side by side	5,000 SF min	50' min
Duplex: back to back	5,000 SF min	30' min
Attached house	2,500 SF min	25' min
Four-plex	7,000 SF min	65' min
Townhouse	1,500 SF min	20' min
Apartment	10,000 SF min	70' min

All lots 40 feet or less in width are required to take vehicular access from a rear alley, except cottage courts and townhomes when internal road system is proposed.

Coverage

Lot coverage	70% max

4.6.3. Building Placement

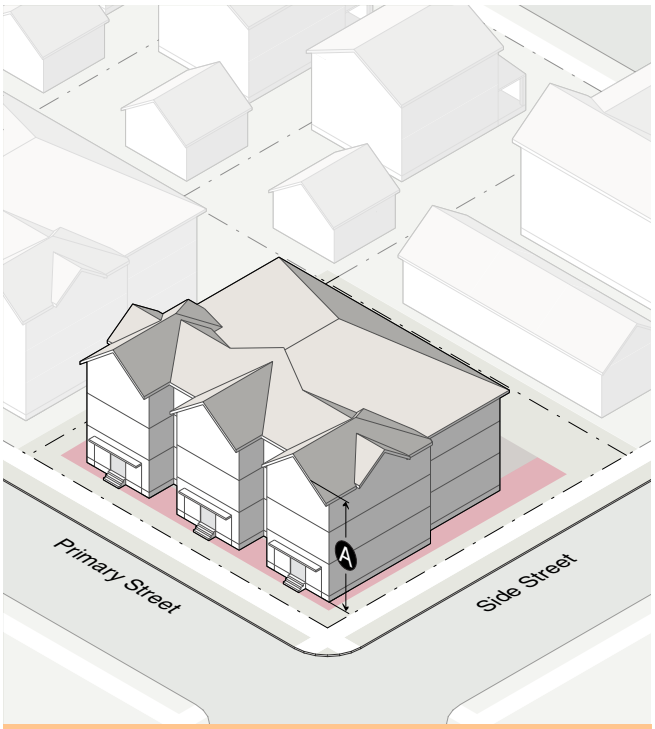


Building and Structure Setbacks		
Primary street	5' min / 15' max	A
Primary street (Garage doors)	20' min (see also Art. 8.18)	A
Side street	5' min / 15' max	B
Side interior	5' min	C
Rear	15' min	D
Rear, abutting alley	4' or 20' min	D

Accessory Structure & Detached Garage Setbacks		
Primary street	40' min	A
Primary street (Detached garage)	20' min (see also Art. 8.18)	A
Side street	10' min	B
Side interior	5' min / 0' if < 120 SF	C
Rear	5' min/ 0' if < 120 SF	D
Rear, abutting alley	4' or 20' min	D

Setback Encroachments	
Porches, stoops, and balconies	Art. 8.17
Building features	Sec 2.4.2

4.6.4. Building Height



Height		
All buildings and structures	35' max	A
Backyard Cottage	35' max	

Build-to Zone (BTZ) - Does not apply to private roads		
Building facade in primary street BTZ (% of lot width)	60% min	E
Building facade in side street BTZ (% of lot width)	30% min	F

Chapter 5 - Mixed Use Districts

Art. 5.1. RX: Residential Mixed Use

5.1.1. Intent 5-2
5.1.2. Lot Dimensions 5-2
5.1.3. Building Placement 5-3
5.1.4. Building Height 5-3

Art. 5.2. NX: Neighborhood Mixed Use

5.2.1. Intent 5-4
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5.2.4. Building Height 5-5

Art. 5.3. CX: Commercial Mixed Use

5.3.1. Intent 5-6
5.3.2. Lot Dimensions 5-6
5.3.3. Building Placement 5-7
5.3.4. Building Height 5-7

Art. 5.4. DX: Downtown Mixed Use

5.4.1. Intent 5-8
5.4.2. Lot Dimensions 5-8
5.4.3. Building Placement 5-9
5.4.4. Building Height 5-9

Art. 5.5. CC: Commercial Corridor

5.5.1. Intent 5-10
5.5.2. Lot Dimensions 5-10
5.5.3. Building Placement 5-11
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5.6.1. Intent 5-12
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Art. 5.7. IX: Industrial Flex

5.7.1. Intent 5-14
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5.7.3. Building Placement 5-15
5.7.4. Building Height 5-15

5.1.1. Intent



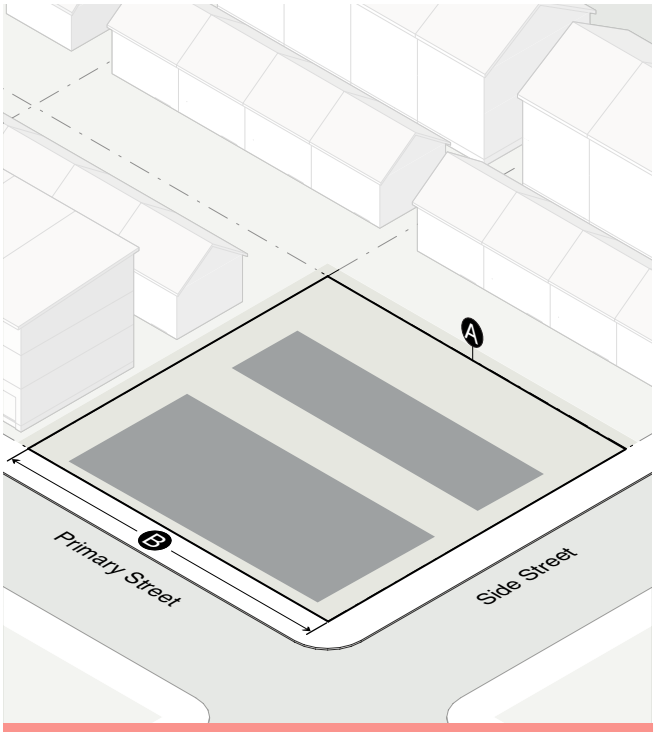
Description

RX is intended to accommodate working and living in close proximity to one another, including in the same physical space. Building type options include detached house, duplex, attached house, four-plex, townhouse and live work. RX should be applied in areas where the existing or proposed land use pattern promotes live work uses. Uses that would substantially interfere with the live work nature of the district are not allowed.

Building Types Allowed

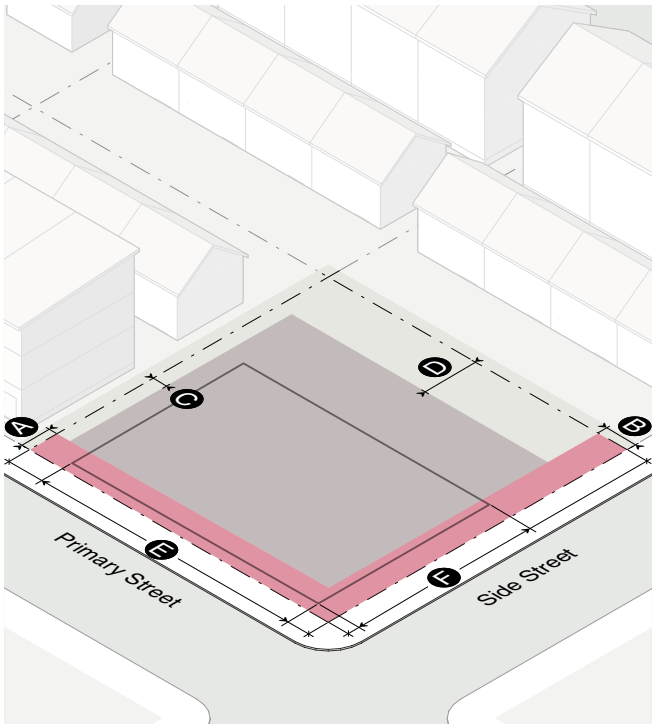
Detached House	see Art. 8.2 & Sec. 10.3.1.B
Backyard Cottage	see Art. 8.3 & Sec. 10.8.2
Duplex: side by side	see Art. 8.5
Duplex: back to back	see Art. 8.6
Attached House	see Art. 8.7
Four-plex	see Art. 8.8
Townhouse	see Art. 8.9
Live work	see Art. 8.11
Land Uses Permitted	see Art. 10.2

5.1.2. Lot Dimensions



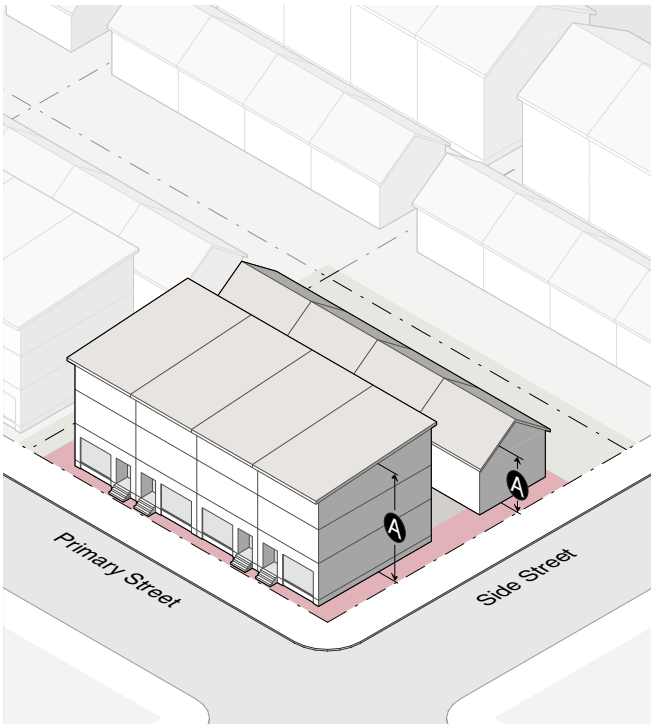
Lot	Ⓐ Area	Ⓑ Width
Detached House	3,000 SF min	30' min
Backyard Cottage	3,000 SF min	30' min
Duplex: side by side	5,000 SF min	50' min
Duplex: back to back	5,000 SF min	30' min
Attached House	2,500 SF min	25' min
Four-plex	7,000 SF min	65' min
Townhouse	1,500 SF min	20' min
Live work	1,100 SF min	15' min
Coverage		
Lot coverage		80% max

5.1.3. Building Placement



Building and Structure Setbacks		
Primary street	5' min / 10' max	A
Primary street (Garage doors)	20' min (see also Art. 8.18)	A
Side street	5' min / 10' max	B
Side interior	0' or 5' min	C
Rear	20' min	D
Rear, abutting alley	4' or 20' min	D
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	70% min	E
Building facade in side street BTZ (% of lot width)	35% min	F
Accessory Structure & Detached Garage Setbacks		
Primary street	40' min	A
Primary street (Detached garage)	20' min (see also Art. 8.18)	A
Side street	10' min	B
Side interior	5' min/ 0' if <120 SF	C
Rear	5' min/ 0' if <120 SF	D
Rear, abutting alley	4' or 20' min	D

5.1.4. Building Height



Height		
All buildings and structures	35' max	A
Backyard Cottage	30' max	

5.2.1. Intent



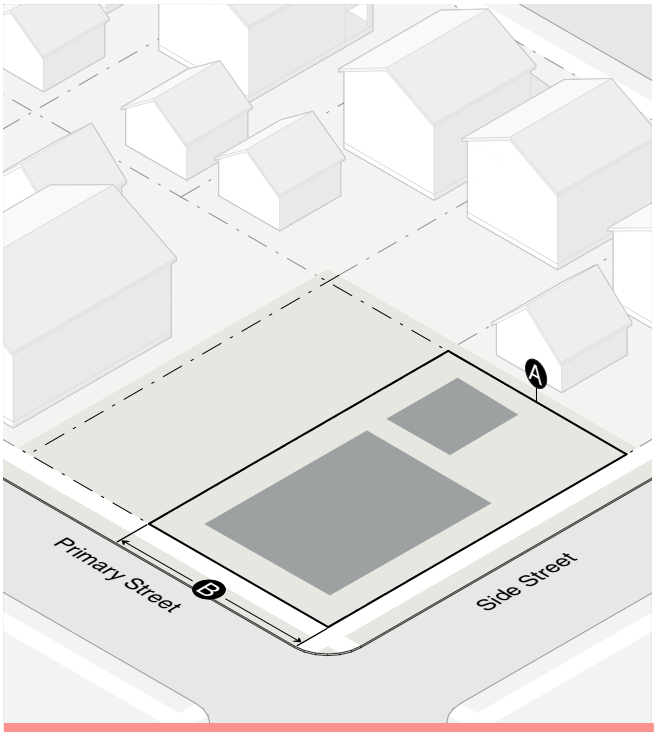
Description

NX is intended to accommodate neighborhood-oriented commercial facilities. The intent of the district is to provide small-scale service establishments close to residential and to ensure buildings and uses are compatible with the character of nearby neighborhoods. Building type options include detached house, backyard cottage, four-plex and shopfront house. NX should be applied in areas where the existing or proposed land use pattern has commercial activity close to established residential areas.

Building Types Allowed

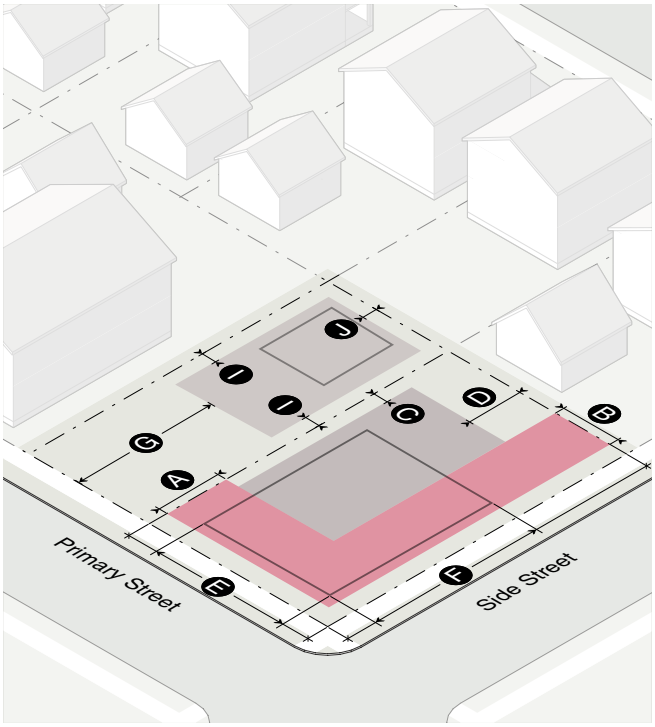
Detached house	see Art. 8.2 & Sec. 10.3.1.B
Backyard cottage	see Art. 8.3 & Sec. 10.8.2
Duplex Side by Side	see also Art. 8.5
Duplex Back to Back	see also Art. 8.6
Four-plex	see also Art. 8.8
Townhouse	see also Art. 8.9
Shopfront house	see also Art. 8.12
Land Uses Permitted	see Art. 10.2

5.2.2. Lot Dimensions



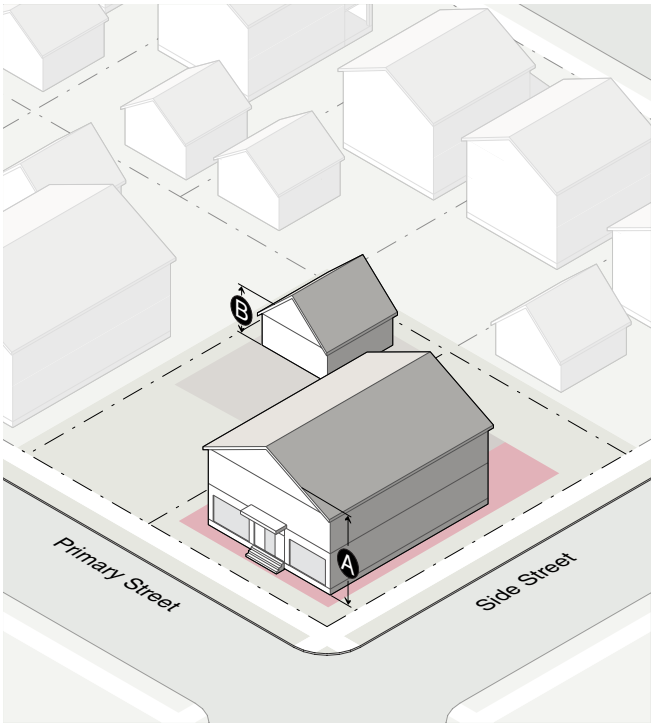
Lot	Ⓐ Area	Ⓑ Width
Detached house	5,000 SF min	35' min
Backyard cottage	3,000 SF min	35' min
Duplex Side by Side	3,000 SF min	50' min
Duplex Back to Back	3,000 SF min	30' min
Four-plex	7,000 SF min	65' min
Townhouse	1,500 SF min	20' min
Shopfront house	3,000 SF min	35' min
Coverage		
Lot coverage		80% max

5.2.3. Building Placement



Building and Structure Setbacks		
Primary street	10' min / 30' max	A
Primary street (Garage doors)	20' min (see also Art. 8.18)	A
Side street	10' min / 30' max	B
Side interior	5' min	C
Rear	20' min	D
Rear, abutting alley	4' or 20' min	D
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	50% min	E
Building facade in side street BTZ (% of lot width)	25% min	F
Accessory Structure & Detached Garage Setbacks		
Primary street	40' min	G
Primary street (Detached garage)	20' min (see also Art. 8.18)	G
Side street	10' min	H
Side interior	5' min/ 0' if<120 SF	I
Rear	5' min/ 0' if<120 SF	J
Rear, abutting alley	4' or 20' min	J

5.2.4. Building Height



Height		
Principal building	35' max	A
Accessory structure	30' max	B
Backyard Cottage	30' max	B

5.3.1. Intent



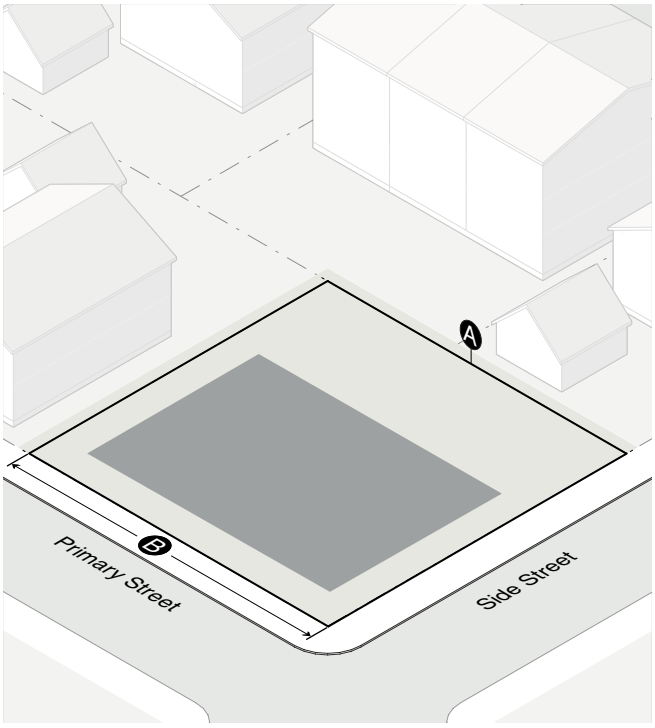
Description

CX is intended to accommodate a broader range of residential and nonresidential activity than NX. To promote walkability and compatibility, auto-oriented uses are restricted. Building type options include townhouse, apartment, live work, shopfront house, single-story shopfront, mixed use shopfront and general building. CX should be applied in areas where the existing or proposed land use pattern promotes mixed use and pedestrian-oriented activity.

Building Types Allowed

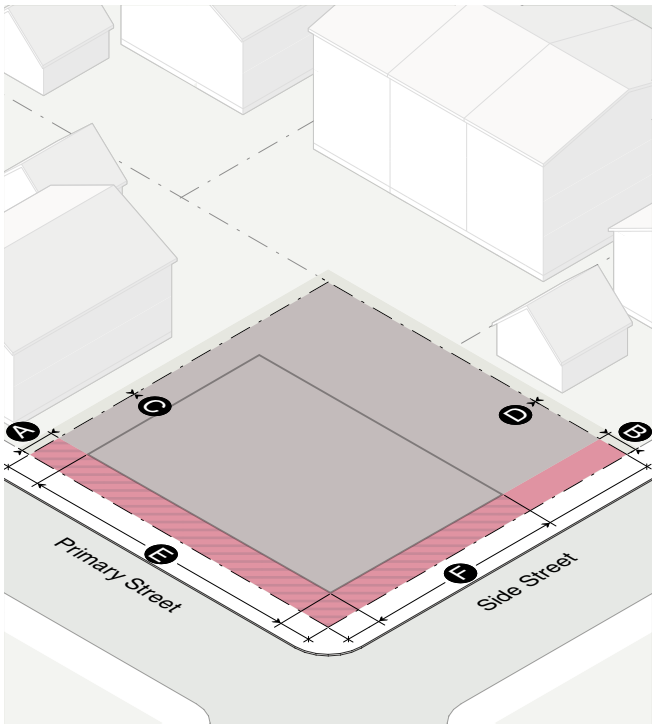
Townhouse	see also Art. 8.9
Apartment	see also Art. 8.10
Live work	see also Art. 8.11
Shopfront house	see also Art. 8.12
Single-story shopfront	see also Art. 8.13
Mixed use shopfront	see also Art. 8.14
General building	see also Art. 8.15
Land Uses Permitted	see Art. 10.2

5.3.2. Lot Dimensions



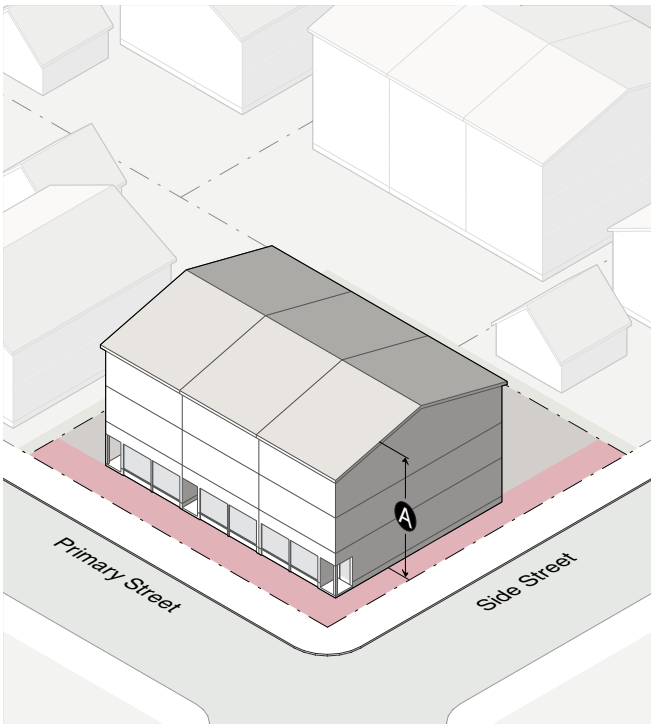
Lot	Ⓐ Area	Ⓑ Width
Townhouse	1,500 SF min	20' min
Apartment	5,000 SF min	50' min
Live work	1,100 SF min	15' min
Shopfront house	3,000 SF min	35' min
Single-story shopfront	5,000 SF min	50' min
Mixed use shopfront	5,000 SF min	50' min
General building	5,000 SF min	50' min
Coverage		
Lot coverage		80% max

5.3.3. Building Placement



Building and Structure Setbacks		
Primary street	0' min / 10' max	A
Side street	0' min / 10' max	B
Side interior	0 or 5' min	C
Rear	0 or 5' min	D
Rear, abutting alley	4' or 20' min	D
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	70% min	E
Building facade in side street BTZ (% of lot width)	30% min	F
Parking Location		
Garage door restrictions	see Art. 8.18	
Front yard	Not Allowed	
Corner yard	Not Allowed	
Side yard	Allowed	
Rear yard	Allowed	

5.3.4. Building Height



Height		
All buildings and structures	35' max	A
Buildings may receive additional heights if part of the Qualified Workforce Housing Incentive Program. See LDC 14.14		A

5.4.1. Intent



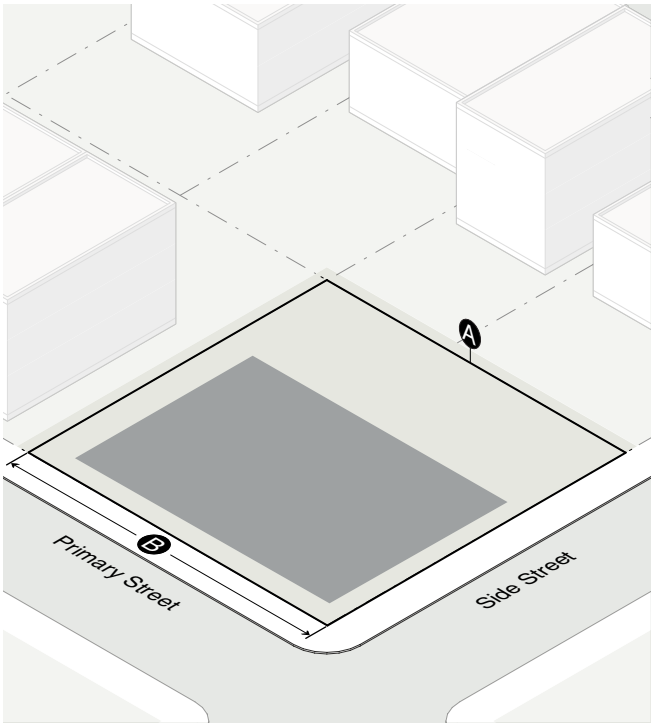
Description

DX is intended to provide for mixed use, pedestrian-oriented development in downtown. To promote walkability and to encourage street level retail activity, auto-oriented and street-facing ground floor residential uses are restricted. Building type options include live work, single-story shopfront and mixed use shopfront. DX should be applied in areas where the existing or proposed land use pattern promotes the highest levels of pedestrian and mixed use activity in the community.

Building Types Allowed

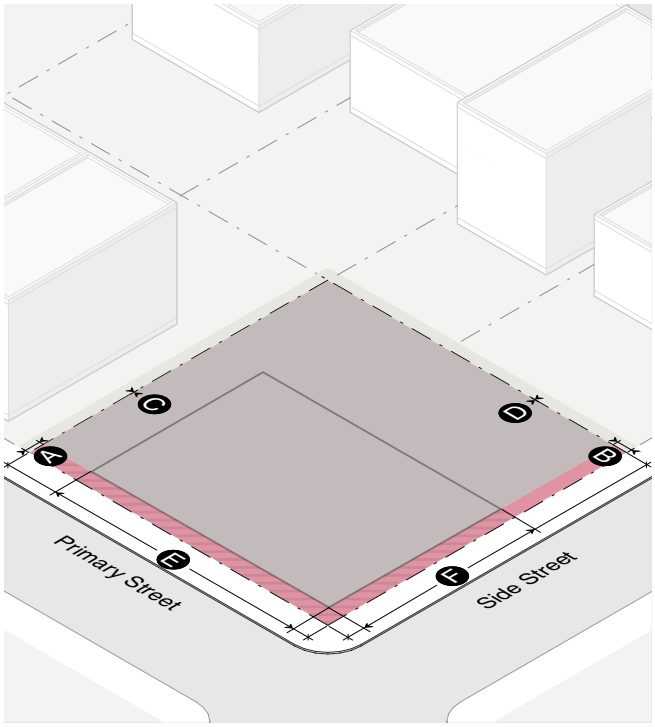
Live work	see also Art. 8.11
Single-story shopfront	see also Art. 8.13
Mixed use shopfront	see also Art. 8.14
General Building	see also Art. 8.15
Land Uses Permitted	see Art. 10.2

5.4.2. Lot Dimensions



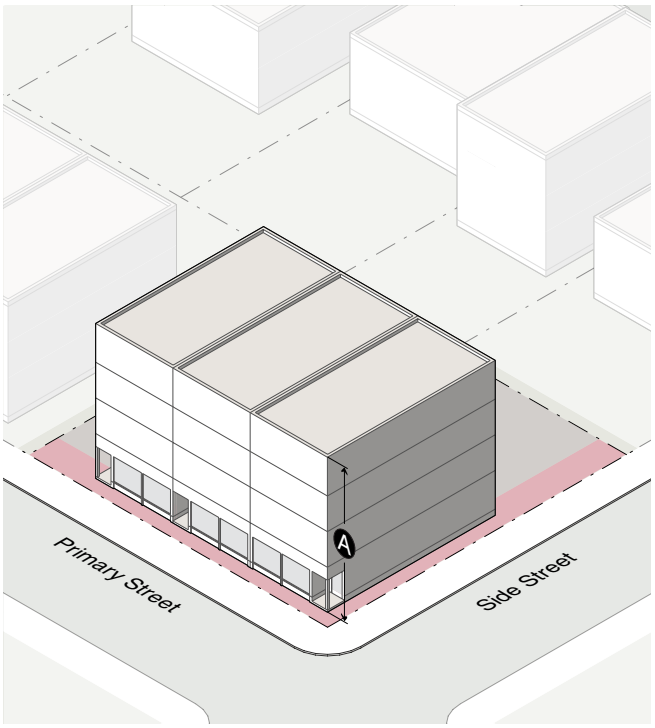
Lot	Ⓐ Area	Ⓑ Width
Live work	--	--
Single-story shopfront	--	--
Mixed use shopfront	--	--
General Building	--	--
Coverage		
Lot coverage		90%max

5.4.3. Building Placement



Building and Structure Setbacks		
Primary street	0' min / 5' max	A
Side street	0' min / 5' max	B
Side interior	0 or 5' min	C
Rear	0 or 5' min	D
Rear, abutting alley	4' or 20' min	D
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	80% min	E
Building facade in side street BTZ (% of lot width)	40% min	F
Parking Location		
Garage door restrictions	see Art. 8.18	
Front yard	Not Allowed	
Corner yard	Not Allowed	
Side yard	Allowed	
Rear yard	Allowed	

5.4.4. Building Height



Height		
All buildings and structures	45' max	A
All buildings and structures fronting Main Street	2 stories min or 24' min, whichever is less	A

5.5.1. Intent



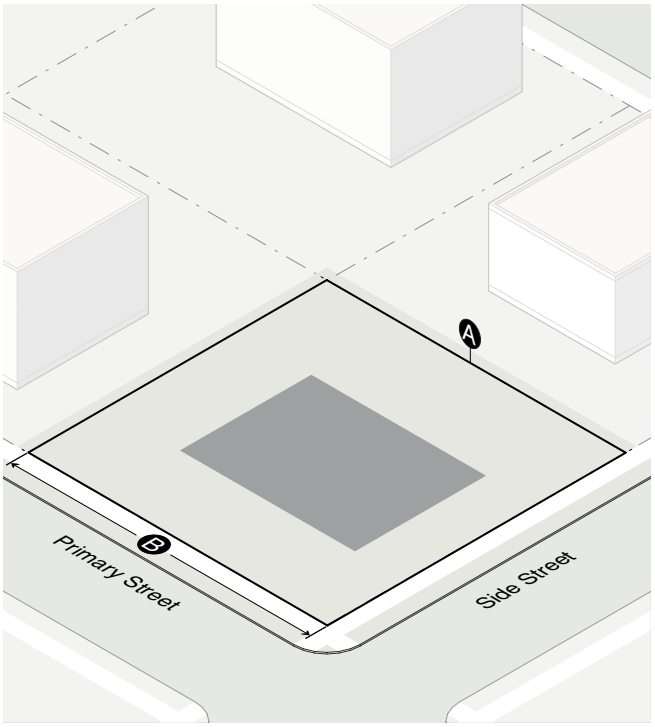
Description

CC is intended to serve as commercial gateway and to take advantage of proximity to major roadways, therefore the quality and aesthetics of new development is very important. The area envisioned contains uses that would not be appropriate in the DX or NX because of the larger amount of land required and auto-intensive nature of the business. Building type options include live work, shopfront house, single-story shopfront, mixed use shopfront and general building. CC should be applied along commercial corridors that serve as entrances to downtown or other pedestrian-oriented activity areas.

Building Types Allowed

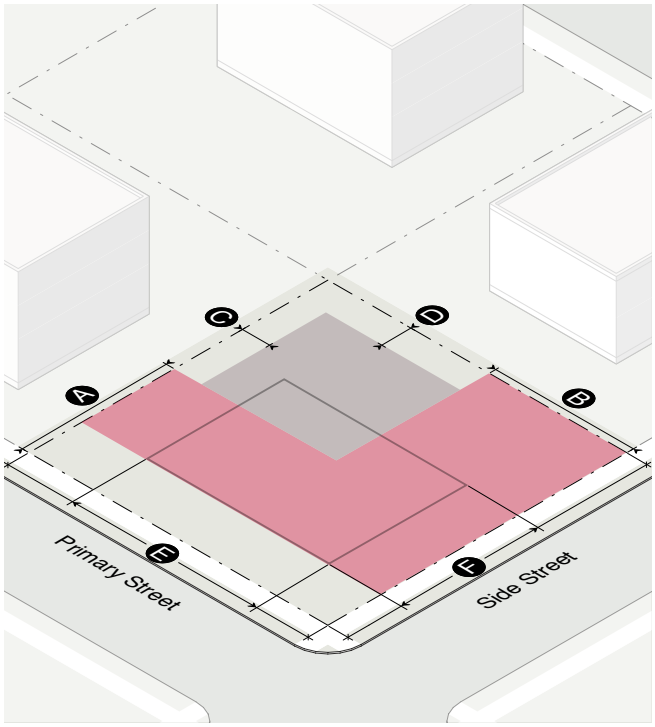
Live work	see also Art. 8.11
Shopfront house	see also Art. 8.12
Single-story shopfront	see also Art. 8.13
Mixed use shopfront	see also Art. 8.14
General building	see also Art. 8.15
Land Uses Permitted	see Art. 10.2

5.5.2. Lot Dimensions



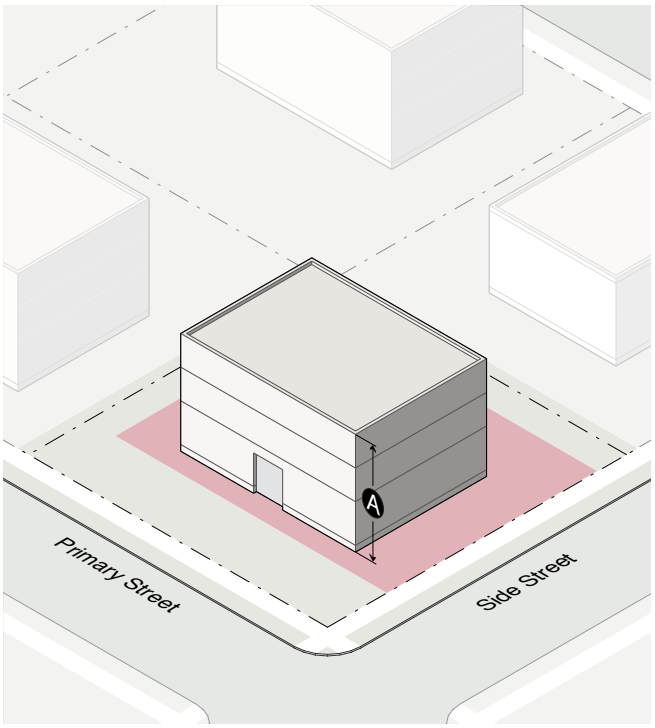
Lot	Ⓐ Area	Ⓑ Width
Live work	1,100 SF min	15' min
Shopfront house	3,000 SF min	35' min
Single-story shopfront	5,000 SF min	50' min
Mixed use shopfront	5,000 SF min	50' min
General building	5,000 SF min	50' min
Coverage		
Lot coverage		80% max

5.5.3. Building Placement



Building and Structure Setbacks		
Primary street	15' min / 50' max	A
Side street	0' min / 50' max	B
Side interior	10' min	C
Rear	10' min	D
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	50% min	E
Building facade in side street BTZ (% of lot width)	25% min	F
Parking Location		
Garage door restrictions	see Art. 8.18	
Front yard	Not Allowed	
Corner yard	Not Allowed	
Side yard	Allowed	
Rear yard	Allowed	

5.5.4. Building Height



Height		
All buildings and structures	35' max	A
Buildings may receive additional heights if part of the Qualified Workforce Housing Incentive Program. See LDC 14.14		A

5.6.1. Intent

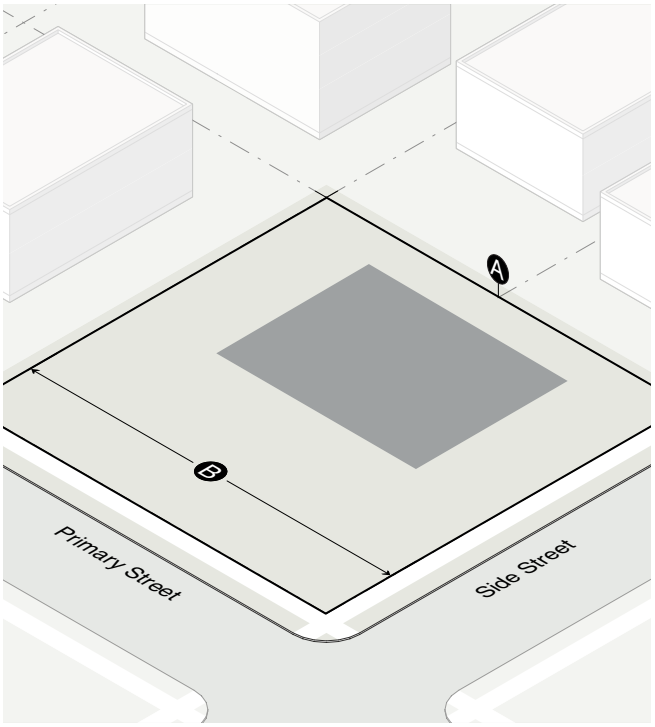


Description

CH is intended for auto-oriented and heavy commercial uses. To help ensure compatibility, residential uses are not allowed. Building type options include single-story shopfront, general building, and industrial building. CH should be applied in areas where the existing or proposed land use pattern contains a variety of auto-oriented and heavy commercial uses.

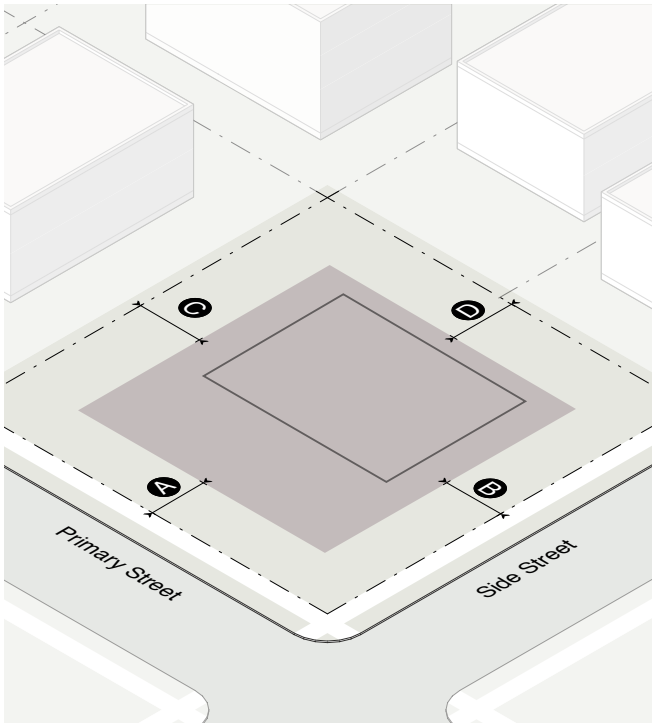
Building Types Allowed	
Single-story shopfront	see also Art. 8.13
General building	see also Art. 8.15
Industrial building	see also Art. 8.16
Land Uses Permitted	see Art. 10.2

5.6.2. Lot Dimensions



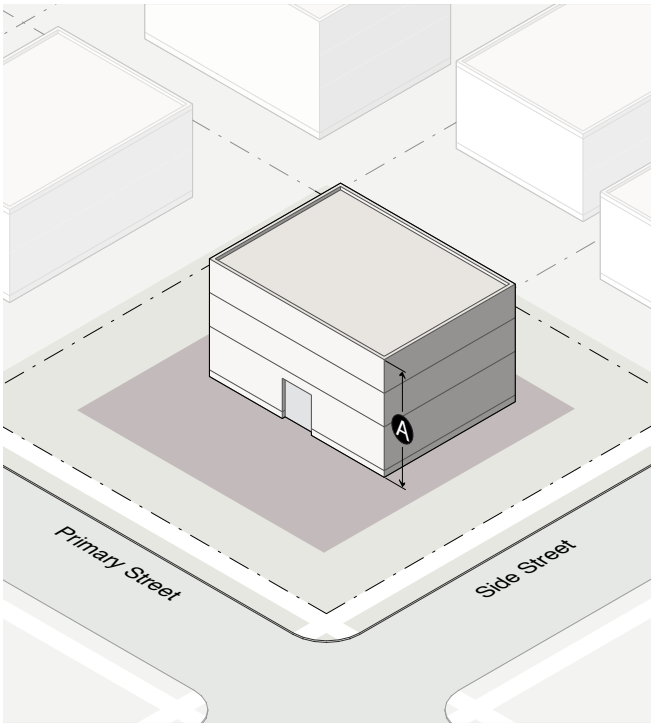
Lot	Ⓐ Area	Ⓑ Width
Single-story shopfront	7,000 SF min	70' min
General building	7,000 SF min	70' min
Industrial building	7,000 SF min	70' min
Coverage		
Lot coverage		70% max

5.6.3. Building Placement



Building and Structure Setbacks		
Primary street	20' min	A
Side street	10' min	B
Side interior	10' min	C
Rear	10' min	D
Parking Location		
Front yard	Allowed*	
Corner yard	Allowed*	
Side yard	Allowed	
Rear yard	Allowed	
*Not allowed when located in the Design Review Overlay		

5.6.4. Building Height



Height		
All buildings and structures	35' max	A

5.7.1. Intent



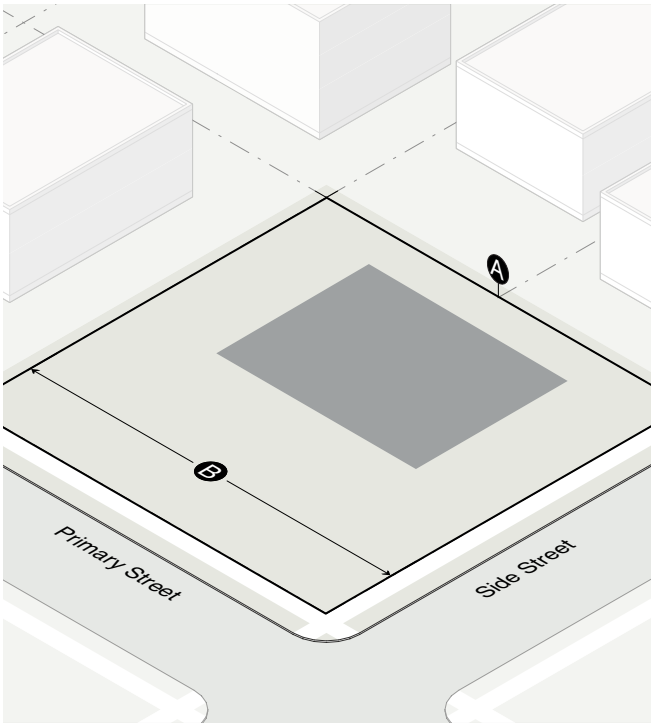
Description

IX is intended to accommodate a variety of light industrial, commercial and residential uses. To help ensure that land is reserved for employment purposes, residential uses are limited to the upper stories. Building type options include live-work, shopfront house, single-story shopfront, mixed use shopfront and general building. IX should be applied in industrial areas where commercial and residential uses are also desired, or where such a pattern is desired in the future.

Building Types Allowed

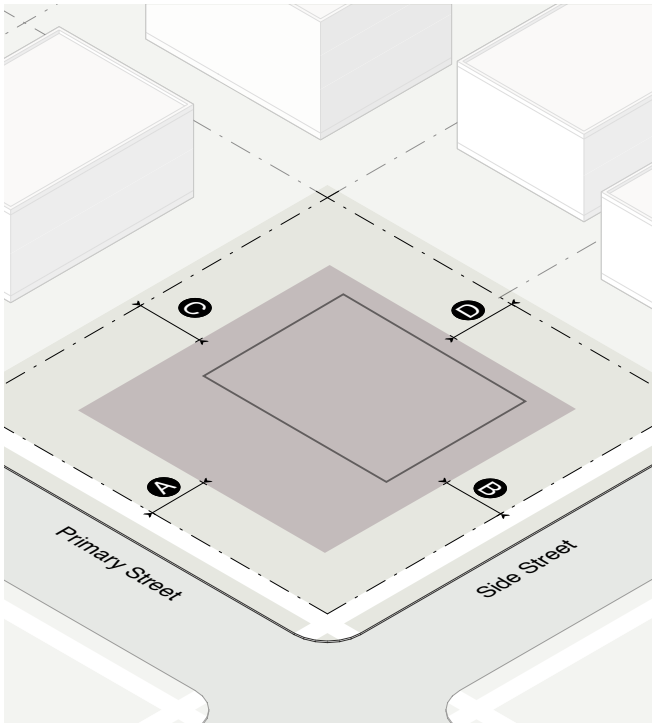
Live work	see also Art. 8.11
Shopfront house	see also Art. 8.12
Single-story shopfront	see also Art. 8.13
Mixed use shopfront	see also Art. 8.14
General Building	see also Art. 8.15
Land Uses Permitted	see Art. 10.2

5.7.2. Lot Dimensions



Lot	Ⓐ Area	Ⓑ Width
Live work	1,100 SF min	15' min
Shopfront house	5,000 SF min	50' min
Single-story shopfront	5,000 SF min	50' min
Mixed use shopfront	5,000 SF min	50' min
General Building	5,000 SF min	50' min
Coverage		
Lot coverage		70% max

5.7.3. Building Placement

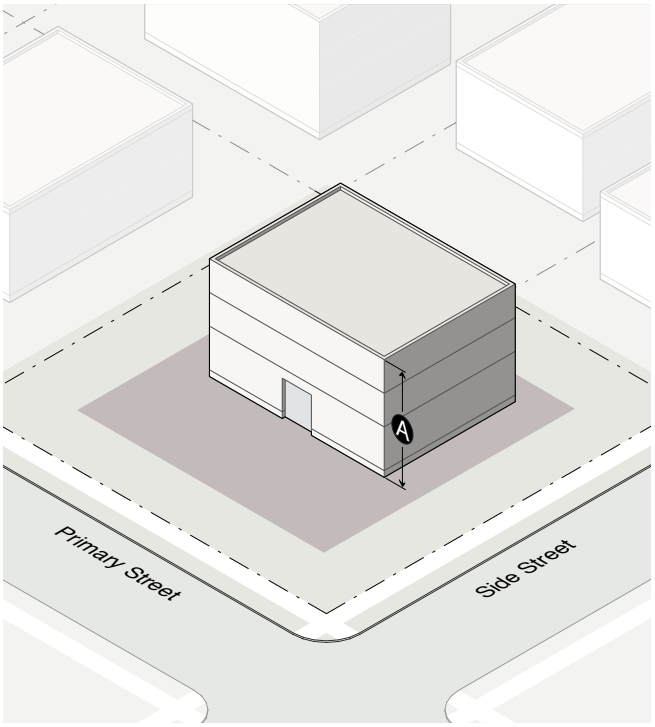


Building and Structure Setbacks		
Primary street	5' min	A
Side street	5' min	B
Side interior	10' min	C
Rear	10' min	D

Parking Location	
Garage door restrictions	see Art. 8.18
Front yard	Allowed*
Corner yard	Allowed*
Side yard	Allowed
Rear yard	Allowed

* Not allowed when located in the Design Review Overlay.

5.7.4. Building Height



Height		
All buildings and structures	35' max	A

Chapter 6 - Industrial Districts

Art. 6.1. IL: Light Industrial

6.1.1. Intent....6-2

6.1.2. Lot Dimensions....6-2

6.1.3. Building Placement....6-3

6.1.4. Building Height....6-3

Art. 6.2. IH: Heavy Industrial

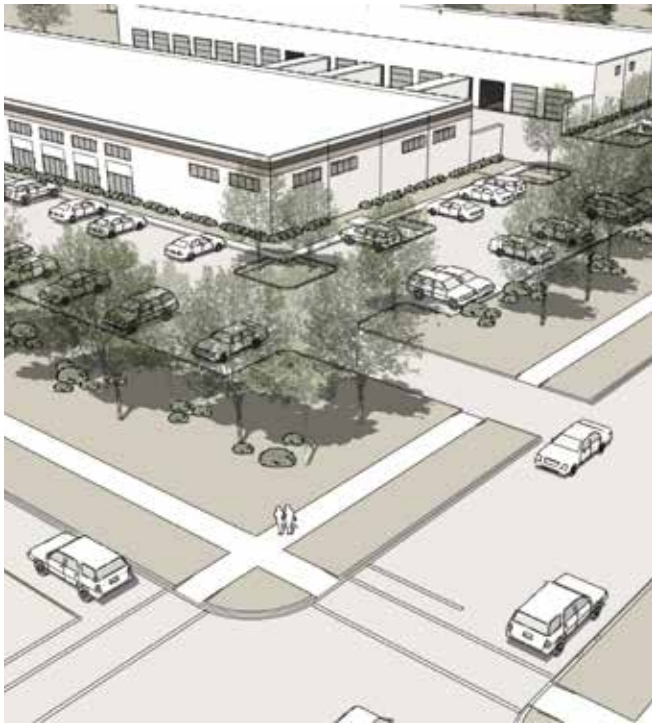
6.2.1. Intent....6-4

6.2.2. Lot Dimensions....6-4

6.2.3. Building Placement....6-5

6.2.4. Building Height....6-5

6.1.1. Intent



Description

IL is intended to accommodate manufacturing and light industrial uses in order to promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas. Development should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or commercial uses. IL should be applied in established light industrial or manufacturing areas or where such a land use pattern is desired in the future.

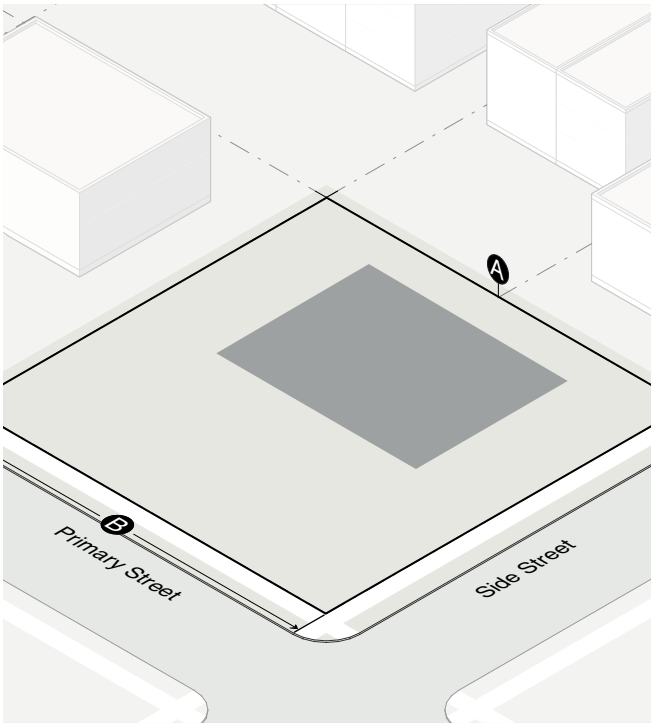
Building Types Allowed

Building types are not applicable in the IL district.

Land Uses Permitted

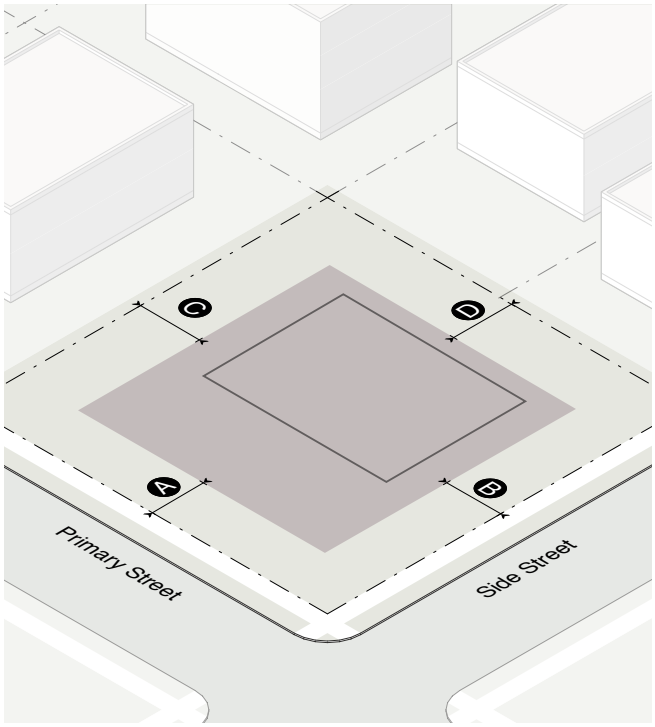
see Art. 10.2

6.1.2. Lot Dimensions



Lot		
Area	7,000 SF min	A
Width	70' min	B
Coverage		
Lot coverage	70% max	

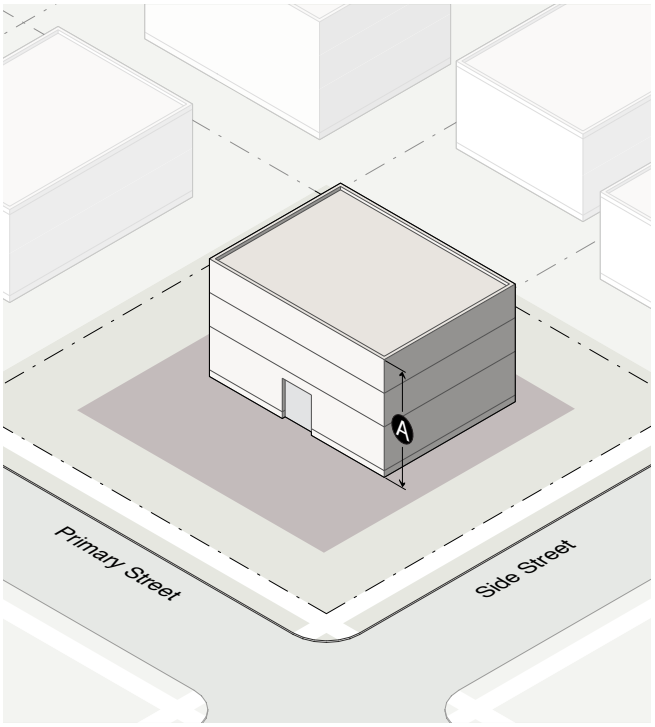
6.1.3. Building Placement



Building and Structure Setbacks		
Primary street	15' min	A
Side street	10' min	B
Side interior	5' min	C
Rear	10' min	D
Parking Location		
Front yard	Allowed*	
Corner yard	Allowed*	
Side yard	Allowed	
Rear yard	Allowed	

* Not allowed when located within the Design Review Overlay.

6.1.4. Building Height



Height		
All buildings and structures	45' max	A

6.2.1. Intent



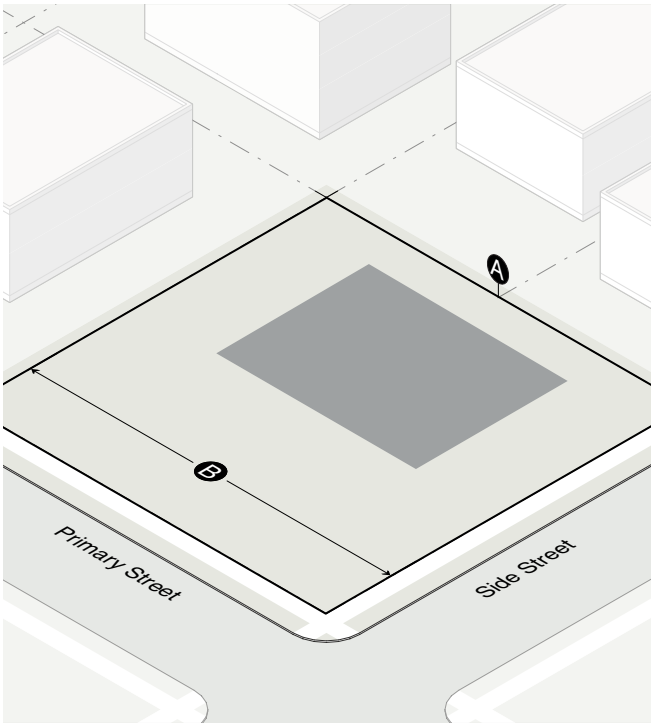
Description

IH is intended to accommodate a broad range of high-impact manufacturing or industrial uses, that by their nature create a nuisance, and which are not properly associated with or are not compatible with nearby residential or commercial uses. IH should be applied in established heavy industrial areas or where such a land use pattern in desired in the future.

Building Types Allowed

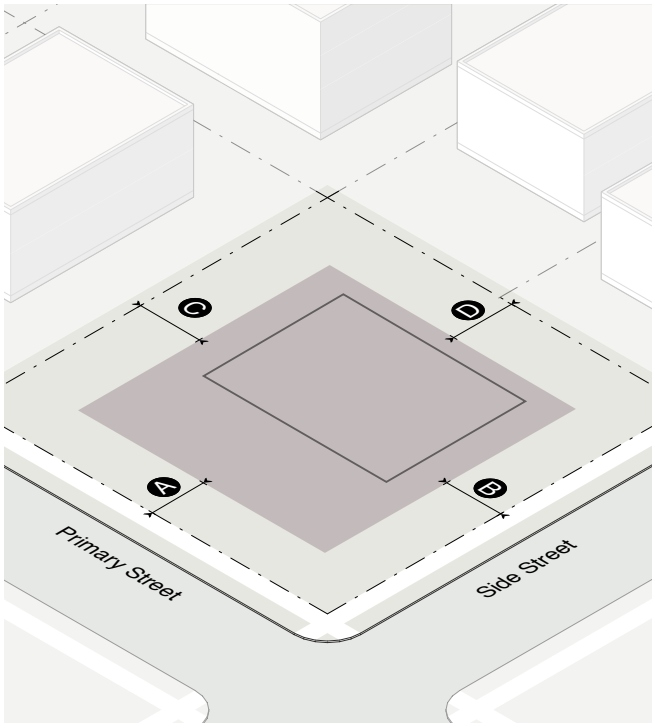
Building types are not applicable in the IH district.

6.2.2. Lot Dimensions



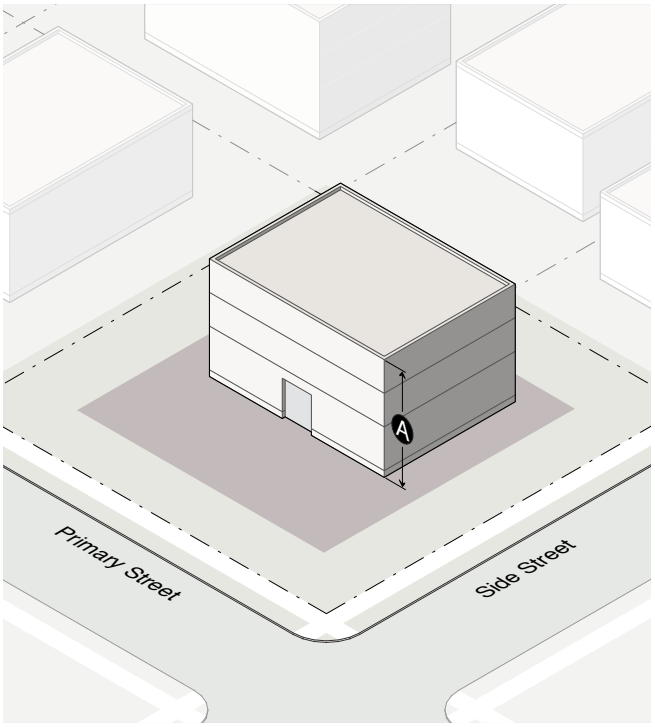
Lot		
Area	7,000 SF min	A
Width	70' min	B
Coverage		
Lot coverage	80% max	

6.2.3. Building Placement



Building and Structure Setbacks		
Primary street	20' min	A
Side street	20' min	B
Side interior	20' min	C
Rear	20' min	D
Parking Location		
Front yard	Allowed	
Corner yard	Allowed	
Side yard	Allowed	
Rear yard	Allowed	

6.2.4. Building Height



Height		
All buildings and structures	3 stories / 35' max	A

Chapter 7 - Civic/Open Space Districts

Art. 7.1. CIV: Civic and Institutional

7.1.1. Intent....7-2

7.1.2. Lot Dimensions....7-2

7.1.3. Building Placement....7-3

7.1.4. Building Height....7-3

Art. 7.2. REC: Parks and Recreation

7.2.1. Intent....7-4

7.2.2. Lot Dimensions....7-4

7.2.3. Building Placement....7-5

7.2.4. Building Height....7-5

Art. 7.3. CON: Conservation

7.3.1. Intent....7-6

7.3.2. Lot Dimensions....7-6

7.3.3. Building Placement....7-7

7.3.4. Building Height....7-7

7.1.1. Intent



Description

CIV is intended to provide for civic uses that serve the surrounding neighborhoods or produce intensive civic activities that do not readily assimilate into other zoning districts.

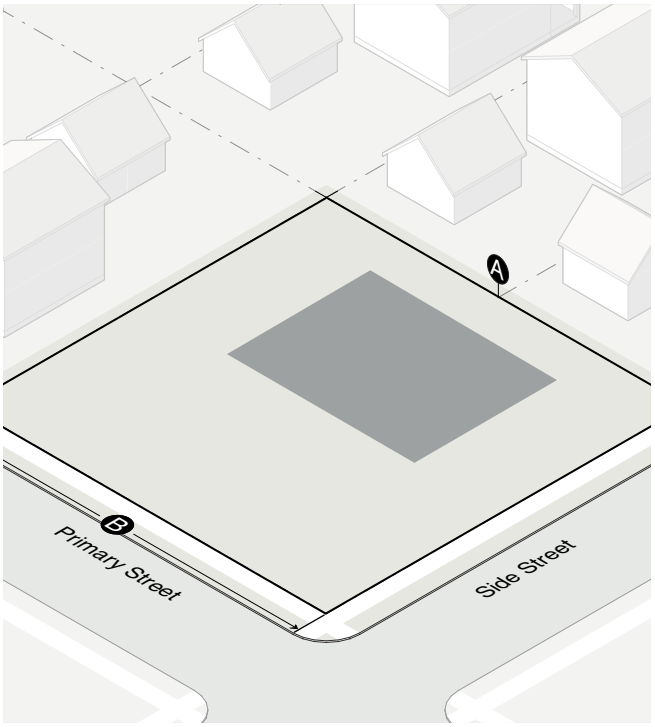
Building Types Allowed

Building types are not applicable in the CIV district.

Land Uses Permitted

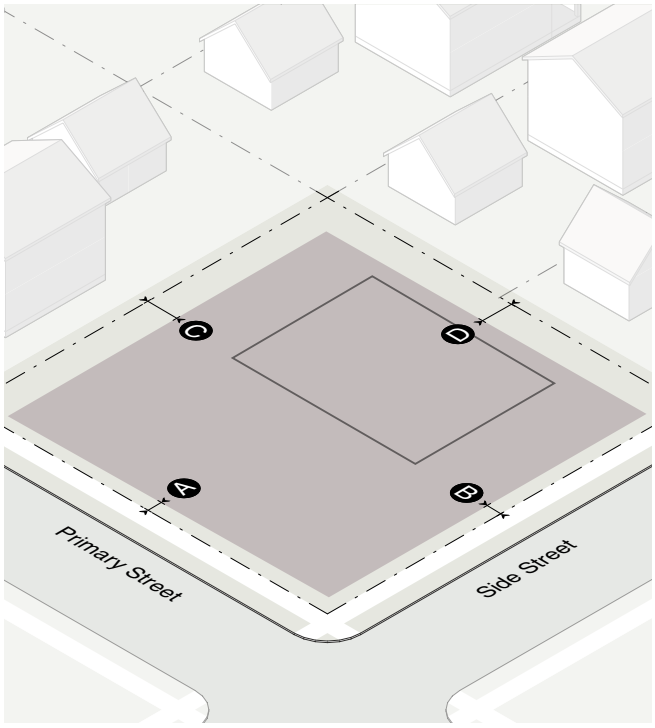
See Allowed Use Table in Art. 10.2

7.1.2. Lot Dimensions



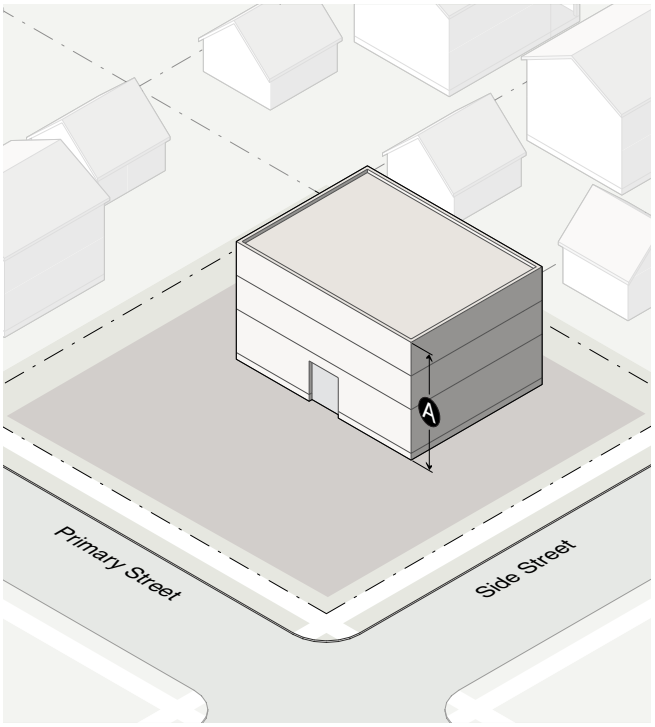
Lot		
Area	7,000 SF min	A
Width	70' min	B
Coverage		
Lot coverage	70% max	

7.1.3. Building Placement



Building and Structure Setbacks		
Primary street	10' min	A
Side street	10' min	B
Side interior	10' min	C
Rear	10' min	D
Parking Location		
Front yard	Not Allowed	
Corner yard	Not Allowed	
Side yard	Allowed	
Rear yard	Allowed	

7.1.4. Building Height



Height		
All buildings and structures	35' max	A

7.2.1. Intent



Description

REC is intended to create, preserve and enhance parkland to meet the active and recreational needs of residents. REC is intended to provide for both improved and unimproved parkland. Activities may include, but are not limited to, structures or other active, player-oriented facilities such as playgrounds, recreational fields, ballfields, sport courts, dog parks and associated accessory facilities such as parking areas and restrooms. REC is also intended to accommodate buildings of a public nature such as community centers, recreation centers, and police, fire or EMS stations.

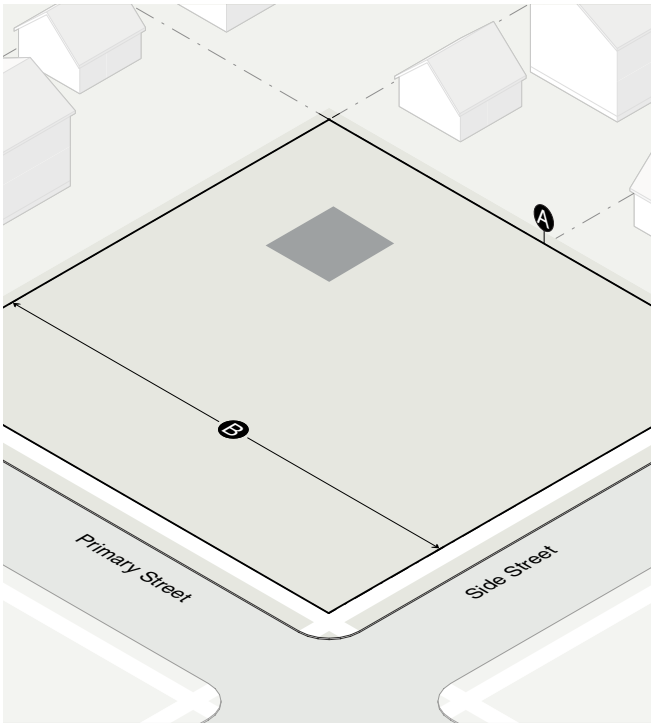
Building Types Allowed

Building types are not applicable in the REC district.

Land Uses Permitted

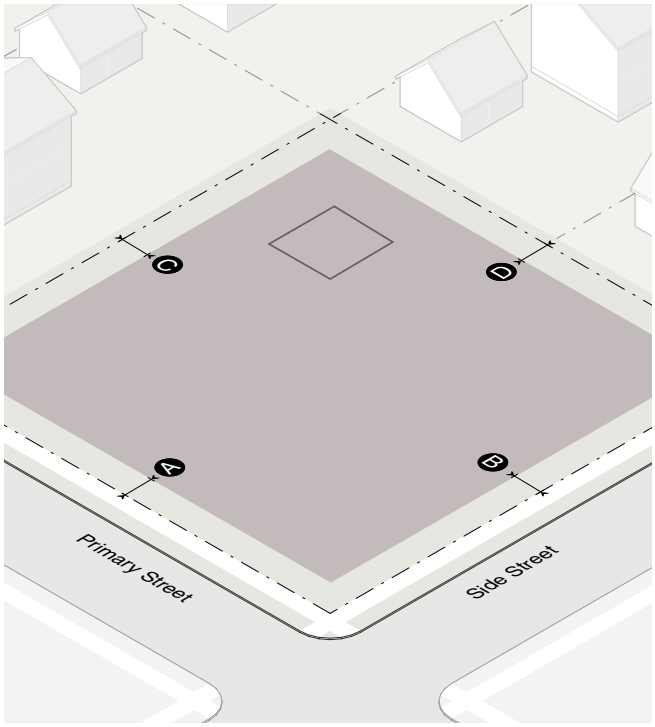
See Allowed Use Table in Art. 10.2

7.2.2. Lot Dimensions



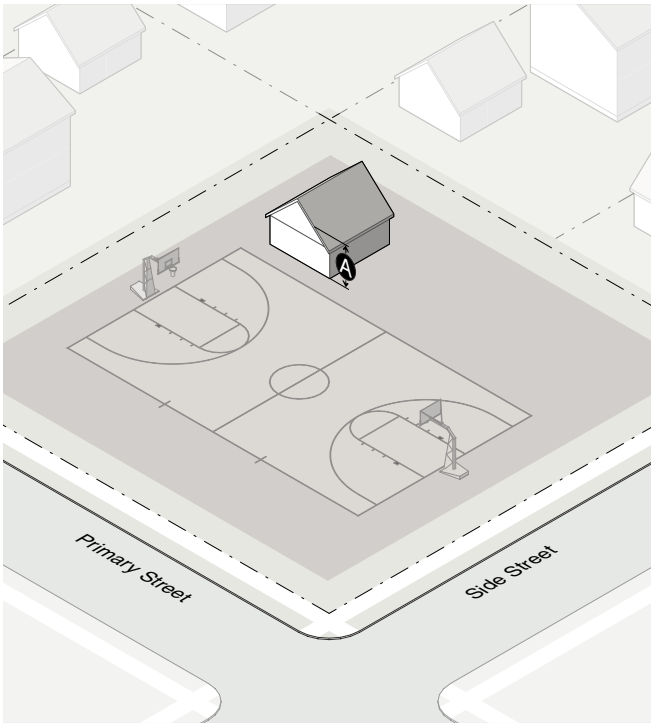
Lot		
Area	--	A
Width	--	B
Coverage		
Lot coverage	50% max	

7.2.3. Building Placement



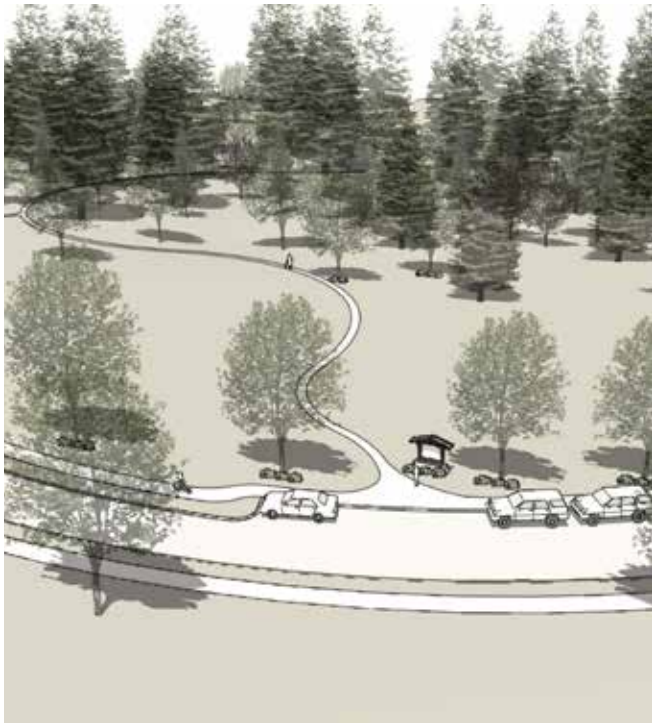
Building and Structure Setbacks		
Primary street	10' min	A
Side street	10' min	B
Side interior	10' min	C
Rear	10' min	D
Parking Location		
Front yard	Allowed	
Corner yard	Allowed	
Side yard	Allowed	
Rear yard	Allowed	

7.2.4. Building Height



Height		
All buildings and structures	35' max	A

7.3.1. Intent



Description

CON is intended to create, preserve, and enhance land for permanent conservation. All lands within the district are intended to be unoccupied or predominately unoccupied by buildings or other impervious surfaces.

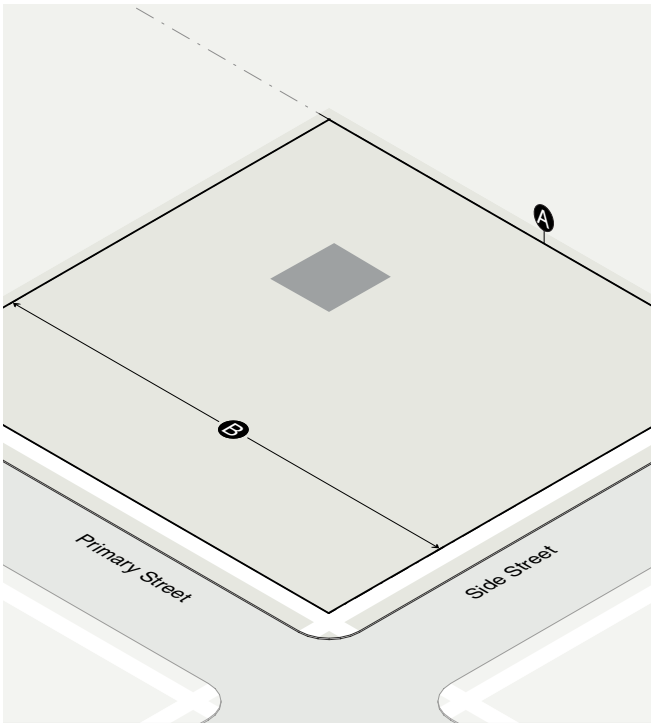
Building Types Allowed

Building types are not applicable in the CON district.

Land Uses Permitted

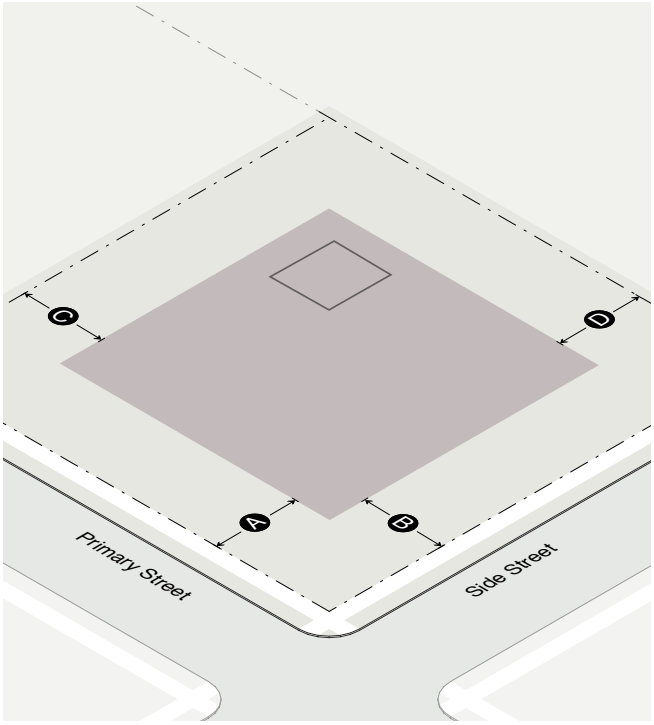
See Allowed Use Table in Art. 10.2

7.3.2. Lot Dimensions



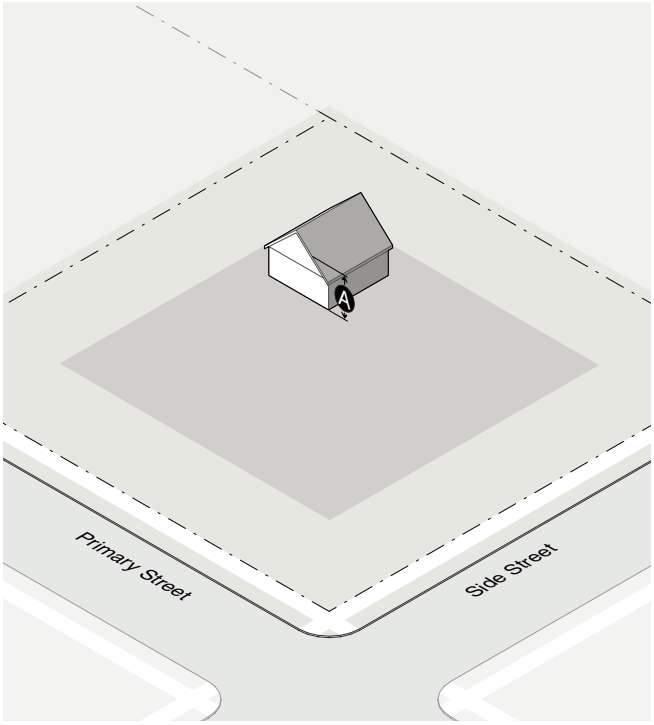
Lot		
Area	--	A
Width	--	B
Coverage		
Lot coverage	5% max	

7.3.3. Building Placement



Building and Structure Setbacks		
Primary street	30' min	A
Side street	30' min	B
Side interior	30' min	C
Rear	30' min	D
Parking Location		
Front yard	Not Allowed	
Corner yard	Not Allowed	
Side yard	Not Allowed	
Rear yard	Not Allowed	

7.3.4. Building Height



Height		
All buildings and structures	35' max	A

Chapter 8 - Building Types

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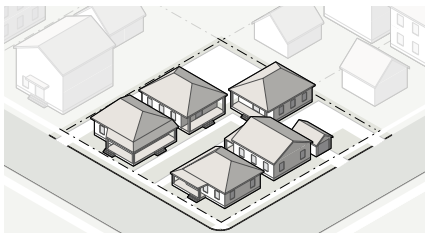
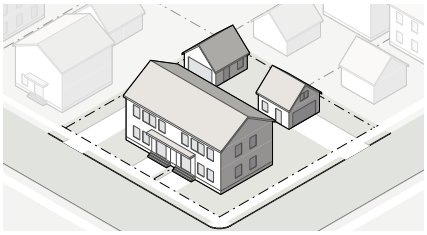
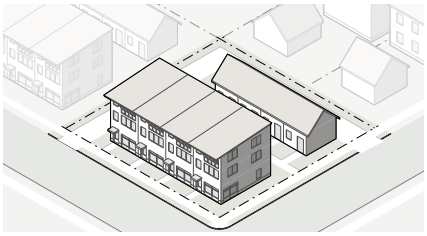
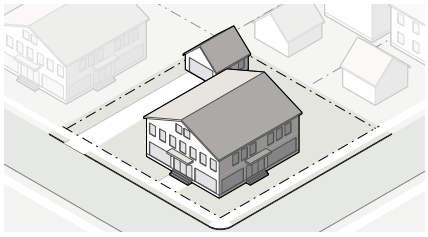
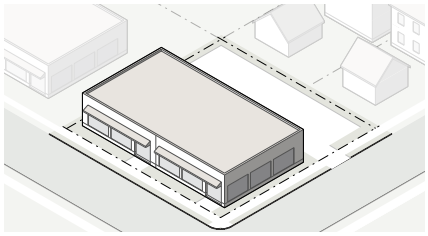
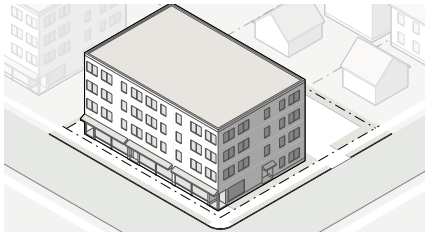
Building Types Allowed by District	
Building Type	District
 Detached House. A building type that accommodates one dwelling unit on an individual lot with yards on all sides.	RC-2.5 RC-1.0 RC-0.5 RS-16 RS-7 RS-5 RS-3 RM-1 RM-2 RX NX
 Backyard Cottage. A small self-contained accessory dwelling unit located on the same lot as a detached house but physically separated.	RC-2.5 RC-1.0 RC-0.5 RS-16 RS-7 RS-5 RS-3 RM-1 RM-2 RX NX
 Cottage Court. A building type that accommodates 4 to 8 detached dwelling units organized around an internal shared courtyard.	RS-7 RS-5 RS-3 RM-1 RM-2
 Duplex: Side by Side. A building type that accommodates two dwelling units on an individual lot separated vertically side by side that share a common wall.	RC-1.0 RC-0.5 RS-7 RS-5 RS-3 RM-1 RM-2 RX NX
 Duplex: Back to Back. A building type that accommodates two dwelling units on an individual lot separated vertically with one unit located directly behind the other unit that share a common wall.	RC-1.0 RC-0.5 RS-7 RS-5 RS-3 RM-1 RM-2 RX NX
 Duplex: Vertical. A building type that accomodates two dwelling units on an individual lot seperated horizontally by sharing a celing/floor where one unit is directly above the other unit.	RC-1.0 RC-0.5 RS-7 RS-5 RS-3 RM-1 RM-2 RX NX

Building Types Allowed by District	
Building Type	District
 Attached House. A building type that accommodates two attached dwelling units located on two separate lots that share a common wall along a lot line.	RC-1.0 RC-0.5 RS-7 RS-5 RS-3 RM-1 RM-2 RX NX
 Four-plex. A building type that accommodates 3 to 4 dwelling units vertically or horizontally integrated.	RM-1 RM-2 RX NX CX
 Townhouse. A building type that accommodates 2 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed. This building type also includes Row Houses and Detached Townhomes.	RM-2 RX NX CX
 Apartment. A building type that accommodates 5 or more dwelling units vertically and horizontally integrated.	RM-2 NX DX CX RX CC
 Live Work. A building type that accommodates 3 or more units. Units allow for residential and nonresidential uses in the same physical space. Units may be vertically or horizontally mixed.	RX CX DX CC IX

Building Types Allowed by District		
Building Type		District
	Shopfront House. A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses at a scale that complements the existing residential character of the area.	NX CX CC IX RX
	Single-Story Shopfront. A single-story building type that typically accommodates retail or commercial uses.	CX DX CC CH IX
	Mixed Use Shopfront. A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses.	CX DX CC IX NX
	General Building. A building type that typically accommodates commercial, office or industrial uses.	CX CC CH DX IX
	Industrial Building. A building type that primarily accommodates industrial uses.	CH IL IX

8.2.1. Description







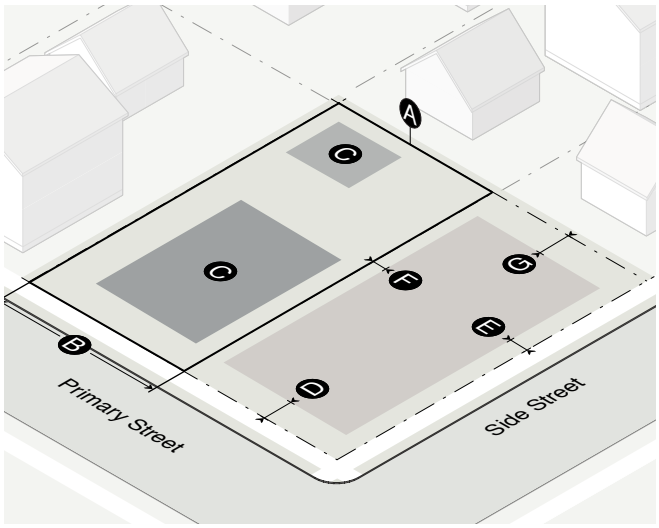
Definition

A building type that accommodates one dwelling unit on an individual lot with yards on all sides.

Districts Allowed

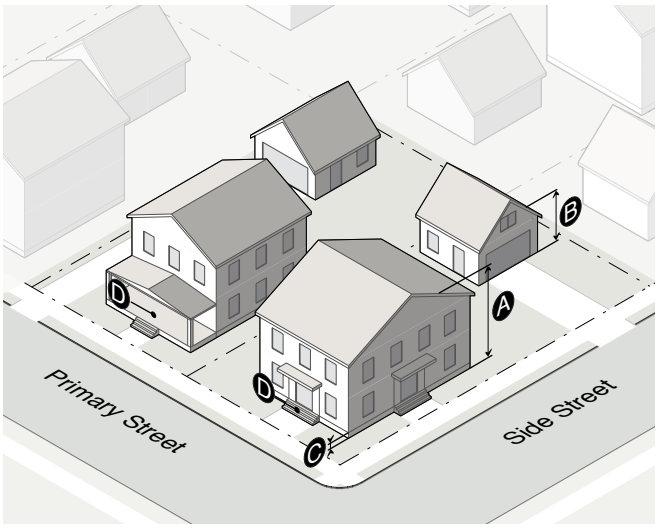
RC-2.5 RC-1.0 RC-0.5
RS-16 RS-7 RS-5 RS-3
RM-1 RM-2
NX RX

8.2.2. Lot and Placement



Lot		
Area	Set by district	A
Width	Set by district	B
Dwelling units per lot	1 min / 1 max	
Coverage		
Lot coverage	set by district	C
Building and Structure Setbacks		
Primary street	set by district	D
Side street	set by district	E
Side interior	set by district	F
Rear	set by district	G
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	Does not apply	
Building facade in side street BTZ (% of lot width)	Does not apply	

8.2.3. Height and Form



Height		
Principal building	30' max	A
Accessory structure	24' max	B
Ground floor elevation	0' min	C
Pedestrian Access		
Entrance face primary street	Required	D
Building Elements Allowed		
Balcony	see Sec. 8.17.3	
Porch	see Sec. 8.17.6	
Stoop	see Sec. 8.17.7	
Parking Location		
Front/corner yard restrictions	see Sec. 8.18.1	
Garage door restrictions	see Sec. 8.18.1	

8.3.1. Description







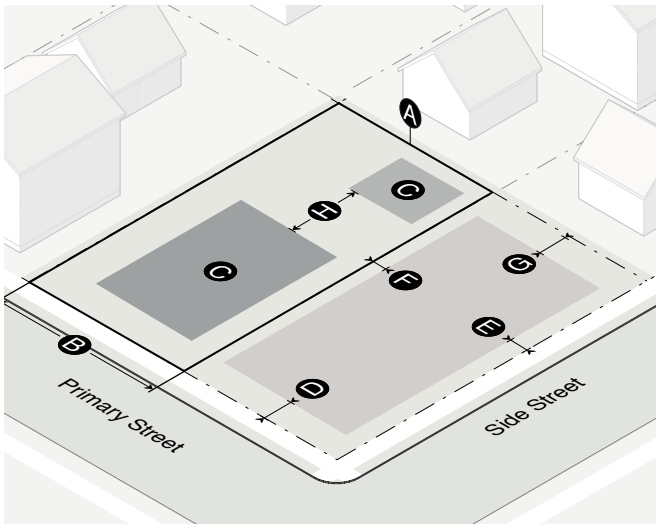
Definition

A small self-contained second dwelling unit located on the same lot as a detached house but physically separated, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.

Districts Allowed

RC-2.5 RC-1.0 RC-0.5
RS-16 RS-7 RS-5 RS-3
RM-1 RM-2
NX RX

8.3.2. Lot and Placement



Lot		
Area	Set by district	A
Width	Set by district	B
Dwelling units per lot	2 min / 2 max	
Coverage		
Lot coverage	set by district	C
Heated floor area	see Sec. 10.8.2	
Building and Structure Setbacks		
Primary street	set by district	D
Side street	set by district	E
Side interior	set by district	F
Rear	set by district	G
Building separation	5' min	H
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	Does not apply	
Building facade in side street BTZ (% of lot width)	Does not apply	

8.3.3. Height and Form



Height		
Backyard Cottage	24' max	A
Pedestrian Access		
Entrance facing primary street	Does not apply	
Building Elements Allowed		
Balcony	Does not apply	
Porch	Does not apply	
Stoop	Does not apply	
Parking Location		
Front/corner yard restrictions	Does not apply	
Additional on-site parking	1 space min	
Garage door restrictions	see Sec. 8.18.1	

8.4.1. Description







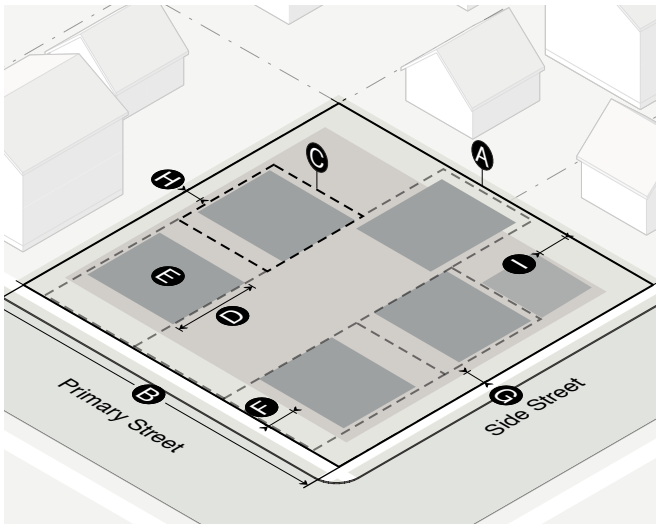
Definition

A building type that accommodates 4 to 8 detached dwelling units arranged around an internal shared courtyard, with all dwellings fronting on the courtyard.

Districts Allowed

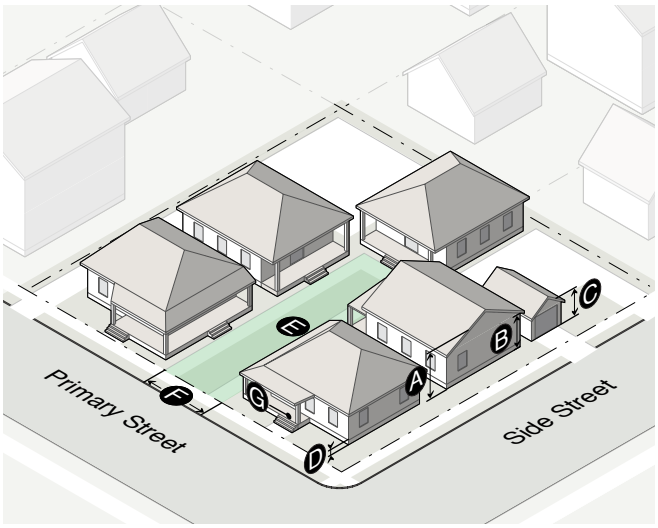
RS-7 RS-5 RS-3
RM-1 RM-2

8.4.2. Lot and Placement



Site		
Site area	22,500 SF min	A
Site width/depth	150' min	B
Dwelling units per site	4 min / 8 max	
Additional courtyard area per dwelling unit beyond 5 units	4,500 SF min	
Lot		
Area	1,200 SF min	C
Width	20' min	D
Coverage		
Lot coverage	Does not apply	
Principal building footprint	1,200 SF max	E
Building and Structure Setbacks		
Primary street	set by district	F
Side street	set by district	G
Side interior	set by district	H
Rear	set by district	I
Building Interior	10' min	J
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	Does not apply	
Building facade in side street BTZ (% of lot width)	Does not apply	

8.4.3. Height and Form



Height		
Principal building	24' max	A
Building wall plate height	18' max	B
Accessory structure	18' max	C
Ground floor elevation	0' min	D
Courtyard		
Area	3,000 SF min	E
Width & Length	40' min	F
Additional site area per dwelling unit beyond 5 units	600 SF min	
Courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events		
Pedestrian Access		
Entrance facing primary street	Required for units facing street	G
Building Elements Allowed		
Balcony	see Sec. 8.17.3	
Porch	see Sec. 8.17.6	
Stoop	see Sec. 8.17.7	
Parking Location		
Parking provided on site	Required	
Front/corner yard	Not allowed	
Garage door restrictions	see Sec. 8.18.1	

8.5.1. Description







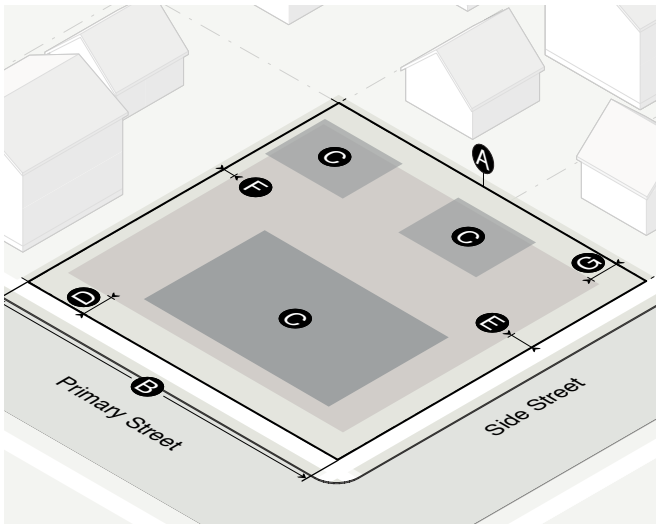
Definition

A building type that accommodates two dwelling units on an individual lot separated vertically side by side that share a common wall.

Districts Allowed

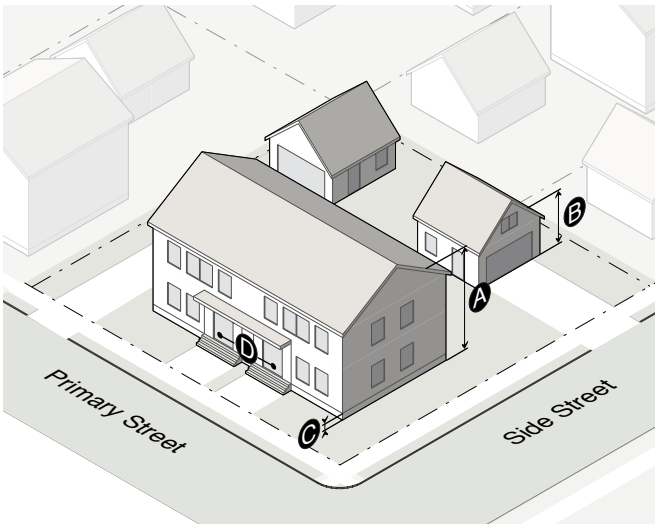
RC-1.0 RC-0.5
RS-7 RS-5 RS-3
RM-1 RM-2
RX NX

8.5.2. Lot and Placement



Lot		
Area	Set by district	A
Width	Set by district	B
Dwelling units per lot	2 min / 2 max	
Coverage		
Lot coverage	set by district	C
Building and Structure Setbacks		
Primary street	set by district	D
Side street	set by district	E
Side interior	set by district	F
Rear	set by district	G
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	Does not apply	
Building facade in side street BTZ (% of lot width)	Does not apply	

8.5.3. Height and Form



Height		
Principal building	30' max	A
Accessory structure	24' max	B
Ground floor elevation	0' min	C
Pedestrian Access		
Entrance facing primary street	Required	D
Building Elements Allowed		
Balcony	see Sec. 8.17.3	
Porch	see Sec. 8.17.6	
Stoop	see Sec. 8.17.7	
Parking Location		
Front/corner yard restrictions	see Sec. 8.18.1	
Garage door restrictions	see Sec. 8.18.1	

8.6.1. Description







Definition

A building type that accommodates two dwelling units on an individual lot separated vertically with one unit located directly behind the other unit that share a common wall.

Districts Allowed

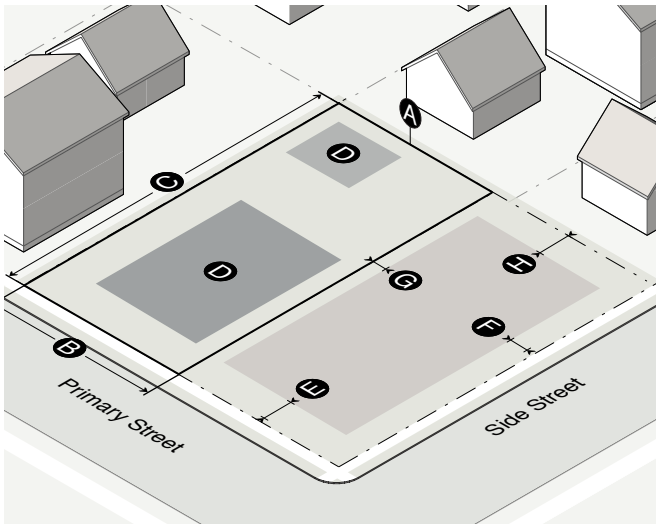
RC-1.0 RC-0.5

RS-7 RS-5 RS-3

RM-1 RM-2

RX NX

8.6.2. Lot and Placement



Lot		
Area	Set by district	A
Width	Set by district	B
Depth	125'	C
Dwelling units per lot	2 min / 2 max	
Coverage		
Lot coverage	set by district	D
Building and Structure Setbacks		
Primary street	set by district	E
Side street	set by district	F
Side interior	set by district	G
Rear	set by district	H
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	Does not apply	
Building facade in side street BTZ (% of lot width)	Does not apply	

8.6.3. Height and Form



Height		
Principal building	30' max	A
Accessory structure	24' max	B
Ground floor elevation (front unit only)	0' min	C
Pedestrian Access		
Entrance facing primary street (front unit only)	Required	D
Building Elements Allowed		
Balcony	see Sec. 8.17.3	
Porch	see Sec. 8.17.6	
Stoop	see Sec. 8.17.7	
Parking Location		
Front/corner yard restrictions	see Sec. 8.18.1	
Garage door restrictions	see Sec. 8.18.1	

8.7.1. Description







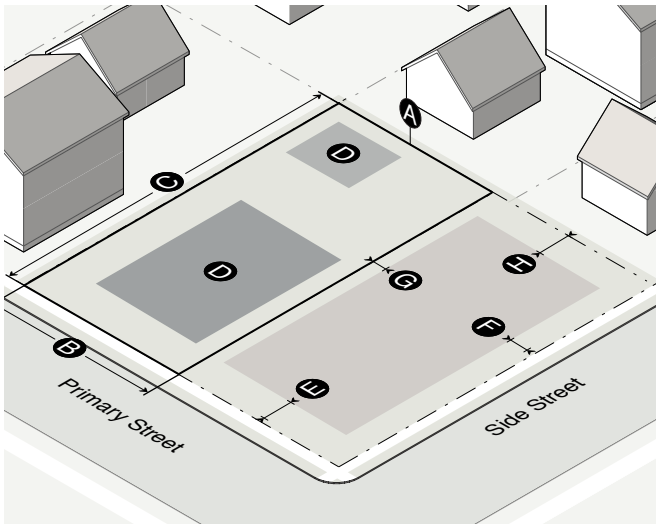
Definition

A building type that accommodates two dwelling units on an individual lot separated horizontally by sharing a celing/ floor where one unit is directly above the other unit.

Districts Allowed

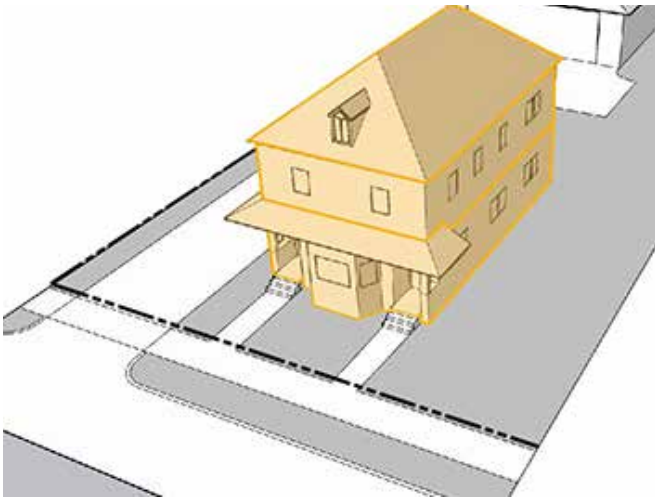
RC-1.0 RC-0.5
RS-7 RS-5 RS-3
RM-1 RM-2
RX NX

8.7.2. Lot and Placement



Lot		
Area	Set by district	A
Width	Set by district	B
Depth	125'	C
Dwelling units per lot	2 min / 2 max	
Coverage		
Lot coverage	set by district	D
Building and Structure Setbacks		
Primary street	set by district	E
Side street	set by district	F
Side interior	set by district	G
Rear	set by district	H
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	Does not apply	
Building facade in side street BTZ (% of lot width)	Does not apply	

8.7.3. Height and Form



Height		
Principal building	30' max	A
Accessory structure	24' max	B
Ground floor elevation	0' min	C
Pedestrian Access		
Entrance facing primary street (front unit only)	Required	D
Building Elements Allowed		
Balcony	see Sec. 8.17.3	
Porch	see Sec. 8.17.6	
Stoop	see Sec. 8.17.7	
Parking Location		
Front/corner yard restrictions	see Sec. 8.18.1	
Garage door restrictions	see Sec. 8.18.1	

8.8.1. Description







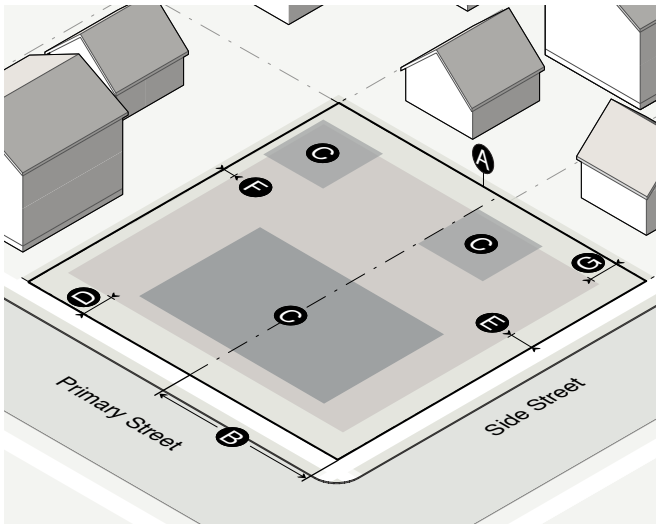
Definition

A building type that accommodates two attached dwelling units located on two separate lots that share a common wall along a lot line. A common facilities agreement must be submitted at time of building permit.

Districts Allowed

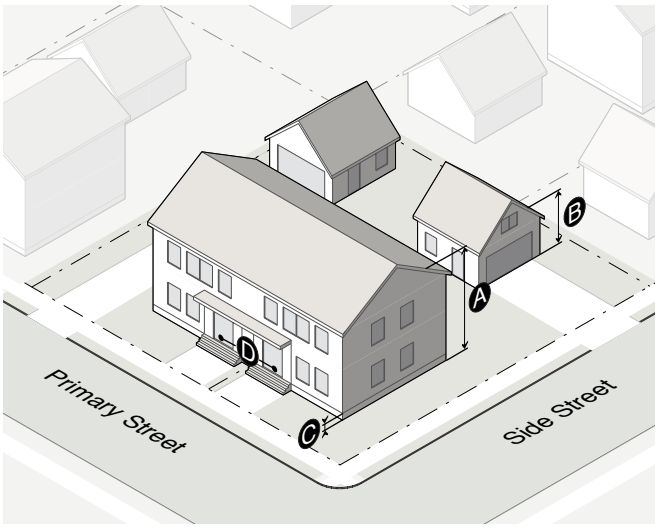
RX RC-1.0 RC-0.5
RS-7 RS-5 RS-3
RM-1 RM-2 NX

8.8.2. Lot and Placement



Lot		
Area	Set by district	A
Width	Set by district	B
Dwelling units per lot	1 min / 1 max	
Coverage		
Lot coverage	set by district	C
Building and Structure Setbacks		
Primary street	set by district	D
Side street	set by district	E
Side interior	set by district	F
Rear	set by district	G
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	Does not apply	
Building facade in side street BTZ (% of lot width)	Does not apply	

8.8.3. Lot and Placement



Height		
Principal building	30' max	A
Accessory structure	24' max	B
Ground floor elevation	0' min	C
Pedestrian Access		
Entrance facing primary street	Required	D
Building Elements Allowed		
Balcony	see Sec. 8.17.3	
Porch	see Sec. 8.17.6	
Stoop	see Sec. 8.17.7	
Parking Location		
Front/corner yard restrictions	see Sec. 8.18.1	
Garage door restrictions	see Sec. 8.18.1	

8.9.1. Description







Definition

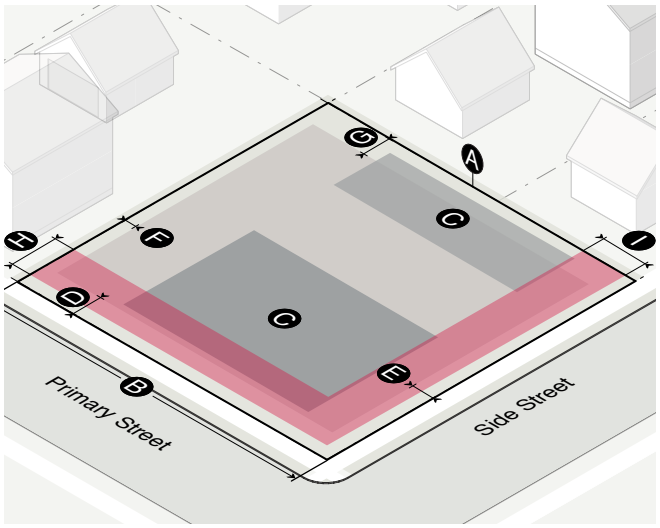
A building type that accommodates 3 to 4 dwelling units vertically or horizontally integrated.

Districts Allowed

RM-1 RM-2

NX RX CX

8.9.2. Lot and Placement



Lot		
Area	7,000 SF min	A
Width	65 min	B
Dwelling units per lot	3 min / 4 max	
Coverage		
Lot coverage	set by district	C
Building and Structure Setbacks		
Primary street	set by district	D
Side street	set by district	E
Side interior	set by district	F
Rear	set by district	G
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	set by district	H
Building facade in side street BTZ (% of lot width)	set by district	I

8.9.3. Height and Form



Height		
Principal building	35' max	A
Accessory structure	24' max	B
Ground floor elevation	0' min	C
Transparency		
Ground story	20% min	D
Upper story	20% min	E
Blank wall area	35' max	F
Pedestrian Access		
Entrance facing primary street	Required	G
Building Elements Allowed		
Awning/canopy	see Sec. 8.17.2	
Balcony	see Sec. 8.17.3	
Porch	see Sec. 8.17.6	
Stoop	see Sec. 8.17.7	
Parking Location		
Front/corner yard	Not allowed	
Garage door restrictions	see Sec. 8.18.1	

8.10.1. Description







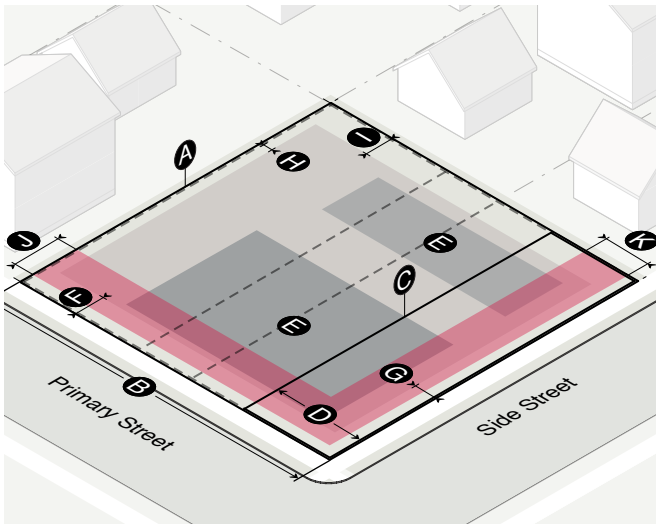
Definition

A building type where the building walls typically correspond with the property lines and all open yard space is owned and managed by a common association. This building type includes buildings that accomodate two or more dwelling units where each unit is seperated vertically by a common wall, or single units that have walls built on property lines.

Districts Allowed

RM-2 NX RX CX

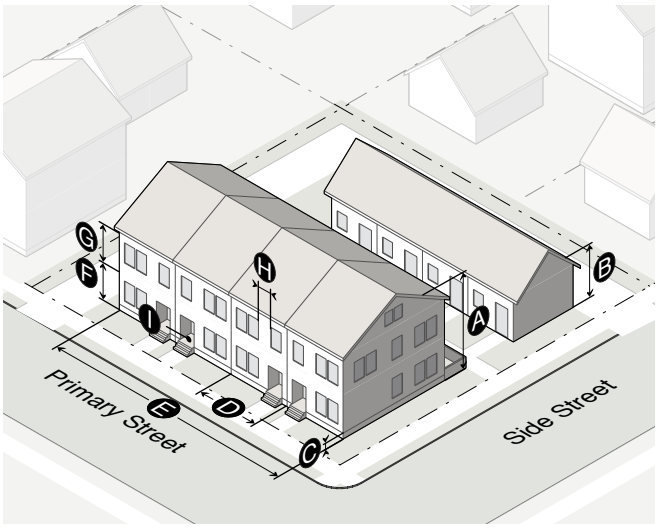
8.10.2. Lot and Placement



Site		
Site area	5,000 SF min	A
Site width	70' min	B
Dwelling units per lot	1 min / no max	
Lot		
Area	1,500 SF min	C
Width	20' min	D
Coverage		
Lot coverage	set by district	E
Site Development Setbacks		
Primary street	set by district	F
Side street	set by district	G
Side interior	set by district	H
Rear	set by district	I
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	set by district	J
Building facade in side street BTZ (% of lot width)	set by district	K

*Allowed if located on an Arterial road, and front yard landscaping is applied per 11.2.3.E.

8.10.3. Height and Form



Height		
Principal building	3 stories / 35' max	A
Accessory structure	24' max	B
Ground floor elevation	0' min	C
Building Dimensions		
Unit width	20' min	D
Number of units permitted in a row	6 max	E
Transparency		
Ground story	20% min	F
Upper story	20% min	G
Blank wall area	35' max	H
Pedestrian Access		
Entrance facing primary street (each ground floor unit)	Required	I
Building Elements Allowed		
Awning/canopy	see Sec. 8.17.2	
Balcony	see Sec. 8.17.3	
Porch	see Sec. 8.17.6	
Stoop	see Sec. 8.17.7	
Parking Location		
Front/corner yard	Not allowed*	
Garage door restrictions	see Sec. 8.18.1	

8.11.1. Description







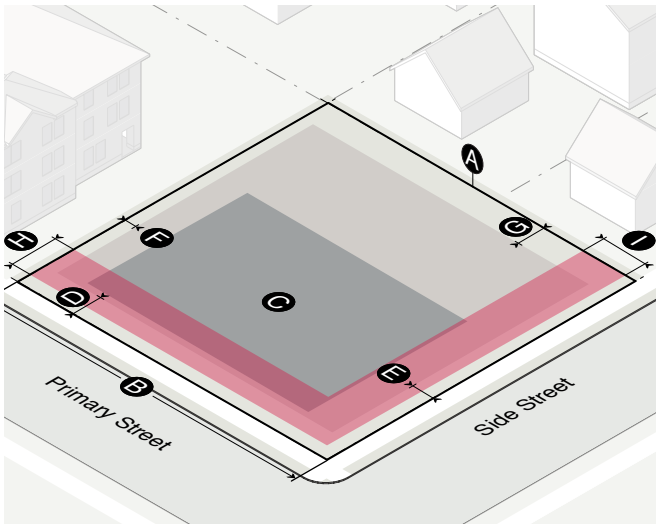
Definition

A building type that accommodates 5 or more dwelling units vertically and horizontally integrated.

Districts Allowed

RM-2 NX DX
CX RX CC

8.11.2. Lot and Placement



Lot		
Area	set by district	A
Width	set by district	B
Dwelling units per lot	5 min / no max	
Coverage		
Lot coverage	set by district	C
Building and Structure Setbacks		
Primary street	set by district	D
Side street	set by district	E
Side interior	set by district	F
Rear	set by district	G
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	set by district	H
Building facade in side street BTZ (% of lot width)	set by district	I
Courtyard		
Courtyard/Open Space Area	min 15% of lot area *Courtyard/Open Space does not count toward Park Space requirements per Art. 12	

8.11.3. Height and Form



Height		
All buildings and structures	set by district	A
Ground floor elevation	0' min	B
Building Dimensions		
Length	120' max	C
Transparency		
Ground story	20% min	D
Upper story	20% min	E
Blank wall area	35' max	F
Pedestrian Access		
Entrance facing primary street	Required	G
Entrance spacing along primary street	100' max	H
Building Elements Allowed		
Awning/canopy	see Sec. 8.17.2	
Balcony	see Sec. 8.17.3	
Forecourt	see Sec. 8.17.4	
Porch	see Sec. 8.17.6	
Stoop	see Sec. 8.17.7	
Parking Location		
Front/corner yard	Not allowed	

8.12.1. Description







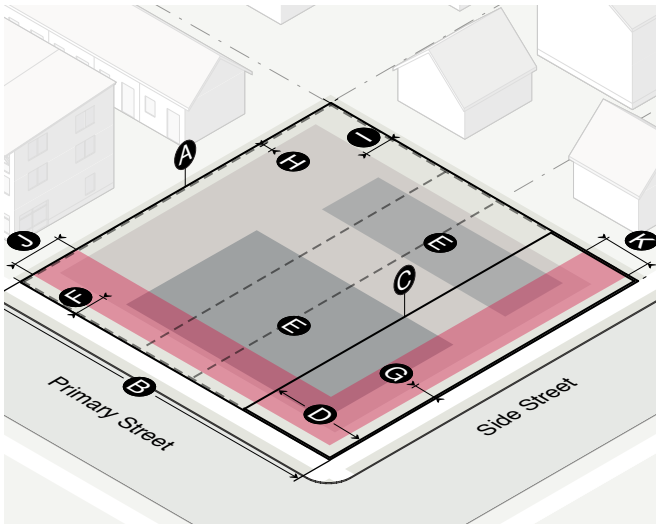
Definition

A building type that accommodates 3 or more units. Units allow for residential and nonresidential uses in the same physical space. Units may be vertically or horizontally mixed.

Districts Allowed

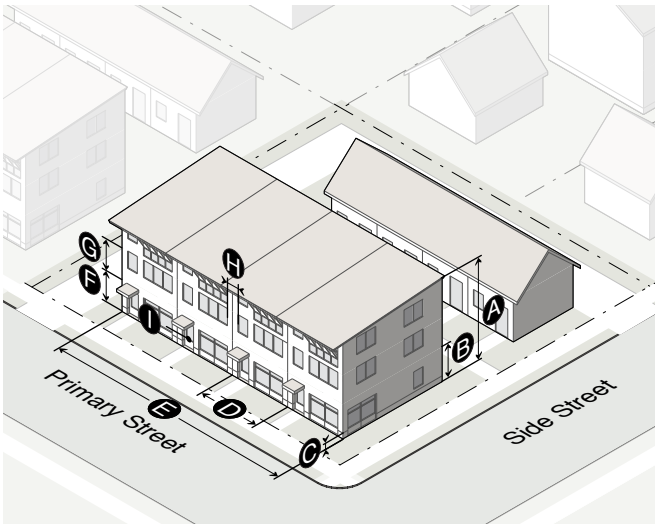
RX CX DX CC IX

8.12.2. Lot and Placement



Site		
Site area	4,000 SF min	A
Site width	55' min	B
Units per lot	1 min / no max	
Lot		
Area	1,100 SF min	C
Width	15' min	D
Coverage		
Lot coverage	set by district	E
Building and Structure Setbacks		
Primary street	set by district	F
Side street	set by district	G
Side interior	set by district	H
Rear	set by district	I
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	set by district	J
Building facade in side street BTZ (% of lot width)	set by district	K

8.12.3. Height and Form



Height		
All buildings and structures	35' max	A
Ground story height	10' min	B
Ground floor elevation	0' min	C
Building Dimensions		
Unit width	15' min / 30' max	D
Number of units permitted in a row	6 max	E
Transparency		
Ground story	40% min	F
Upper story	20% min	G
Blank wall area	25' max	H
Pedestrian Access		
Entrance facing primary street (each ground floor unit)	Required	I
Building Elements Allowed		
Awning/canopy	see Sec. 8.17.2	
Balcony	see Sec. 8.17.3	
Porch	see Sec. 8.17.6	
Stoop	see Sec. 8.17.7	
Parking Location		
Front/corner yard restrictions	Not allowed	
Garage door restrictions	see Sec. 8.18.1	

8.13.1. Description







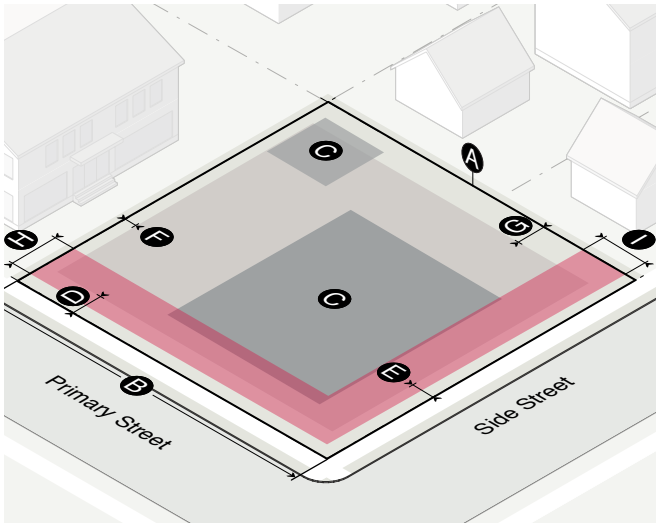
Definition

A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses at a scale that complements the existing residential character of the area.

Districts Allowed

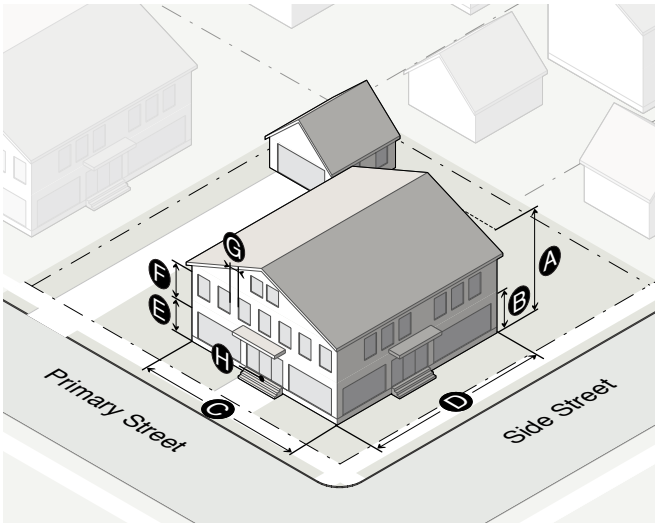
NX CX CC IX RX

8.13.2. Lot and Placement



Lot		
Area	set by district	A
Width	set by district	B
Coverage		
Lot coverage	set by district	C
Building and Structure Setbacks		
Primary street	set by district	D
Side street	set by district	E
Side interior	set by district	F
Rear	set by district	G
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	set by district	H
Building facade in side street BTZ (% of lot width)	set by district	I

8.13.3. Height and Form



Height		
All buildings and structures	3 stories / 35' max	A
Ground story height	10' min	B
Building Dimensions		
Length	50' max	C
Depth	75' max	D
Transparency		
Ground story	40% min	E
Upper story	20% min	F
Blank wall area	35' max	G
Pedestrian Access		
Entrance facing primary street	Required	H
Building Elements Allowed		
Awning/canopy	see Sec. 8.17.2	
Balcony	see Sec. 8.17.3	
Porch	see Sec. 8.17.6	
Stoop	see Sec. 8.17.7	
Parking Location		
Front/corner yard restrictions	Not allowed	
Garage door restrictions	see Sec. 8.18.1	

8.14.1. Description





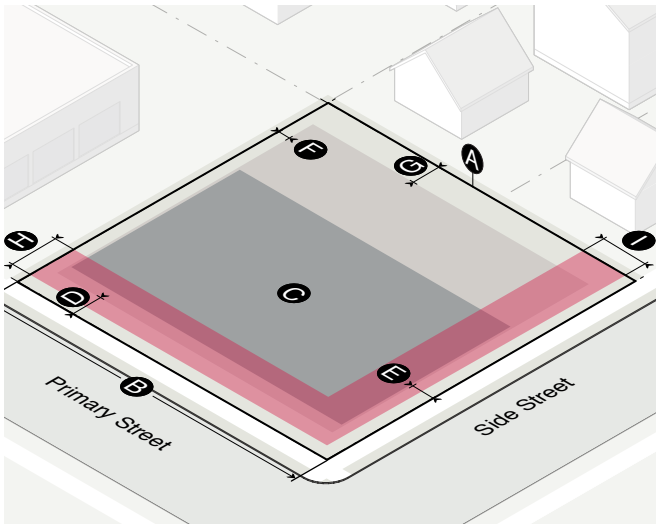
Definition

A single-story building type that typically accommodates retail or commercial uses.

Districts Allowed

CX DX CC CH IX

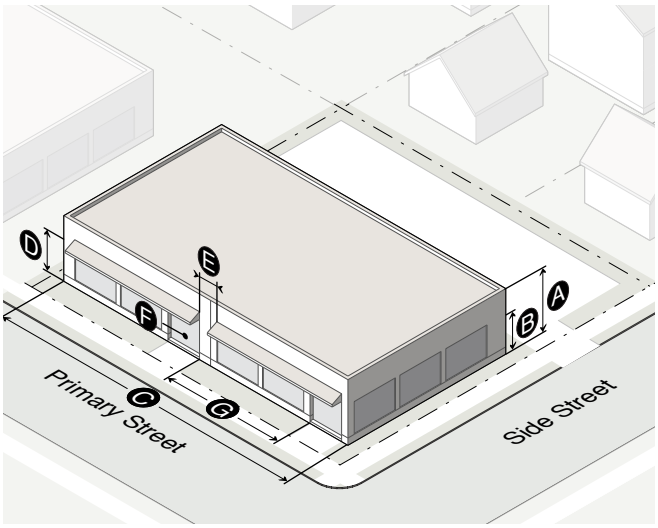
8.14.2. Lot and Placement



Lot		
Area	set by district	A
Width	set by district	B
Coverage		
Lot coverage	set by district	C
Building and Structure Setbacks		
Primary street	set by district	D
Side street	set by district	E
Side interior	set by district	F
Rear	set by district	G
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	set by district	H
Building facade in side street BTZ (% of lot width)	set by district	I

*See Sec. 5.4.4 for DX height standards

8.14.3. Height and Form



Height		
All buildings and structures*	1 story / 24' max	A
Ground story height*	10' min	B
Building Dimensions		
Length	150' max	C
Transparency		
Ground story	60% min	D
Building footprint 20,000 sf or more	30% min	
Blank wall area	25' max	E
Building footprint 20,000 sf or more	75' max	
Pedestrian Access		
Entrance facing primary street	Required	F
Entrance spacing along primary street	75' max	G
Building footprint 20,000 sf or more	125' max	
Building Elements Allowed		
Awning/canopy	see Sec. 8.17.2	
Forecourt	see Sec. 8.17.4	
Gallery	see Sec. 8.17.5	
Parking Location		
Set by district		

8.15.1. Description







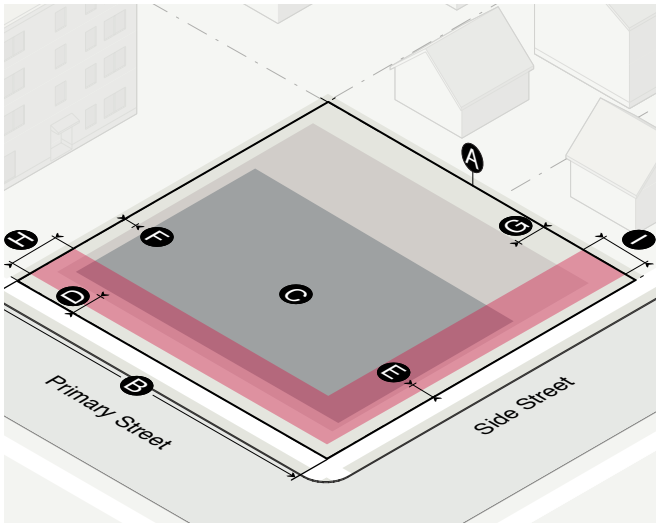
Definition

A building type that typically accommodates ground floor commercial uses with upper-story residential or commercial uses. Ground floor residential is permitted provided it does not front upon the main street.

Districts Allowed

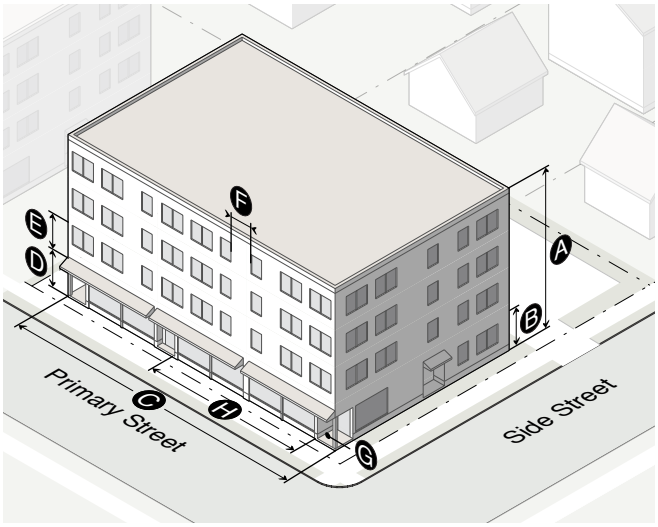
CX DX CC NX IX

8.15.2. Lot and Placement



Lot		
Area	set by district	A
Width	set by district	B
Coverage		
Lot coverage	set by district	C
Building and Structure Setbacks		
Primary street	set by district	D
Side street	set by district	E
Side interior	set by district	F
Rear	set by district	G
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	set by district	H
Building facade in side street BTZ (% of lot width)	set by district	I

8.15.3. Height and Form



Height		
All buildings and structures	set by district	A
Ground story height	10' min	B
Building Dimensions		
Length	120' max	C
Transparency		
Ground story	60% min	D
Upper story	20% min	E
Blank wall area	25' max	F
Pedestrian Access		
Entrance facing primary street	Required	G
Entrance spacing along primary street	75' max	H
Building Elements Allowed		
Awning/canopy	see Sec. 8.17.2	
Forecourt	see Sec. 8.17.4	
Gallery	see Sec. 8.17.5	
Parking Location		
Set by district		

8.16.1. Description







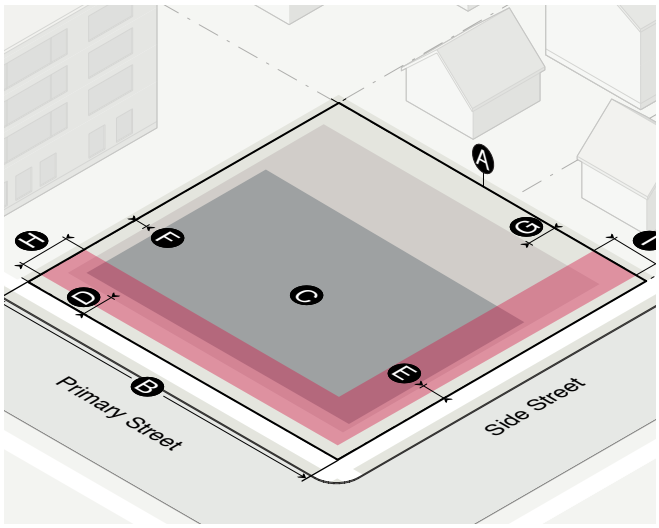
Definition

A building type that typically accommodates commercial, office or industrial uses.

Districts Allowed

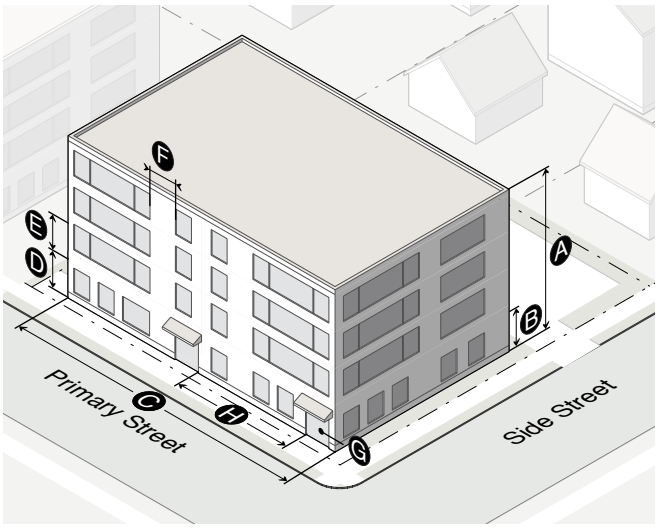
CX CC CH DX IX

8.16.2. Lot and Placement



Lot		
Area	set by district	A
Width	set by district	B
Coverage		
Lot coverage	set by district	C
Building and Structure Setbacks		
Primary street	set by district	D
Side street	set by district	E
Side interior	set by district	F
Rear	set by district	G
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	set by district	H
Building facade in side street BTZ (% of lot width)	set by district	I

8.16.3. Height and Form



Height		
All buildings and structures	set by district	A
Ground story height	10' min	B
Building Dimensions		
Length	120' max	C
Transparency		
Ground story	40% min	D
Upper story	15% min	E
Blank wall area	50' max	F
Pedestrian Access		
Entrance facing primary street	Required	G
Entrance spacing along primary street	125' max	H
Building Elements Allowed		
Awning/canopy	see Sec. 8.17.2	
Forecourt	see Sec. 8.17.4	
Gallery	see Sec. 8.17.5	
Parking Location		
Set by district		

8.17.1. Description







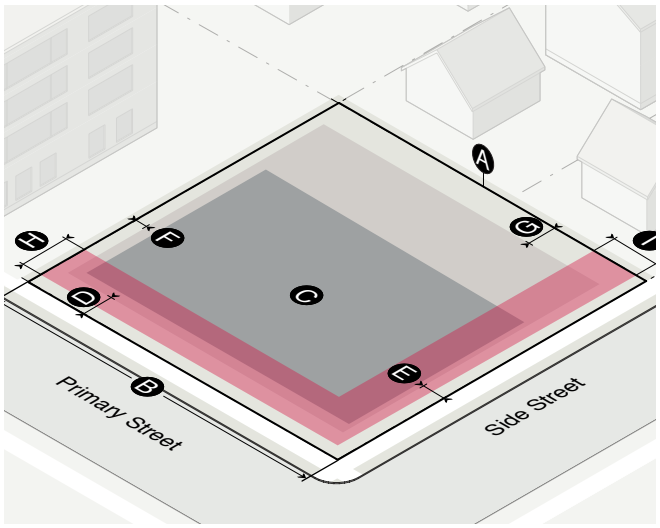
Definition

A building type that primarily accommodates industrial uses.

Districts Allowed

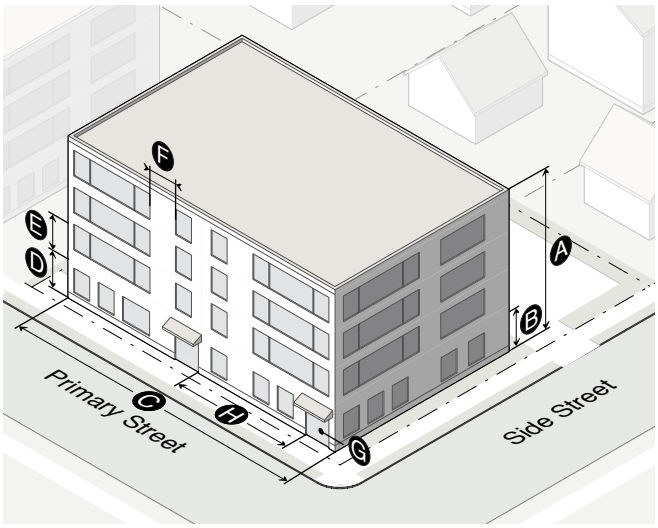
CH IL IX

8.17.2. Lot and Placement



Lot		
Area	set by district	A
Width	set by district	B
Coverage		
Lot coverage	set by district	C
Building and Structure Setbacks		
Primary street	set by district	D
Side street	set by district	E
Side interior	set by district	F
Rear	set by district	G
Build-to Zone (BTZ)		
Building facade in primary street BTZ (% of lot width)	set by district	H
Building facade in side street BTZ (% of lot width)	set by district	I

8.17.3. Height and Form



Height		
All buildings and structures	set by district	A
Ground story height	no min	B
Building Dimensions		
Length	200' max	C
Transparency		
Ground story	no min	D
Upper story	no min	E
Blank wall area	no max	F
Parking Location		
Set by district		

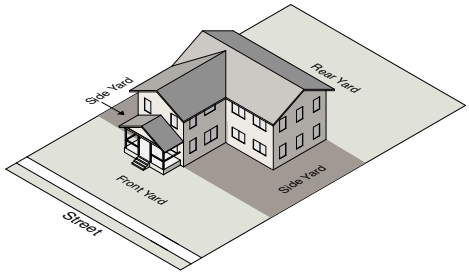
8.18.1. Residential Parking Location

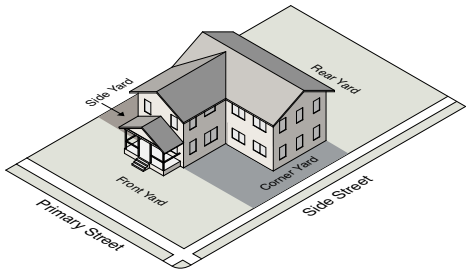
A. Parking in the Front or Corner Yard

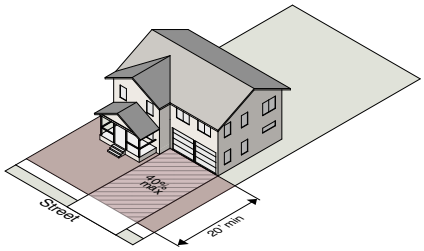
1. In all detached house, duplex and attached house lots, and cottage courts parking in the front or corner yard is allowed only on a hard-surfaced driveway (i.e., asphalt, concrete, gravel, or if approved by the Planning & Zoning Administrator, a turf-reinforced driveway). No parking is allowed in grass or lawn areas.

2. Combined parking and driveway area cannot constitute more than 40% of the front or corner yard.

3. Any parking in the front or corner yard must have sufficient depth so that parked cars do not encroach in the right of way. Garage doors must be set back at least 20 feet from the right of way.







B. Tandem Parking

1. Tandem parking is allowed for residential uses.

2. Two parking spaces in tandem must have a combined minimum dimension of 9 feet in width by 36 feet in length.

3. Both parking spaces in tandem must be assigned to the same dwelling unit.

4. Tandem parking may not be used to provide guest parking.

Chapter 9 - Special Districts

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9.1.1. Purpose

A. Statutory Authority

The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020 through 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property.

B. Findings of Fact

1. The flood hazard areas of the City of Driggs are subject to periodic inundation that results in:
    a. loss of life and property;
    b. health and safety hazards;
    c. disruption of commerce and governmental services;
    d. extraordinary public expenditures for flood relief and protection; and
    e. impairment of the tax base, all of which adversely affect the public health, safety,and general welfare.
2. These flood losses may be caused by development in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
3. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.

C. Purpose

The purpose of this ordinance is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life, health, and property;
2. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water, and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;
4. Minimize expenditure of public money for costly flood control projects;
5. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;
6. Minimize prolonged business interruptions;
7. Ensure potential buyers are notified the property is in an area of special flood hazard; and
8. Ensure those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Objectives and Methods of Reducing Flood Losses

To accomplish its purpose, this ordinance includes methods and provisions to:

1. Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;
2. Restrict or prohibit development which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
3. Control filling, grading, dredging, and other development which may increase flood damage or erosion;

4. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;

5. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

9.1.2. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted according to the meaning they have in common usage and to give this ordinance its most reasonable application.

1. Accessory Structures (appurtenant structure): structures that are on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure. Accessory structures must be used for parking or storage, be small and represent a minimal investment by owners, and have low damage potential. FEMA considers size limits based on flood zone, where "small" means not larger than a one-story two-car garage (600 sq. ft.) in flood zones identified as A zones (A, AE, A1-30, AH, and AO). Examples of small accessory structures include, but are not limited to, detached garages, storage and tool sheds, and small boathouses. Accessory structures greater than 600 sq. ft. must have an approved variance prior to the start of construction. See FEMA P-2140 for more information.

2. Addition (to an existing building): an extension or increase in the floor area or height of a building or structure.

3. Agricultural Structures (appurtenant structure): structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Some structures used for aquaculture are considered agricultural structures. Structures used for human habitation and those that are places of employment or entertainment, and structures with multiple or mixed purposes, do not satisfy the "exclusive use" requirement described below and are not agricultural structures. Agricultural structures greater than 600 sq. ft. must have an approved variance prior to the start of construction. See FEMA P-2140 for more information.

4. Appeal: a request for review of the Floodplain Administrator's interpretation of provisions of this ordinance or request for a variance.

5. Area of Shallow Flooding: a designated AO, or AH, zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

6. Area of Special Flood Hazard: see Special Flood Hazard Area (SFHA).

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

8. Base Flood Elevation (BFE): a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.

9. Basement: any area of the building having its floor sub- grade (below ground level) on all sides.

10. Building: see Structure.

11. Critical Facilities: facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

12. Datum: the vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

13. Development: any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

14. Development Activity: any activity defined as Development which will necessitate a Floodplain Development Permit; such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms, and levees.

15. Digital Flood Insurance Rate Map (DFIRM): the digital official map of a community, issued by the Federal Insurance Administrator, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

16. Elevated Building: for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

17. Elevation Certificate: The Elevation Certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information; and it may be used to support a request for a Letter of Map Amendment (LOMA), or Letter of Map Revision based on fill (LOMR-F).

18. Enclosure: an area enclosed by solid walls below the BFE/FPE, or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to surround space below the BFE/RFPE is not considered an enclosure.

19. Encroachment: the advance or infringement of uses, fill, excavation, buildings, structures, or development into the Special Flood Hazard Area (SFHA), which may impede or alter the flow capacity of the SFHA.

20. Existing Construction: for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

21. Existing Manufactured Home Park or Manufactured Home Subdivision: a manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community on October 19, 2010 by Ordinance 317-10.

22. Existing Structures: see existing construction.

23. Expansion to an Existing Manufactured Home Park or Subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

24. Flood or Flooding:

    a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

        i. The overflow of inland or tidal waters.

        ii. The unusual and rapid accumulation or runoff of surface waters from any source.

        iii. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

    b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

25. Flood Elevation Determination: See Base Flood Elevation (BFE)

26. Flood Elevation Study: See Flood Insurance Study (FIS)

27. Flood Insurance Rate Map (FIRM): an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

28. Flood Insurance Study (FIS): an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

29. Flood Zone: a geographical area shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area, and applicable insurance rate.

30. Floodplain or Flood-Prone Area: any land area susceptible to being inundated by water from any

31. source (see definition of "flooding").

32. Floodplain Administrator: the individual appointed to administer and enforce the floodplain management regulations.

33. Floodplain Development Permit: any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

34. Floodplain Management: the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

35. Floodplain Management Regulations: zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such

as a flood plain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

36. Floodproofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

37. Flood Protection Elevation (FPE): the Base Flood Elevation plus the Freeboard.

    a. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard; and

    b. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

38. Flood Protection System: those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

39. Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

40. Freeboard: a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be two feet.

41. Functionally Dependent Use: a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

42. Highest Adjacent Grade (HAG): the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

43. Historic Structure: a structure that is:

    a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

    b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places and determined as eligible by stateswith historic preservation programs which have been approved by the Secretary of theInterior; or

d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

   i. by an approved state program as determined by the Secretary of the Interior, or

   ii. directly by the Secretary of the Interior in states without approved programs.

44. International Building Code® Appendix G (IBC®) Flood-Resistant Construction Appendix G is applicable to all development projects in the floodplain.

45. International Residential Code® R322 (IRC®) Flood-Resistant Construction standards are applicable to all development projects in the floodplain.

46. Letter of Map Change (LOMC): a general term used to refer to the several types of revisions and amendments to FIRMs that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F)

47. Letter of Map Amendment (LOMA): an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's or structure's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property or structure has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

48. Letter of Map Revision (LOMR): FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

49. Letter of Map Revision Based on Fill (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

50. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

51. Levee: a man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain,

control, or divert the flow of water so as to provide protection from temporary flooding.

52. Levee System: a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

53. Lowest Adjacent Grade (LAG): the lowest point of the ground level next to the structure. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.

54. Lowest Floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3 and this ordinance.

55. Manufactured Home: a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. This includes tiny homes and park model manufactured homes. The term "Manufactured Home" does not include a "Recreational Vehicle."

56. Manufactured Home Park or Subdivision: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

57. Market Value: the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

58. Mean Sea Level: for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum (such as North America Vertical Datum of 1988 - NAVD88) to which Base Flood Elevations (BFEs) shown on a community's FIRM are referenced.

59. Mudslide (i.e., mudflow): describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

60. Mudslide (i.e., mudflow) Area Management: the operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and flood plain management regulations.

61. Mudslide (i.e., mudflow) Prone Area: an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

62. National Flood Insurance Program (NFIP): The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building, and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners.

63. New Construction: for floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any

subsequent improvements to such structures. Any construction started after August 4, 1988 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

64. New Manufactured Home Park or Subdivision: a place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community October 19, 2010.

65. Post-FIRM: construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM).

66. Pre-FIRM: construction or other development for which the "start of construction" occurred before 317-10, effective on October 19, 2010, the effective date of the initial Flood Insurance Rate Map (FIRM).

67. Recreational Vehicle: a vehicle that is:

    a. Built on a single chassis, and

    b. 400 square feet or less when measured at the largest horizontal projection, and

    c. Designed to be self-propelled or permanently towed by a light duty truck, and

    d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. This includes tiny homes and park model manufactured homes.

68. Regulatory Floodway: See Floodway

69. Remedy a Violation: to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance, or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

70. Repetitive Loss Structure: An NFIP-insured structure that has had at least two paid flood losses of more than $1,000 each in any 10-year period since 1978.

    a. Repetitive loss structure means a structure covered under an NFIP flood insurance policy that:

        i. Has incurred flood-related damage on 2 occasions, in which the cost of repair, on average, equaled or exceeded 25% of the value of the structure at the time of each such flood event; and

        ii. At the time of the second incidence of flood related damage, the contract for flood insurance contains increased cost of compliance coverage.

71. Riverine: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

72. Special Flood Hazard Area (SFHA): the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

73. Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of

construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

74. Structure: a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

75. Substantial Damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent (50%) of its market value before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

76. Substantial Improvement: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

    a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

    b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance issued pursuant to this ordinance.

77. Technical Bulletins and Technical Fact Sheets: FEMA publications that provide guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U S Code of Federal Regulations § 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations. Rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

78. Temperature Controlled: having the temperature regulated by a heating and/or cooling system, built-in or appliance.

79. Variance: a grant of relief by the governing body from a requirement of this ordinance.

80. Violation: the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

81. Water Surface Elevation: the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

82. Watercourse: a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

9.1.3. General Provisions

A. Lands to Which This Ordinance Applies

1. This Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Driggs. Nothing in this ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

B. Basis for Special Flood Hazard Areas

1. The Special Flood Hazard Areas identified by the Federal Insurance Administrator in a scientific and engineering report titled "Flood Insurance Study (FIS) for Teton County, Idaho And Incorporated Areas" dated June 10, 2026 with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at the office of the City of Driggs clerk at 60 S Main, Driggs Idaho.

C. Establishment of Floodplain Development Permit

1. A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions in Administration Section Art 9.1.4.C

D. Compliance

1. No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions

1. This ordinance shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this ordinance and another conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

F. Interpretation

1. In the interpretation and application of this ordinance all provisions shall be:
    a. Considered as minimum requirements;
    b. Liberally construed in favor of the governing body; and
    c. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability

1. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or

natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Driggs or by any officer or employee thereof for flood damages that result from reliance on this ordinance, or an administrative decision lawfully made hereunder.

H. Penalties for Violation

1. No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $1000 or imprisoned for not more than 180 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Driggs from taking such other lawful actions as is necessary to prevent or remedy any violation.

9.1.4. Administration

A. Designation of Floodplain Ordinance Administrator

1. The Planning and Building Director or designee is hereinafter referred to as the "Floodplain Administrator" is hereby appointed to administer and implement the provisions of this ordinance.

B. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposeddevelopment within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied and all proposed development is reasonably safe from flooding.

2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State, and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334, and IDAPA 37-03-07.

3. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administrator (FIA).

4. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

5. Prevent encroachments into floodways unless the certification and flood hazard reduction provisions of Article 9.1.5 Section E are met.

6. Obtain and maintain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 9.1.4, Section C.3.

7. Obtain and maintain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 9.1.4, Section C.3.

8. Review plans to verify public utilities are constructed in accordance with the provisions of Article 9.1.5, Section A.5-7.

9. When floodproofing is utilized for a particular structure, obtain, and maintain certifications from a registered professional engineer or architect in accordance with the provisions of Article 9.1.4, Section C.3. and Article 9.1.5, Section B.2.

10. Where interpretation is needed as to the exact location of boundaries of the Special Flood= Hazard Areas, and floodways (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

11. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Article III, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data available from a Federal, State, or other source, including data developed pursuant to Article 9.1.5, Section A.16, in order to administer the provisions of this ordinance.

12. When Base Flood Elevation (BFE) data is provided but no floodway data has been provided in accordance with the provisions of Article III, Section B, require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

13. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

14. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

15. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

16. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

17. Follow through with corrective procedures of Article 9.1.4, Section D.

18. Review, provide input, and make recommendations for variance requests.

19. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of Article III, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.

20. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

21. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator (FIA) of the changes by submitting technical or scientific data in accordance with this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

22. Upon occurrence, notify the Federal Insurance Administrator (FIA) in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce flood plain management regulations for a particular area. In order that all FHBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority.

23. A temporary Certificate of Occupancy (C/O) or Temporary Certificate of Compliance (C/C) will NEVER be issued for any structure in the floodplain.

24. When damage occurs to a building or buildings, the following actions shall be conducted:

    a. Determine whether damaged structures are located within the SFHA;

    b. Conduct damage assessments for those damaged structures located in the SFHA; and

    c. Make a reasonable attempt to notify owner(s) of damaged structure(s) of the requirement to obtain a building permit/ floodplain development permit prior to repair, rehabilitation, or reconstruction.

C. Floodplain Development Application, Permit, and Certification Requirements

1. Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

    a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

        i. i. the nature, location, dimensions, and elevations of the area of development/ disturbance; existing and proposed structures, utility systems, grading/ pavement areas, fill materials, storage areas, drainage facilities, and other development;

ii. the boundary of the Special Flood Hazard Area as delineated on the FIRMor other flood map as determined in Article 9.1.3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;

iii. the flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 9.1.3, Section B;

iv. the boundary of the floodway(s) as determined in Article 9.1.3, Section B;

v. the Base Flood Elevation (BFE) where provided as set forth in Article 9.1.3,Section B; Article 9.1.3, Section C; or Article 9.1.5, Section C;

vi. the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

vii. the certification of the plot plan by a registered land surveyor or professional engineer.

b. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

i. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;

ii. Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and

iii. Elevation in relation to mean sea level to which any proposed utility equipment and machinery will be elevated or floodproofed.

c. If floodproofing, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures will be required prior to Certificate of Occupancy/ Completion.

d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

i. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/ piers/piles/shear walls); and

ii. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article V, Section A.8.b. when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.

e. Usage details of any enclosed areas below the lowest floor.

f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

g. Certification that all other Local, State, and Federal permits required prior to floodplain development permit issuance have been received.

h. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions

of Article 9.1.5, Section B.5. and 6. of this ordinance are met.

i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

i. A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

2. Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

a. A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, riprap, docks, grading, paving, excavation or drilling operations, or storage of equipment or materials, etcetera).

b. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article III, Section B.

c. The Flood Protection Elevation required for the lowest floor and all attendant utilities.

d. The Flood Protection Elevation required for the protection of all utility equipment and machinery.

e. All certification submittal requirements with timelines.

f. A statement that no fill material or other development shall encroach into the floodway of any watercourse, as applicable.

g. The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.

h. All floodplain development permits shall be conditional upon the start of construction of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has commenced as per the Start of Construction definition.

i. Fully enclosed areas below the lowest floor are usable solely for parking of vehicles, building access, or storage.

j. All materials below BFE/FPE must be flood resistant materials.

3. Certification Requirements.

a. Elevation Certificates

i. A Construction Drawings Elevation Certificate (FEMA Form FF-206-FY-22-152) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

ii. A Building Under Construction Elevation Certificate (FEMA Form FF-206- FY-22-152) is required after the lowest floor is established. Within seven (7) calendar days of establishment of the lowest floor elevation, it shall be the duty of the

permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

iii. A final as-built Finished Construction Elevation Certificate (FEMA Form FF- 206-FY-22-152) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Occupancy. The Finished Construction Elevation Certificate certifier shall attach at least two (2) and when possible four (4) clear color photographs (one for each side) of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

b. Floodproofing Certificate. If non-residential floodproofing is used to meet the Flood Protection Elevation requirements, design plans, with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the lowest floor and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Prior to requesting a Certificate of Occupancy a Floodproofing Certificate (FEMA Form FF-206-FY-22-153) shall be provided to the Floodplain Administrator for review and approval.

c. If a manufactured home (includes tiny home or park model) is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more

than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 9.1.5, Section B.3.b.

d. If a watercourse is to be altered or relocated, the following shall all be submitted by the permit applicant prior to issuance of a floodplain development permit:

   i. a description of the extent of watercourse alteration or relocation; and

   ii. a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

   iii. a map showing the location of the proposed watercourse alteration or relocation; and

   iv. an Idaho Stream Channel Alteration Permit approval shall be provided by the applicant to the Floodplain Administrator.

e. Certification Exemptions. The following structures are exempt from the elevation/ floodproofing certification requirements specified in items a. and b. of this subsection:

   i. Recreational Vehicles meeting requirements of Article 9.1.5, Section B.5.a;

   ii. Temporary Structures meeting requirements of Article 9.1.5, Section B.6; and

   iii. Accessory Structures less than 200 square feet meeting requirements of Article 9.1.5, Section B.7.

4. Determinations for Existing Buildings and Structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, improvements, repairs of damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

   a. Estimate the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

   b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

   c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

   d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this ordinance is required.

5. Any other information deemed necessary for review of public safety and floodplain management requirements by the floodplain administrator.

6. A temporary Certificate of Occupancy (C/O) cannot be issued for any structure in the floodplain.

D. Corrective Procedures

1. Violations to be Corrected. When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

2. Actions in Event of Failure to Take Corrective Action. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

    a. a. that the building or property is in violation of the floodplain management regulations;

    b. b. that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

    c. that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

3. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

4. Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify, and affirm, or revoke the order.

5. Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor.

E. Variance Procedures

1. The City Council as established by the City of Driggs hereinafter referred to as the "appeal board" shall hear and decide requests for variances from the requirements of this ordinance.

2. Variances may be issued for:

    a. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

    b. functionally dependent facilities, if determined to meet the definition as stated in Article 9.1.2 of this ordinance, provided provisions of Article 9.1.4, Section E.8.b, c, and d, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base

flood and create no additional threats to public safety; or

c. any other type of development, provided it meets the requirements of this Section.

3. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

   a. the danger that materials may be swept onto other lands to the injury of others;

   b. the danger to life and property due to flooding or erosion damage;

   c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

   d. the importance of the services provided by the proposed facility to the community;

   e. the necessity to the facility of a waterfront location as defined under Article II of this ordinance as a functionally dependent facility, where applicable;

   f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

   g. the compatibility of the proposed use with existing and anticipated development;

   h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

   i. the safety of access to the property in times of flood for ordinary and emergency vehicles;

   j. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

   k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

4. The applicant shall include a written report addressing each of the above factors in Article 9.1.4, Section E.3.a-k with their application for a variance.

5. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

6. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

7. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administrator and the State of Idaho upon request.

8. Conditions for Variances:

   a. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

   b. Variances shall not be issued within any designated floodway if the variance would result in any increase in flood levels during the base flood discharge.

   c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. Variances shall only be issued prior to development permit approval.

e. Variances shall only be issued upon:

i. a showing of good and sufficient cause;

ii. a determination that failure to grant the variance would result in exceptional hardship; and

iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

9. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

a. The use serves a critical need in the community.

b. No feasible location exists for the use outside the Special Flood Hazard Area.

c. The lowest floor of any structure is elevated or floodproofed to at least the Flood Protection Elevation.

d. The use complies with all other applicable Federal, State, and local laws.

10. The City of Driggs will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

11. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Idaho Code 67-6535.

9.1.5. Provisions For Flood Hazard Reduction

A. General Standards

In all Special Flood Hazard Areas, the following provisions are required:

1. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.

3. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.

4. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

6. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

7. On-site waste disposal systems (i.e. septic systems) shall be located and constructed to avoid impairment to them or contamination from them during flooding.

8. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor used solely for parking, access, and storage shall:

    a. be constructed entirely of flood resistant materials at least to the Flood Protection Elevation; and

    b. include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

        i. A minimum of two flood openings on different sides of each enclosed area subject to flooding;

        ii. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

        iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

        iv. The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;

        v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

        vi. Enclosures made of flexible skirting are not considered enclosures forregulatory purposes, and, therefore, do not require flood openings. Masonry or flood resistant wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

9. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

10. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation in the floodway, or stream setback,and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

11. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 9.1.4 Section E.9. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions of Article 9.1.4 Section C.3.

12. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.

13. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

14. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

15. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334, and IDAPA 37-03-07.

16. All subdivision proposals and other development proposals greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals base flood elevation data.

17. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

18. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

19. Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not signing the Community Acknowledgement page for Conditional Letters or Letters of Map Revision (CLOMR-F or LOMR-F).

20. A temporary Certificate of Occupancy (C/O) cannot be issued for any structure in the floodplain.

B. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article III, Section B, or Article V, Section D, the following provisions, in addition to the provisions of Article 9.1.5, Section A, are required:

1. Residential Construction. New construction, substantial improvements, and development of any residential structure (including manufactured homes, tiny homes, and park models) shall have the lowest floor, including basement, and utilities including ductwork, elevated no lower than the Flood Protection Elevation, as defined in Article 9.1.2 of this ordinance.

2. Non-Residential Construction. New construction, substantial improvements, and development of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, and utilities including ductwork, elevated no lower than the Flood Protection Elevation, as defined in Article 9.1.2 of this ordinance. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with Article 9.1.5, Section F.2. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 9.1.4,

Section C.3, along with the operational plan and the inspection and maintenance plan.

3. Manufactured Homes

   a. New and replacement manufactured homes (including tiny homes, and park models) shall be elevated so that the lowest floor of the manufactured home is no lower than the Flood Protection Elevation, as defined in Article 9.1.2 of this ordinance.

   b. Manufactured homes (including tiny homes, and park models) shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Occupational & Professional Licenses "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

   c. All enclosures or skirting below the lowest floor shall meet the requirements of Article 9.1.5, Section A.8.(a) and (b).

   d. An evacuation plan must be developed for the evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

4. Additions/Improvements

   a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are

      i. not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure; or

      ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

   b. Additions to non-compliant post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

   c. Additions and/or improvements to non-compliant post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are

      i. not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or

      ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

   d. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a three-year period, the cumulative cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the

improvement or repair is started, must comply with the standards for new construction. For each building or structure, the threeyear period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

i. i. any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or

ii. any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

5. Recreational Vehicles. Recreational vehicles shall be either:

a. Temporary Placement

i. be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

b. Permanent Placement

i. i. Recreational vehicles (including tiny homes, and park models) that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in Article 9.1.5, Sections A., B.1., and B.3.

6. Temporary Non-Residential Structures

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such

structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

a. a specific time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;

b. the name, address, and phone number of the individual responsible for the removal of the temporary structure;

c. the time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);

d. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

e. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

f. Temporary structures in the floodway must provide a Hydraulic and Hydrology Analysis along with a No-Rise Certification.

7. Accessory and Agricultural Structures (Appurtenant structures).

When single-story accessory structures (sheds, detached garages, etc. used solely for parking, and storage) are to be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are required for all single-story

accessory structures in accordance with Article 9.1.4, Section C.3, and the following criteria shall be met:

a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);

b. Accessory structures shall not be temperature-controlled;

c. Accessory structures shall be designed to have low flood damage potential;

d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

e. Accessory structures shall be firmly anchored in accordance with the provisions of Article 9.1.5, Section A.1; and

f. All utility equipment and machinery, such as electrical, shall be installed in accordance with the provisions of Article 9.1.5, Section A.4; and

g. Accessory structures greater than 600 sq. ft., proposed to have the lowest floor below the Flood Protection Elevation (wet floodproofed), must have an approved variance prior to the start of construction.

    i. For accessory structures less than 200 sq. ft. (and is a minimal investment of less than $7,500 and used solely for parking or storage, flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below the Flood Protection Elevation in conformance with the provisions of Article 9.1.5, Section A.8 in lieu of elevation.

    ii. For accessory structures 600 sq. ft. or larger used solely for parking or storage and that are not elevated to the Flood Protection Elevation (wet flood proofed), a variance is required for flood proofing in lieu of elevation.

    iii. Accessory structures not used solely for parking or storage must be elevated per Article 9.1.5. Section B.1. and 2.

    iv. An accessory structure with a footprint of less than 200 square feet and is a minimal investment of less than $7,500 and satisfies all the criteria outlined in a - f above is not required to provide the elevation certificate per Article 9.1.5 Section B.2.

    v. Two-story accessory structures must have their lowest floor elevated to the Base Flood Elevation (BFE) or the Flood Protection Elevation (FPE).

8. Tanks

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

a. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);

b. Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

c. Not elevated above-ground tanks may be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or

lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

d. Tank inlets, fill openings, outlets and vents shall be:

i. at or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and

ii. anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

9. Construction of a Below-Grade Crawlspace Foundation. See Technical Bulletin 11 for further information. Must meet all the following requirements, including:

a. The structure must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. Flood openings must be installed that allow for the automatic entry and exit of floodwaters.

c. The portions of the structure below the BFE (plus freeboard) must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE.

d. The interior grade of a crawlspace must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).

e. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace sill plate, must not exceed four (4) feet at any point.

f. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.

g. The velocity of floodwaters at the site should not exceed five (5) feet per second.

10. Subdivision Plats

Flood zones.

a. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.

b. FEMA FIRM panel(s): #1601660190D, #1601660275D, #1601660276D, #1601660277D, #1601660278D, #1601660279D FIRM effective date(s): June 10, 2026 Flood Zone(s): Zone X, Zone A, Zone AE, Zone AO, Zone AH, Zone D, etc. Base Flood Elevation(s): AE _____.0 ft., etc. Flood Zones are subject to change by FEMA & all land within a floodway or floodplain is regulated by Title 9 of the City Code and Ordinance [phone redacted]

11. Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet (3') above BFE or

to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. Please see bulletin FEMA 543 Design Guide for Improving Critical Facility Safety from Flooding and High Winds (2007)

12. Floodplain Development Permits Related to Irrigation Activities and Development. Irrigation Floodplain Development Permit:

    The Floodplain Administrator must exercise their professional judgement when reviewing activities to determine if an activity requires a permit. When in doubt, the Floodplain Administrator should seek consultation from the IDWR Floodplain Coordinator to determine permit necessity. Upon review of the proposed activities and projects, the Floodplain Administrator will assess the project for necessary permitting and will notify the applicant in writing (or email) accordingly.

    a. Activities and projects that will require a Floodplain Development Permit:

        i. Dredging and grading of irrigation and drainage channels, provided that fill from dredging or grading is not deposited on the banks of channels or anywhere within the regulatory floodway or SFHA for longer than 10 days.

        ii. Seasonal grading within natural stream channels to check or direct water into irrigation facilities (i.e., earthen "push-up dams" and "wing dams").

        iii. Deposition of fill within the SFHA for less than 10 days. After 10 days, deposited fill must be removed from the SFHA or graded and compacted to existing grade within ± 0.2 feet. Deposition of fill includes deposition of material resulting from grading or excavating irrigation or drainage channels. Deposition of fill within the mapped floodway requires an individual permit.

        iv. Construction of new underground utilities that do not permanently alter the topography. Excess soil from new pipes larger than 2 feet in diameter must be disposed of outside the regulatory floodway and SFHA.

        v. In-kind replacement of irrigation and drainage works or components including but not limited to control gates or head gates, measuring devices and their housing structures/stilling wells, culverts, pumps, pipes, flumes, siphons, and similar works. GIFD permits cannot authorize the In-kind replacement of dams or bridge structures.

        vi. New driveways, trails, sidewalks, roads, and streets constructed completely at-or-below existing grade.

        vii. New underground utilities that do not permanently alter the existing grade elevations by ± 0.5 feet.

        viii. Armoring, stabilizing, securing, or in-kind replacement of existing infrastructure within the channel banks (such as bridge piers, sewer/utility supports and storm water/sewer drainage outfalls/headwalls) provided the dimensions (bank slopes, channel location, channel elevation) of the channel are not altered. This should not involve replacement with larger or additional above ground infrastructure.

    b. Irrigation projects within the regulatory floodway require a Hydrologic and Hydraulic Analysis with No-Rise Certification in addition to a Floodplain Development Permit

13. Compensatory Storage: New development shall not reduce the effective flood storagevolume of the

Regulatory Floodway and SFHA. At a minimum, a development proposalshall provide compensatory storage if grading or other activity eliminates any effectiveflood storage volume. Compensatory storage shall:

a. Provide equivalent volume at equivalent elevations to that being displaced. Forthis purpose, "equivalent elevation" means having similar relationship to ordinaryhigh water and the best available one hundred (100) year water surface profiles;

b. Be hydraulically connected to the source of flooding; and

c. Provide compensatory storage in the same construction season as when thedisplacement of flood storage volume occurs and before the flood season begins.

d. The newly created storage area shall be graded and vegetated to allow fish accessduring flood events without creating fish stranding sites.

14. Pit, Mine, Quarry, or Gravel Extraction: Approval of a CLOMR shall be required as a condition of approval for any proposed pit, mine, quarry, or gravel extraction. The CLOMR application shall demonstrate that the extraction site will be designed to avoid river avulsion (the sudden separation of land from one property and its attachment to another, especially by flooding or a change in the course of a river). FEMA must approve the CLOMR prior to commencement of the use or breaking ground. Gravel mining operations or excavations are not permitted within one hundred feet (100') of the top of riverbank regardless of floodway or floodplain designation. Material stockpiles and permanentlyminstalled structures shall not be located within the regulatory floodway.

15. Bridges and Culverts: IDAPA 37.03.07 Rule 59 requires that communities participating in the NFIP must have 1.0 ft. freeboard above the 100-year flow. Thus, the low chord must be at least 1.0 ft. above the Base Flood Elevation (BFE). In an A Zone without BFE the BFE will be determined by a Hydrologic & Hydraulic Analysis the project applicant develops. The Hydrologic & Hydraulic Analysis with BFE will be provided to the community as a part of the Floodplain Development Permit. Upon completion of the project, the project applicant may be required to submit a Letter of Map Revision (LOMR) application to FEMA.

C. Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in Article 9.1.3 Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Article 9.1.5 Section A, shall apply. The BFE used in determining the Flood Protection Elevation (FPE) shall be determined based on the following criteria:

1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 9.1.5 Sections A and B.

2. When floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Article 9.1.5 Sections B and E.

3. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser,

include within such proposals base flood elevation data. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article 9.1.3 Section B and utilized in implementing this ordinance. The applicant/developer shall submit an application for a Conditional Letter of Map Revision (CLOMR) prior to Preliminary Plat approval and have obtained a Letter of Map Revision (LOMR) prior to any building permits for structures being issued. See FEMA 480 and/or FEMA 265 for further information.

4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the lowest floor shall be elevated or floodproofed (non-residential) to two feet (2.0 ft.) above the Highest Adjacent Grade (HAG) at the building site or to the Flood Protection Elevation (FPE) whichever is higher, as defined in Article 9.1.2. All other applicable provisions of Article 9.1.5, Section B shall also apply.

D. Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source, but floodways are not identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of Article 9.1.5 Sections A and B; and

2. Until a regulatory floodway is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

E. Standards for Floodways.

Areas designated as floodways located within the Special Flood Hazard Areas established in Article 9.1.3 Section B. The floodways are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 9.1.5 Sections A and B, shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:

   a. it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit (No-Rise Analysis & Certification); or

   b. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.

2. If Article 9.5.E.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

3. Manufactured homes (including tiny homes, and park models) may be permitted provided the following provisions are met:

   a. the anchoring and the elevation standards of Article 9.1.5, Section B.3; and

b. the encroachment standards of Article 9.1.5 Section E.

4. Other Development in regulated floodways.

a. a. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways shall meet the limitations of Article V, Section E of this ordinance.

b. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 9.1.5 Section E of this ordinance.

c. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways, shall meet the limitations of Article 9.1.5 Section E of this ordinance. The applicant/developer shall submit an application for a Letter of Map Revision (LOMR) upon completion of construction for the purpose of providing FEMA better available data.

d. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways shall meet the limitations of Article 9.1.5 Section E of this ordinance.

e. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways shall meet the limitations of Article V, Section E of this ordinance

f. Gravel and sand and their subsequent extraction on lands within the Special Flood Hazard Area that encroach into regulated floodways shall meet the limitations of Article V, Section E of this ordinance. A Reclamation Plan Bond for LOMR shall be posted by the mine/property owner with the City of Driggs to cover the estimated costs of a Reclamation LOMR as determined by the mine/property owner and shall provide supporting documentation for the estimated LOMR cost. A Reclamation LOMR shall be completed within one year of the completion of mining. Upon failure of the property owner to obtain a Reclamation LOMR of the mining site within one year, the Reclamation Plan Bond for LOMR will be forfeited.

F. Standards for Areas of Shallow Flooding (Zone AO, and AH)

Areas designated as shallow flooding areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 9.1.5 Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade if no depth number is specified.

2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 9.1.5 Section F.1 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 9.1.4.C.3, and Article 9.5.B.2.

3. Accessory structure (appurtenant structure) (sheds, detached garages, etc.)

    a. Used solely for parking, and storage

        i. Shall have the lowest floor elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.; or

        ii. Shall have flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of Article 9.1.5 Section A.8.

    b. Not used solely for parking, and storage

        i. Shall be elevated per Article 9.1.5. Section B.1. and 2.

4. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

5. Hazardous Velocities: Where hazardous velocities are noted on the FIRM, proper construction techniques and methods shall be used to mitigate the effects of the velocities.

G. Standards for possible but undetermined flood hazards, as no analysis of flood hazards has been conducted (D Zone):

1. General Standards:

    a. All development within a D zone shall be subject to the procedural requirements of this ordinance, as applicable; and

    b. Drainage: Adequate drainage paths around structures on slopes shall be provided in a D zone to guide floodwaters around and away from proposed structures.

    c. Grading: Any site work in excess of ten (10) cubic yards of cut or fill will require a detailed grading permit. All grading shall be done so as to minimize impacts and maintain compensatory storage within all special flood hazard areas. Depending on the extent and nature of the grading, a LOMC may be required.

    d. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with this ordinance and utilized in implementing this ordinance. The applicant/developer shall submit an application for a Conditional Letter of Map Revision (CLOMR) prior to Preliminary Plat approval and have obtained a Letter of Map Revision (LOMR) prior to any building permits for structures being issued. See FEMA 480 and/or FEMA 265 for further information.

    e. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the lowest floor shall be elevated or floodproofed (non-residential) to two feet (2.0 ft.) above the Highest Adjacent Grade (HAG) at the building site or to the Flood Protection Elevation (FPE) whichever is higher, as defined in this ordinance. All other applicable provisions of Article 9.1.5, Section A and B shall also apply.

9.2.1. Purpose

The purpose of the Airport Overlay Districts is to ensure that the uses established in the vicinity of and on the Driggs-Reed Memorial Airport will not be in conflict with the Driggs Comprehensive Plan, Airport Master Plan or Airport Layout Plan; that sensitive or vulnerable uses will be reasonably protected from airport related activities including noises, hazards and similar conditions; and that the airport and airport related activities are reasonably protected from the encroachment of uses incompatible with the operation of the airport.

9.2.2. Scope and Boundaries

The provisions of this Article shall apply to the land and structures within each of the following overlay districts:

A. Aircraft Traffic Pattern Overlay

Shown on the official City of Driggs Zoning Map, and defined as encompassing all land on and around the airport to a distance of 14,000 feet from the runway center line surface, except on the southeast side, where the boundary is 3,700 feet from the runway center line surface. This difference accounts for the prescribed turning movements being on the north side of the airport.

B. Airspace Protection Overlay

Shown on the official City of Driggs Zoning Map, and defined as the area underneath the Approach and Transitional Surfaces designated on the adopted Driggs-Reed Memorial Airport Layout Plan and also applies to land in the Airport Hazards and Airport Operations Overlays. Generally speaking, the approach surfaces are sloped at 34:1 off the SW end of the runway, 20:1 off the NE end of the runway and 7:1 on each side, starting at the outer boundary of the Object Free Area.

C. Airport Hazards Overlay

Shown on the official City of Driggs Zoning Map, and consisting of and defined by the following areas as established by the adopted Driggs-Reed Memorial Airport Master Plan and Airport Layout Plan.

1. Object Free Area, as regulated by the FAA, Advisory Circular 150/5300-13, or current edition: An area 400ft in width either side of and parallel to the runway center line. The purpose of the OFA is to enhance the safety of aircraft operations by remaining clear of objects.
2. Runway Protection Zone (RPZ), as regulated by the FAA, Advisory Circular 150/5300-13, or current edition: An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway center line.
3. Lateral Safety Zone (LSZ): An area extending 1,000 feet either side of the runway center line, except where the Airport Operations Overlay is applied. The LSZ is recommended by the Idaho Airport Land Use Guidelines, and adopted by the City.
4. Inner Critical Zone (ICZ): An area rectangular in shape and centered about the extended runway center line. The width of the ICZ is 2,000 feet and extends a horizontal distance of 5,000 feet from each end of the runway surface, except where the Airport Operations Overlay is applied.
5. Outer Critical Zone (OCZ): An area rectangular in shape and centered about the extended runway center line. The width of the OCZ is 1,000 feet and extends a horizontal distance of 4,000 feet from each end of the ICZ.

D. Airport Operations Overlay

Shown in approximation on the official City of Driggs Zoning Map, and defined as all properties within the airport security fence.

9.2.3. Airport Overlay District Provisions

A. Aircraft Traffic Pattern Overlay

1. Avigation Easement Required: Within the Airport Traffic Pattern Overlay, the execution of an Avigation Easement for the unobstructed passage of aircraft, as specified by the city, will be a condition of any land use permit.

B. Airspace Protection Overlay

1. Structure Height: No building permit will be issued within the Airspace Protection Overlay without acknowledgement from the FAA that a completed FAA Form 7460-1 has been received and that the proposed construction will either not encroach into the protected airspace or that acceptable mitigation has been agreed to.

C. Airport Hazards Overlay

1. Use Provisions: The following provisions restrict uses within the Airport Hazards Overlay, and are in addition to the use provisions contained in Articles 9.4 and 9.6, Chapter 10, and those listed in the zone districts in the AOI. Uses not permitted below that existed at the time these regulations were adopted may be continued pursuant to section 14.12.2.

    a. Object Free Area: No structures, storage, equipment or trees shall be located in the OFA except for objects needed for air navigation or aircraft ground maneuvering purposes. The only permitted land uses in the OFA are:

        i. Aircraft runways, taxiways, ramps. The Runway shall be no more or no less than 7,300 feet long and 100 feet wide, as depicted in the approved Airport Master Plan. The Runway shall have a weight bearing capacity of PCN 28 F/B/X/T with single wheel limits of 30,000 lbs and double wheel limits of 75,000 lbs.

        ii. Easements allowing access to the Runway are not to exceed 60 feet in width.

        iii. Cropland or open space

    b. Runway Protection Zone (RPZ): The only permitted land uses in the RPZ are:

        i. Cropland or open space

        ii. Navigational aids

    c. Lateral Safety Zone (LSZ): The allowed and conditionally permitted land uses in the LSZ are those allowed or conditionally permitted in the underlying zoning district, as regulated in Chapter 10 and those listed in the zone districts in the AOI, with the exception that the following land uses are not permitted within the LSZ:

        i. Residential, except residential uses accessory to an authorized airport use and on properties that have a valid Through-The-Fence agreement.

        ii. Lodging

        iii. Civic uses with public assembly (schools, libraries, churches, etc.)

        iv. Hospital

        v. Day care center

        vi. Playgrounds

        vii. Indoor recreation, special event facility with greater than 5,000 square feet of net floor area

        viii. Retail use with greater than 5,000 square feet of net floor area

        ix. Outdoor spectator sports seating

    d. Inner Critical Zone (ICZ): The allowed and conditionally permitted land uses in the ICZ are those allowed or conditionally permitted in the underlying zoning district, as regulated in Chapter 10 and those listed in the zone districts in the AOI, with the exception that the following land uses are not permitted within the ICZ:

        i. Hotel/Motel

        ii. Civic uses with public assembly (schools, libraries, churches, etc.)

iii. Hospital

iv. Day care center

v. Recreation, special event facility larger than 5,000 square feet of net floor area

vi. Retail use with greater than 5,000 square feet of net floor area

vii. Outdoor spectator sport facilities

e. Outer Critical Zone (OCZ): The allowed and conditionally permitted land uses in the OCZ are those allowed or conditionally permitted in the underlying zoning district, as regulated in Chapter 10 and those listed in the zone districts in the AOI, with the exception that the following land uses are not permitted within the OCZ:

i. Hotel/Motel

ii. Civic uses with public assembly (schools, libraries, churches, etc.)

iii. Hospital

iv. Day care center

f. The city may prohibit or require conditions on land use elements that are considered bird attractants, such as ponds and water features or garbage, or that may cause pilot distraction such as light glare, to ensure the safety of aircraft operations in the surrounding airspace.

D. Airport Operations Overlay

1. Purpose: The purpose of the Airport Operations Overlay District is to preserve the safety and utility of the airport and the public investment therein by regulating the uses within the airport's perimeter security fence.

2. Uses Allowed: Within the Airport Operations Overlay District, uses other than those listed and defined below are not permitted.

a. Aircraft runways, taxiways, ramps, parking areas.

b. Aircraft operational facilities including, but not limited to, instrument landing systems, visual navigational aids and related equipment; communication facilities; weather service offices and equipment.

c. Hangars and buildings which may only be used for the storage or maintenance of aircraft; airport snow removal, sweeping and other aviation or airport maintenance equipment, and other aviation related or ancillary activities only.

d. Offices and facilities for airport management, air charter, air taxi, crop spraying, aircraft sales or rentals, and air cargo processing facilities.

e. Flight schools, flying clubs and other schools or training facilities relating to aviation or air related transportation.

f. Offices and facilities for the operation and maintenance of air rescue, emergency and firefighting services.

g. Aircraft or aviation related maintenance, manufacturing, and testing facilities.

h. Offices and facilities of Federal, State and local government entities.

i. Apartment and residential uses accessory to a use that is allowed in the Airport Operations Overlay District provided that the apartment's gross floor area does not exceed 1250 square feet and 20% of the hangar's ground floor area. Such residential uses are intended to aid in Airport Operations and are not permitted for short term stays by non-aviation persons.

j. Cropland or open space

3. Conditional Uses Permitted:

a. Bulk storage of flammable or hazardous liquid above or below ground.

b. Crop spraying facilities and related facilities.

9.3.1. Design Review Overlay - Intent and Purpose

A. Intent

The intention of the Design Review Overlay District for the city and the surrounding Area of Impact is to ensure that the appearance of structures and development of land is not in conflict with the Comprehensive plan, nor in conflict with any plan jointly adopted with the County.

B. Purpose

The purpose of the design regulations is to set base standards for new development and proposed improvements, other than single- and two-family residential, which:

1. Promote development that is harmonious with the character of each neighborhood or district and enhances a sense of community and identity within the city.
2. Preserve and enhance the historic character of downtown.
3. Enhance the pedestrian environment, safety and experience.
4. Protect and enhance natural amenities, including vegetation, wildlife and scenic views.
5. Protect the market value of adjacent property.

9.3.2. Standards and Applicability

A. All commercial, civic, mixed use projects, industrial buildings, and apartment buildings (with three or more units per building) within the Design Review Overlay, including temporary and seasonal vendors, must submit an application for design review per the review and approval process in Appendix A. Design Standards do not apply to airport hangars located in the IL Light Industrial zone.

B. Applications for permanent construction and seasonal vendors will be evaluated in accordance with the Design Standards and Guidelines in Appendix A.

C. Temporary and seasonal vendors shall submit a Sketch Plan application, which will be evaluated by the Administrator, who must approve, conditionally approve or deny the application based on the standards below. The city will not issue a building permit or business registration for such projects until the design review application has been approved.

D. Temporary and Seasonal vendors must:

1. Provide parking in a quantity, location and design that meets the requirements in Art. 11.1.
2. Provide trash receptacles if vending food or beverages.
3. Provide a safe area for pedestrian circulation and queuing that is adequately separated from vehicular traffic.
4. Conform to the lighting standards contained in Art. 11.4.
5. For structures that will be present for more than 14 days, the structure must reasonably comply with the Design Standards for the zone in which it is located, in a way that reasonably enhances the appearance of the area.

9.4.1. Purpose and Process

A. Purpose

The purpose in this code of a stand-alone PUD district is to provide for the unique set of standards negotiated by the city and developer of a large planned unit development. The intent of the PUD-Tributary District and two subdistricts (PUD-T-R and PUD-T-C) is ~~it~~ to provide unified regulations and standards for land use and development that are consistent with and facilitate Comprehensive Plan policies and conform to the approved Master Plan (Figure 14. 3 Driggs Comprehensive Plan).

B. Application

1. The PUD-T district consists of two "sub-districts," with each sub-district implementing different land use and urban design objectives. The sub-districts described below apply to properties as shown on the official City and Area of Impact Zoning Maps:

    a. PUD Tributary-R (PUD-T-R)

    Residential lots, golf facilities, and recreation facilities

    b. PUD Tributary-C (PUD-T-C)

    Courthouse Commercial Area, Tributary Phase 1 Addition to the City of Driggs Plat Blocks 50-55

2. PUD-T sub-districts may be amended or new sub-districts established through the procedures in Art. 14.4, provided all of the following criteria are met:

    a. The PUD-T sub-district must be designated as PUD-T on the Comprehensive Plan's Future Land Use Map.

    b. The PUD-T sub-district must contain five (5) or more contiguous acres.

    c. A Framework Plan containing all information required for a Preliminary PUD application must be submitted with the Zone Change application (joint application for PUD and PUD-T rezone is encouraged). Once approved, a Framework Plan will be incorporated into the Zoning Ordinance and will be binding on the subject property.

9.4.2. PUD-T-R Tributary Residential, Golf and Recreation Facilities

A. Intent

The intent of the PUD-T-R district is to provide standards for development and use of residential buildings, golf facilities, and recreation facilities shown on the approved Tributary Master Plan and consistent with the comprehensive plan. The standards also provide for additional housing options not currently contemplated by the Tributary PUD, but encouraged by the Comprehensive Plan.

B. Uses Allowed

Land use must be consistent with those uses in the approved Tributary Master Plan. Table 9A specifies allowed land uses for the PUD-T-R sub-district, as follows:

1. Uses identified with an "A" are allowed subject to section 9.4.2.D Framework Plan.

2. Uses designated with a "S" are allowed subject to section 9.4.2.C Special Uses and section 9.4.2.D Framework Plan.

3. Uses designated with a "C" are allowed subject to Art.14.7 Conditional Use Permit, and sections 9.4.2.C-D.

4. Uses designated with "C+S" are allowed subject to Art. 14.7 Conditional Use Permit and sections 9.4.2.C-D Special Uses and Framework Plan.

5. Uses designated "N" are not allowed.

TABLE 9A – Uses Allowed in PUD-T-R, subject to 9.4.2.C and 9.4.2.C.D

Land Uses	Designation
Residential Categories	
Single Family Dwelling (detached)	A
Accessory Dwelling	S
Duplex (2 dwellings sharing a wall on one lot)	S
Townhouse, Cluster Home, Single Family Attached (2 or more common-wall single family dwellings, each on its own lot or sublot with or without common areas)	S
Townhouse, Cottage Cluster (single family detached dwellings on sublots, with common areas)	S
Multifamily (3 or more common-wall dwellings on one lot; apartment or condo)	S
Group Living/Institutional	
Group Adult Care Facility(e.g. nursing home) (1-8 Adults)	C+S
Daycare business (1-6 Children)	S
Daycare business (7-12 Children)	C+S
Religious Institutions and Houses of Worship	C+S
Other institutional uses not listed	N
Commercial Categories	
Home Occupation (conforming to the definition of the use contained in Art. 10.8.6)	A
Short-Term Vacation Rental	A
Live/Work, including office for professional or personal service not exceeding 800 square feet in conjunction with a permitted residential use.	S
Live/Work, including retail sales and service not exceeding 1200 square feet in conjunction with a permitted residential use	C+S
Office: professional services operated by Tributary including but not limited to golf facilities, property managment, real estate, marketing, housekeeping, food & beverage, and other operational or adminsistrative functions of the Tributary Club or the Tributary Master Association.	S
Retail Sales and Service accessory and internal to the golf clubhouse, fitness center, or sales office.	A
Restaurant accessory and internal to the golf clubhouse, recreational, or fitness center facilities.	A
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	N
Vehicle Servicing or Vehicle Repair	N
Golf Course including maintenance facilities	A
Clubhouse/Fitness Center	A
Enclosed Storage Unit (for homeowners in PUD)	C + S
Museum (with no associated retail)	A
Special Event Facility	A
Parks and Open Space	
Lighted Sports Fields (e.g. driving range) and Courts	C
Non-lighted Sports Fields and Courts	A
Parks and Open Space	A
Recreation Activity Center	A
Nature Center	A
Picnic Area	A

Aquatic Amenities operated by Tributary Club (including Lakehouse amenities (beach area, removable dock, picnic tables, shelters, bathrooms, food truck site, recreational storage) and Family Camp amenities (limited to indoor or outdoor slides, splash pads, small lazy rivers, pools and hot tubs)).	A
Greenhouse for Tributary Club Use (small in scale and not for commercial use)	A
Onsite Temporary Accommodations (Yurts, Tents,etc.)	A
Other Uses Not Listed	N

C. Special Uses

1. Accessory dwelling (attached, separate cottage, or above detached garage)

Accessory dwellings must conform to all of the following standards:

a. Floor Area

Accessory dwellings must not exceed 750 square feet of floor area, or 50% of the floor area of the primary unit, whichever is less. The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house;

b. One Unit

A maximum of one accessory dwelling unit is allowed per lot;

c. Development Standards

The dwelling must conform to the development standards in Table 9B, except as modified below:

i. The height of a detached accessory dwelling must not exceed twenty-two (22) feet.

ii. An accessory dwelling must be setback not less than twenty (20) feet from the front property line, seven (7) feet from side property lines, and twenty (20) feet from the rear property line, except a five (5) foot setback may be allowed adjacent to an alley.

d. Design Review

i. Administrative Design Review approval is required. A building permit application for an accessory dwelling must include elevations of the proposed building and the existing primary dwelling structure. The Planning & Zoning Administrator must review the plans for conformance with the following standard and will not issue an accessory dwelling building permit where it is determined that it would not conform with this standard:

a. In order to maintain a consistent architectural character, similar building materials and architectural design must be used so that the accessory dwelling blends with the general appearance of the primary dwelling.

2. Attached Single Family (Townhouses or Cluster Homes)

Attached single family dwellings must conform to the following standards which are intended to control development scale, avoid or minimize impacts associated with traffic, parking, and design compatibility, and ensure management and maintenance of common walls and shared outside areas.

a. Common Wall Agreement

No building permit will be issued for a single-family attached dwelling unless a condominium, townhome or similar plat and common facilities agreement have been

submitted to and approved by the city in accordance with the city subdivision ordinance (Chapter 14).

b. Setbacks

A single-family attached dwelling shall have no side yard setback requirement at the property line separating the attached or party wall(s).

c. Design Review

Design Review approval is required for all projects, including conversion of existing structures to cottage development. The project must conform to applicable design standards adopted by the city.

3. Duplex

Duplexes are allowed subject to the following standards, which are intended to control the overall building volume and compatibility:

a. Design Review

Design Review approval is required for all projects, including conversion of existing structures to cottage development. The project must conform to applicable design standards adopted by the city.

4. Cottage Cluster Development

Where a lot is developed with two or more detached single family units, the development must conform to the following standards, which are intended to meet fire code requirements and provide light, air, and open space for the occupants:

a. Vehicular Access

The furthermost distance from all dwellings to the closest abutting public street must be no more than 150 feet, or an approved fire apparatus lane may be required to serve the development. Fire suppression sprinklers may be provided in lieu of a fire apparatus lane when approved by the fire marshal.

b. Central Green

The dwellings must abut a central open space or green of not less than 600 square feet in area per dwelling (2,400 square feet for 4 dwellings). The green must provide landscaping and benches or other amenities for residents and have a width of not less than forty (40) feet. The homeowners association will be responsible for ongoing maintenance of the green and any other common areas (e.g., shared parking).

c. Parking

The parking spaces for all dwellings must be oriented away from the common green. Parking may be provided in parking bays, garages or carports, attached or detached from the cottages. When provided in a parking lot, parking spaces must be screened from abutting land uses and streets, and walkways must be provided connecting the cottages to parking areas.

d. Yards

Structures must be setback at least ten (10) feet from one another, at least ten (10) feet from the perimeter boundary of the cottage development, and at least ten (10) feet from any road right of way.

e. Design Review

Design Review approval is required for all projects, including conversion of existing structures to cottage development. The project must conform to applicable design standards adopted by the city.

5. Multiple Family Housing

Multi-family housing must conform to all of the following standards, which are intended to promote livability for residents and compatibility with adjacent uses.

a. Design Review.

Design Review approval is required. The project must conform to applicable design standards adopted by the city.

b. Building Separation

Where more than one multifamily building is built on a site, the buildings must be separated from one another by a landscaped courtyard that is not less than twenty (20) feet wide.

c. Common Open Space

Multiple family developments must incorporate not less than ten (10) percent of the site area as common open space in accordance with the following criteria:

i. The site area is defined as the lot or parcel on which the development is to be located, after subtracting any required street right-of-way;

ii. The common open space must include one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees preserved), outdoor playgrounds, outdoor sports courts, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

iii. All common open space areas must have an average width that is not less than forty (40) feet and an average length that is not less than forty (40) feet;

iv. The review authority may reduce the common open space requirement for a project containing twenty (20) or fewer dwelling units that is located within six hundred (600) feet of a public park, where there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), pedestrian walkway or multi-use pathway connecting the site to the park. If the park is not developed, or only partially developed, the review authority may require the multiple family housing developer to improve park land in an amount comparable to the open space that he or she would otherwise be required to provide in granting the reduction.

d. Private open space

Private open spaces are required for all ground-floor dwellings, and not less than fifty (50) percent of all upper-story dwellings. Private open space must be a patio, deck or other improved surface of not less than forty eight (48) square feet

e. Trash receptacles

Adequate solid waste storage and recycling facilities must be provided. Trash receptacles must be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and screened with building materials matching those on the subject multifamily building(s). Receptacles must be accessible to trash pick-up trucks.

6. Group Adult Care Facilities and Daycare Businesses

These uses must comply with the following requirements:

a. Design Review

Design Review approval is required for new Adult Care or Child Care Facilities, or for the establishment of existing structures for Adult Care or Child Care Facilities. Any such project must conform to applicable design standards adopted by the city.

7. Religious Institutions

   a. Design Review

      Design Review approval is required for new Schools and Religious Institutions or the establishment of existing structures for new Schools and Religious Institutions. Any such project must conform to applicable design standards adopted by the city.

8. Live/Work

   Live/work units are limited to transitional portions of the development only, including Phase 3, Tract 5 & 6 and must conform to the following requirements:

   a. Design Review

      Design Review approval is required. The project must conform to applicable design standards adopted by the city.

   b. Fire/Safety

      All live-work structures must be designated at the time of building permit and conform to any conditions of the county fire marshal.

9. Enclosed Storage

   a. Use Standards

      Enclosed storage shall only be used by homeowners and residential tenants within the PUD. Enclosed storage does not include the storage of commercial goods or the bulk storage of food items. No outdoor storage is allowed in association with enclosed storage use.

   b. Design Review

      Design Review approval is required. The project must conform to applicable design standards adopted by the city.

10. Office for Professional Services Operated by Tributary

    a. Parking

       Off-street parking is required for office uses within the PUD, subject to the standards of Table 9B as well as Article 11.1 of this Land Development Code.

D. Framework Plan

The Tributary Residential, Golf, and Recreation Framework Plan applies to all portions of the Tributary Development that are designated as PUD-T-R. The Framework Plan is intended to guide development form within the context of a mixed use residential community, combining attached and detached housing types in close proximity to downtown Driggs.

1. Applications for design review, conditional uses and other land use approvals must be subject to the Framework Plan contained in this Article. The reviewing authority must refer to the Framework Plan in this Article and apply it in conjunction with the applicable design standards adopted by the city.

2. The Framework Plan will be interpreted and applied as follows:

   a. The Framework Plan Map and supporting graphics are used to illustrate standards and guidelines. They serve as guiding documents but are flexible. For example, the actual locations of streets, buildings and other features may be adjusted, provided the standards and intent of the Framework Plan are met.

   b. Standards contain dimensional requirements or use the words "must," "require(d)," or similar terms, and are mandatory.

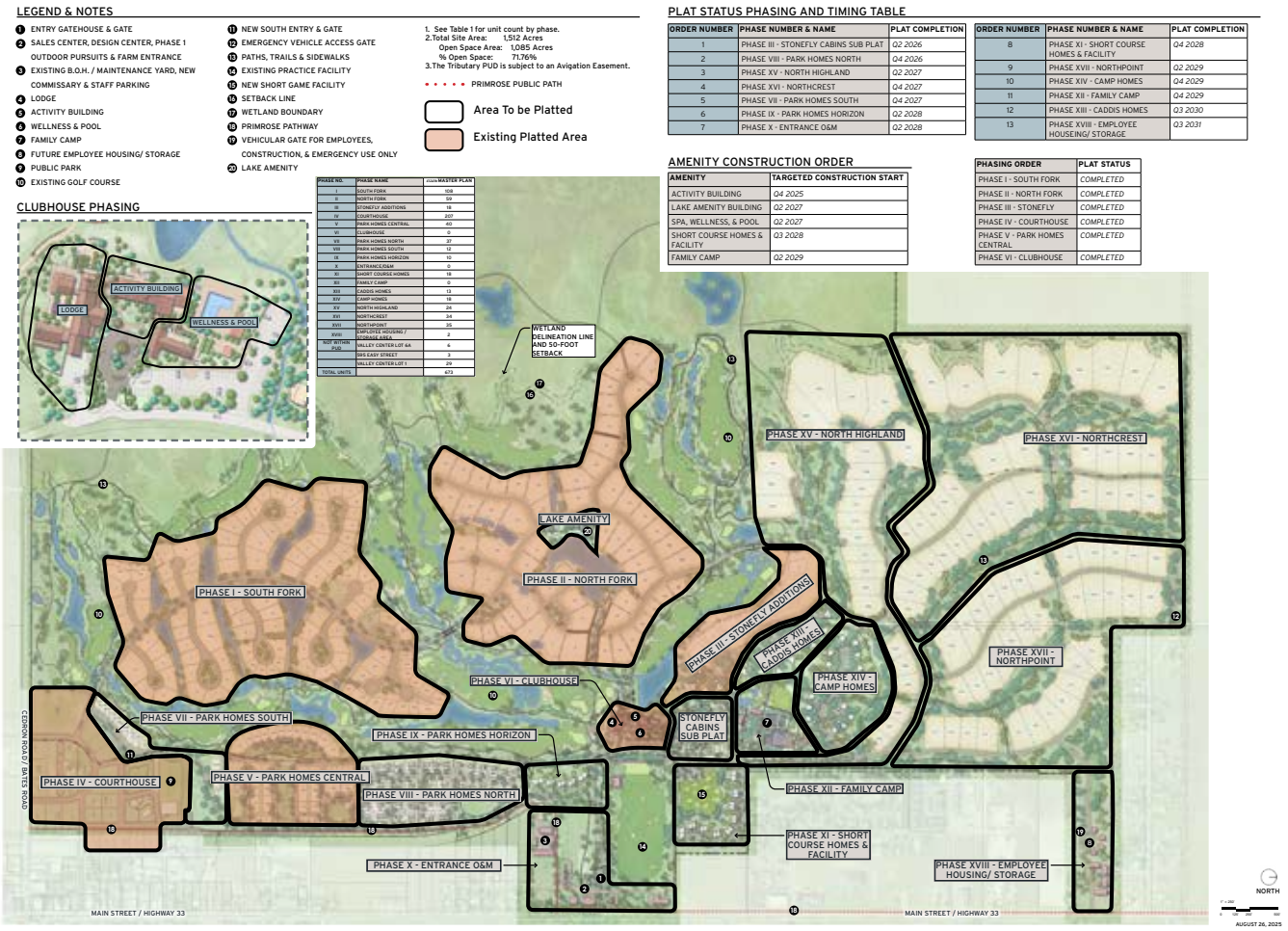
   c. Guidelines use the words "should," "may," "allow(ed)," or similar terms, and are encouraged. Guidelines supplement the standards and provide examples of acceptable design. Guidelines also assist in reviewing requests for adjustments and may serve as the basis for approval, denial, or approval with modifications in such instances.

d. Standards and guidelines both serve as approval criteria, but the reviewing authority is afforded greater discretion in applying guidelines. For example, where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard will prevail.

e. In the case of a proposed adjustment to a code standard, the applicant must demonstrate how the adjustment results in equal or greater conformity to the Framework Plan and all other applicable standards and guidelines.

f. Nullification of one standard or guideline by a court of competent jurisdiction must not cause any other standard or guideline to be nullified (severability).

EXHIBIT L-3: DEVELOPMENT MASTER PLAN - (revised 03/27/2026)



PLAT STATUS PHASING AND TIMING TABLE

ORDER NUMBER	PHASE NUMBER & NAME	PLAT COMPLETION
1	PHASE III - STONEFLY CABINS SUB PLAT	Q2 2026
2	PHASE VIII - PARK HOMES NORTH	Q4 2026
3	PHASE XV - NORTH HIGHLAND	Q2 2027
4	PHASE XVI - NORTHCREST	Q4 2027
5	PHASE VII - PARK HOMES SOUTH	Q4 2027
6	PHASE IX - PARK HOMES HORIZON	Q2 2028
7	PHASE X - ENTRANCE O&M	Q2 2028
8	PHASE XI - SHORT COURSE HOMES & FACILITY	Q4 2028
9	PHASE XVII - NORTHPOINT	Q2 2029
10	PHASE XIV - CAMP HOMES	Q4 2029
11	PHASE XII - FAMILY CAMP	Q4 2029
12	PHASE XIII - CADDIS HOMES	Q3 2030
13	PHASE XVIII - EMPLOYEE HOUSING/ STORAGE	Q3 2031

AMENITY CONSTRUCTION ORDER

AMENITY	TARGETED CONSTRUCTION START
ACTIVITY BUILDING	Q4 2025
LAKE AMENITY BUILDING	Q2 2027
SPA, WELLNESS, & POOL	Q2 2027
SHORT COURSE HOMES & FACILITY	Q3 2028
FAMILY CAMP	Q2 2029

PHASING ORDER	PLAT STATUS
PHASE I - SOUTH FORK	*COMPLETED*
PHASE II - NORTH FORK	*COMPLETED*
PHASE III - STONEFLY	*COMPLETED*
PHASE IV - COURTHOUSE	*COMPLETED*
PHASE V - PARK HOMES CENTRAL	*COMPLETED*
PHASE VI - CLUBHOUSE	*COMPLETED*

VITA PLANNING & LANDSCAPE ARCHITECTURE

TRIBUTARY | REFINED MASTER PLAN

E. Design Standards

1. Minimum development standards in the PUD-T-R district is as provided in Table 9B.

Table 9B

Standard	PUD-T-R
Density – Maximum Total Dwelling Units in District at full PUD platting and Build Out (Gross Density)	673
Density Bonus for Affordable Workforce Housing (section 9.4.2.G)	Up to 15%
Minimum Lot Area (square feet)	
Single Family, not attached, access provided from street	3,500 sf
Single Family, not attached, access provided from alley	2,700 sf
Single Family, attached access provided from street	3,000 sf
Single Family, attached access provided from alley	2,000 sf
Villa/Cabin Sites	3,000 sf
Duplex	7,000 sf
Multiple-Family or Cottage Cluster	9,000 sf for first 3 DU's + 3000 sf for each add'l DU
Accessory Dwelling Units	7,000sf
Non-Residential Uses, except tracts for open space and utilities where there is no minimum lot area	5,000 sf
Minimum Lot Width at Front Setback*	
Detached Dwellings	35 ft
Interior Lot	45 ft
Corner Lot	
Attached Dwellings	
Interior Lot	20 ft
Corner Lot	30 ft
*Minimum Lot Depth** *All applicable setbacks, lot area, coverage and other standards must also be met.*	45 ft
Building/Structure Height	
Buildings	35 ft
Fences, Retaining/Garden Walls*	
Max. Height. – Front Yard	3 ½ ft
Max. Height. – Interior Side & Rear	6 ft
Max. Height – Street Side or Reverse Frontage Lot (rear)	3 ½ ft, or 6 ft with 5 ft wide landscape buffer between fence/wall and sidewalk
1. Maximum Lot Coverage	
Percentage lot coverage by buildings and structures exceeding 30 inches above grade	60%
Min. Landscape Area (% site area) *Additional usable open space area may be required for multifamily projects*	All areas not covered by structures and impervious surfaces; not less than 12% of site
Minimum Front/Street Setback (feet):	
Primary Structure	10 ft

Table 9B

Standard	PUD-T-R
Garages and Carport Entries	20 ft
Accessory Structure	20 ft
Front Porch, Balcony, Portico, Patio/Garden Wall and similar architectural elements that are less than 50% enclosed	5 ft Provided the structure does not conflict with vision clearance at intersections, utilities or easements
Minimum Side Setback (feet):	7ft
Exceptions:	
Common Walls where allowed	0 ft
Rear Setbacks	15 ft
Exceptions:	
Alley minimum setback	5 ft
Common Walls when allowed	0 ft
*Platted Townhome ("Cabin") lots have a maximum lot coverage of 95% and setbacks shall not apply.	

Table 9C: Uses Allowed in PUD-T-C, subject to 9.4.3.D-E

Land Uses	Designation
Dwellings, not on the ground floor and above an allowed commercial, public or non-profit/ institutional use – e.g., mixed commercial-residential building or live-work dwelling where ground floor uses are commercial, public or non-profit/institutional	A
Dwellings, ground floor – attached or detached dwellings	S
Home Occupations, in conjunction with allowed dwellings (per Art. 10.8.6)	A
Commercial use when fully enclosed in a building and not including any drive-up or drive-through facility – e.g., offices, retail sales and services, overnight accommodations (hotel, motel, or bed and breakfast inn), and similar uses	A
Commercial use when not fully enclosed in a building, or when containing a drive-up or drive-through facility – e.g., retail sales and services, commercial outdoor recreation, major event entertainment, and similar uses	C+S
Industrial use in conjunction with an allowed commercial use, when fully enclosed in a building and not including any drive-up or drive-through facility – e.g., artist studio, bakery, brewery, computer technology, food processing, laundry or dry cleaning, and similar uses	C+S
Industrial when not fully enclosed in a building	N
Public, non-profit and institutional uses	A
Parks and open space	A

F. Street Frontages

a. All street improvements must conform to the City of Driggs Public Works Standards and the Tributary Master Plan and associated Development Agreement, as approved by the city.

b. Sidewalks, civic spaces and pedestrian amenities placed between the public right-of-way and building sites must conform to the CC&Rs for Tributary and adopted city building codes. Where conflicts occur between city requirements and CC&Rs, city requirements will prevail.

G. Affordable Housing Incentive

The most acute housing problem in Teton County, Idaho is lack of affordable housing for the current and future local workforce to purchase. Increasing the supply of affordable for sale housing—priced between 80% and 120% of the Median Family Income—would enable renters, as well as new workers moving into the county, to achieve homeownership.(BBC Research, 2007 Teton County Affordable Housing Study, 2014 Western Greater Yellowstone Region Housing Needs Assessment)

This section provides incentives for the creation and maintenance of affordable workforce housing. The developer may receive density bonuses by providing affordable housing in accordance to the following requirements:

a. Affordable Dwelling Unit Plan

Preliminary subdivision plats and multifamily design review applications must specify the number, type, size (number of bedrooms and floor area) and location of proposed affordable dwelling units in accordance with the ratios in section G.b (see following page). The city may modify and/ or condition the Affordable Dwelling Unit Plan to ensure conformity with the requirements of this code.

b. Density Bonus

The city may grant a density bonus of up to fifteen percent (15%) upon finding that the Affordable Dwelling Unit Plan conforms to the criteria below:

i. Deed-Restricted Affordable Dwellings must be provided on-site where practical (i.e., where the size of the project, proximity to city services, and physical site conditions allow) as follows:

   a. Ten percent (10%), or more, of the dwelling units allowed on the subject property prior to the density bonus must be reserved for qualifying buyers or renters with incomes at or below one hundred twenty percent (120%) of Driggs area median family income; or

   b. Five percent (5%), or more, of the dwelling units allowed on the subject property prior to the density bonus must be reserved for qualifying buyers or renters with incomes at or below one hundred percent (100%) of Driggs area median family income; AND

   c. Execution of a development agreement with the Teton County Housing Authority (TCHA) or City of Driggs to produce the requisite deed-restricted affordable units, or transfer of capital to the TCHA or City of Driggs, in a monetarily equivalent amount, as determined by the TCHA Commission or City of Driggs.

ii. Affordable housing plans must provide a diversity of housing types and be well dispersed within the development.

iii. The total number of affordable dwelling units described in this section will be determined by rounding down fractional answers to the nearest whole unit.

iv. Affordable housing may be provided in lesser quantities, provided that the density bonus will be pro rated accordingly.

9.4.3. PUD-T-C Tributary Mixed Use Area

A. Intent

The intent of the PUD-T-C district is to provide standards for development and use of the mixed use area shown on the approved Tributary Master Plan consistent with the comprehensive plan. The district allows a wide range of commercial, residential, civic, and limited industrial uses, and allows basic services and amenities, within the construct of a form-based code.

B. Objectives

The specific objectives of the PUD-T-C sub-district are to:

1. Facilitate a mixture of compatible land uses through regulations that emphasize development form over restrictions on use;
2. Provide transitions from higher intensity developments in the downtown core to lower intensity development outside the core;
3. Integrate living and working environments;
4. Allow businesses to locate in a variety of settings, including locations with housing and complementary employment uses;
5. Expand housing opportunities and encourage the provision of affordable workforce housing close to city services and amenities;
6. Facilitate more intensive use of land through design-based regulations than would be possible under conventional zoning, while minimizing potentially adverse impacts to adjacent land uses;
7. Reduce automobile reliance through pedestrian-oriented design;
8. Encourage sustainability through compact, mixed-use development and green building practices.

C. Uses Allowed

The PUD-T-C sub-district is intended to emphasize the form and function of development while allowing a broad range of mutually compatible land uses in each sub-district. Table 9C specifies allowed land uses for the PUD-T-C district, as follows:

1. Uses identified with an "A" are allowed subject to section 9.4.3.E Framework Plan and City of Driggs Design Standards (Appendix A) DX Chapter. Design Review is required.
2. Uses designated with an "S" are allowed subject to section 9.4.3.D Special Use Standards and section 9.4.3.E Framework Plan and City of Driggs Design Standards (Appendix A) DX Chapter. Design Review is required.
3. Uses designated with a "C" are allowed subject to Art.14.7 Conditional Use Permit, and section 9.4.3 Framework Plan and City of Driggs Design Standards (Appendix A) DX Chapter. Design Review is required.
4. Uses designated with "C+S" are allowed subject to Art.14.7 Conditional Use Permit, Section 9.4.3.D Special Use Standards, and Section 9.4.3.E Framework Plan and City of Driggs Design Standards (Appendix A) DX Chapter. Design Review is required.
5. Uses designated with "N" are not allowed.

D. Special Use Standards

Uses allowed as Special Uses per Table 9C are subject to the following requirements:

1. Dwellings, ground floor. Ground floor dwellings are allowed provided they do not occupy more than fifty percent (50%) of the ground floor space in any structure.
2. Attached, ground floor dwellings must conform to the following standards:
    a. No building permit will be issued for a single-family attached dwelling unless a condominium or townhome plat and common

facilities agreement have been submitted to and approved by the city in accordance with the city subdivision ordinance (Chapter 14).

b. A single-family attached dwelling shall have no side yard setback requirement at the property line separating the attached or party wall(s).

c. The maximum number of attached, ground floor dwellings is five (5); and

d. The reviewing authority may approve dwellings fronting onto a park or civic space (instead of a public street) without a conditional use permit.

3. Commercial uses not fully enclosed in a building, including any portion of a site containing a drive-up or drive-through facility, must conform to all of the following requirements:

a. A conditional use permit is required;

b. No such use will front onto or be placed within one hundred (100) feet of the following streets (rights-of-way): Courthouse Drive, Depot Street, Front Street, Little Avenue, Highway 33/Main Street. Such uses must be setback twenty (20) feet or more from the right-of-way of all other streets.

c. The City of Driggs Commercial Design Standards and Guidelines apply.

4. Industrial uses, when allowed, must conform to all of the following requirements:

a. A Conditional Use Permit is required.

b. The industrial use must be incidental to or not exceed fifty percent (50%) of the floor area of an allowed commercial use;

c. The industrial use must be fully enclosed in a building, and not include any drive-up or drive-through facility;

d. Outdoor storage and other incidental activities not enclosed in a building are limited to levels customarily provided in an allowed commercial or residential use; and

e. The City of Driggs Commercial Design Standards and Guidelines apply.

E. Framework Plan

The Tributary Mixed Use Area Framework Plan applies to all portions of the Tributary development that are designated PUD-T-C. The Framework Plan is intended to guide development form within the context of a mixed-use community, combining elements of the downtown, the Teton County Courthouse complex, and Tributary.

1. Applications for design review, conditional uses and other land use approvals are subject to the Framework Plan contained in this Chapter. The reviewing authority must refer to the Framework Plan in this Chapter and apply it in conjunction with the City of Driggs Commercial Design Standards and Guidelines and other applicable ordinance requirements.

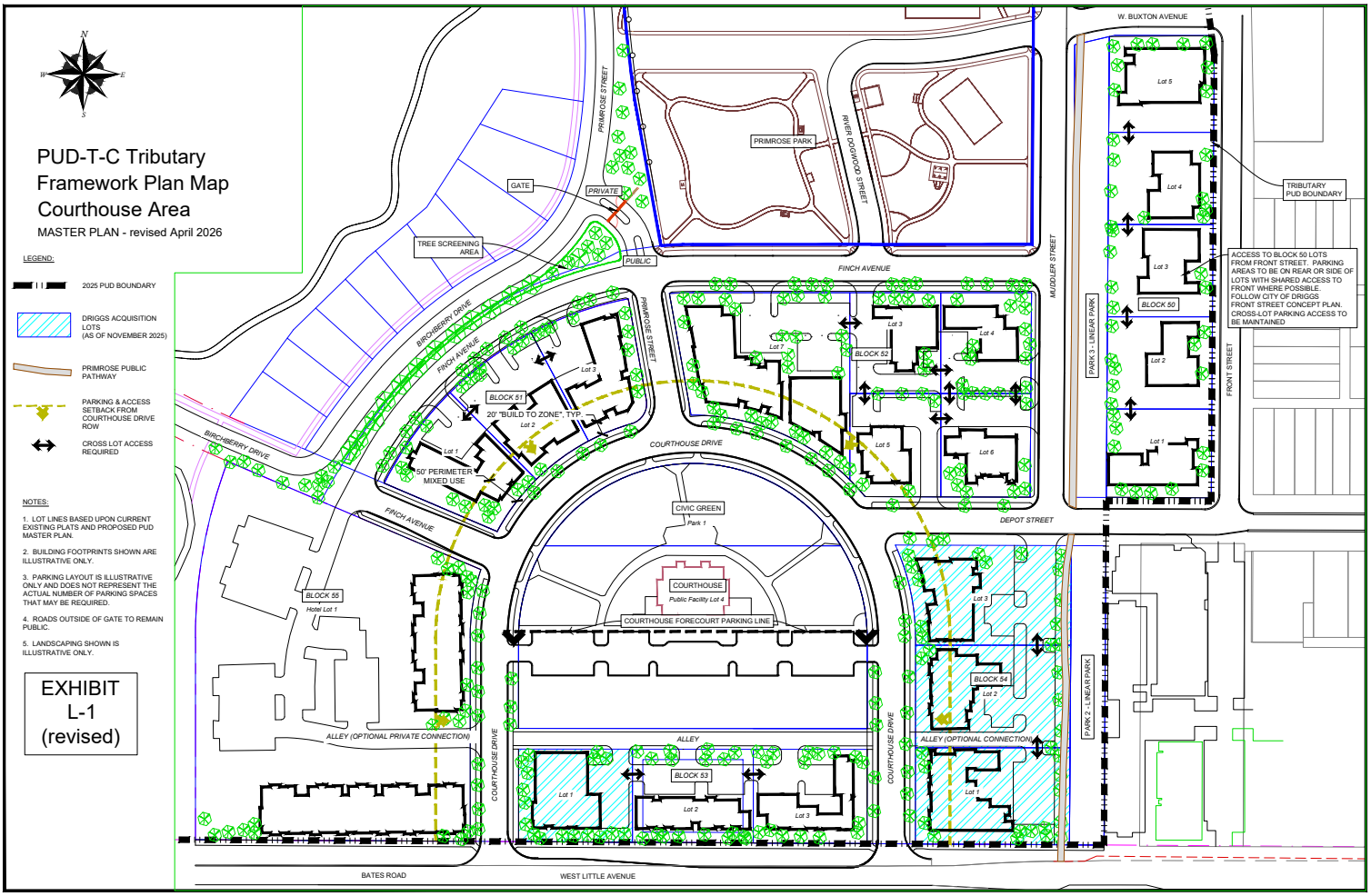
2. The Framework Plan must be interpreted and applied as follows:

a. The Framework Plan Map and supporting graphics are used to illustrate standards and guidelines. They serve as guiding documents but are flexible. For example, the actual locations of streets, buildings and other features may be adjusted, provided the standards and intent of the Framework Plan are met.

b. Standards contain dimensional requirements or use the words "must," "require(d)," or similar terms, and are mandatory.

c. Guidelines use the words "should," "may," "allow(ed)," or similar terms, and are encouraged. Guidelines supplement the standards and provide examples of acceptable design. Guidelines also assist in reviewing requests for adjustments and may serve as the basis for approval, denial, or approval with modifications in such instances.

d. Standards and guidelines both serve as approval criteria, but the reviewing authority is afforded greater discretion in applying guidelines. For example, where the word "should" is used, the applicant must demonstrate that the proposal is consistent with the guideline, or that applying an alternate design solution



PUD-T-C Tributary Framework Plan Map

is consistent with the code's stated intent. Where a guideline conflicts with any code standard, the standard will prevail.

e. In the case of a proposed adjustment to a code standard, the applicant must demonstrate how the adjustment results in equal or greater conformity to the Framework Plan and all other applicable standards and guidelines.

f. Nullification of one standard or guideline by a court of competent jurisdiction must not cause any other standard or guideline to be nullified (severability).

F. Design Standards.

1. All street improvements must conform to the City of Driggs Transportation Standards and the Tributary Master Plan, as approved by the city.

2. All projects must be submitted for Design Review to the City of Driggs and conform to the standards found in the Driggs Design Standards (Appendix A) DX chapter, except for Blocks, Buildings & Structures and Vehicle Access & Parking Areas, which must conform to the standards and guidelines in this Framework Plan and in the approved Tributary Town Plaza Development Guidelines. Where conflicts occur between city and Tributary requirements, city requirements will prevail.

3. Development within PUD-T-C is subject to both Tributary Development Review Committee (DRC) review and City of Driggs review. Tributary DRC review addresses compliance with the approved Land Development Code, Framework Plan, and Tributary's Town Plaza Guidelines. City review addresses compliance with the Land Development Code, Framework Plan, Driggs Design Standards (Appendix A) DX Chapter, and other applicable City requirements. Tributary DRC approval is required prior to City submittal. Applications submitted to the City must include the applicable Tributary DRC approval letter to be considered complete.

4. Block Types:

a. Courthouse Block

Courthouse Block is the organizing block and central focus of the Tributary PUD-T district. It is the site of the Teton County Courthouse, and is defined by Courthouse Drive and West Little Avenue. Block standards and guidelines are as follows:

i. Uses

Allowed land uses are the same as those in Table 9C, except Lot 4, Block 53 is limited to Teton County Courthouse and ancillary public uses, consistent with the provisions of this section.

ii. Height

45 feet maximum for the courthouse; 35 feet maximum for other structures, except 45 feet allowed where dwellings are provided in upper building story(ies) of such structures.

iii. View Corridors. (See Framework Plan Map)

i. The view corridor from Woodland Star Drive must be kept clear of structures, surface parking, storage, above-ground utilities, and other obstructions. Where trees are planted their placement should frame important views.

ii. The grounds surrounding the courthouse should be landscaped with hardy trees, shrubs and grasses that complement the site and allow for public enjoyment of the Civic Green.

iii. An open view corridor must be maintained "to and through" the Civic Green from Depot Street, allowing for views of the Big Hole Mountains from Depot Street (See Framework Plan Map). This area must be kept clear of structures, surface parking, storage, above-ground utilities, and other obstructions. Where trees are planted their placement should frame important views.

iv. Civic Green. (See Framework Plan Map)

A Civic Green must be improved in the area between the courthouse and the arc of Courthouse Drive. The Civic Green should contain an open space or plaza with a radial pattern of pathways and small gardens extending outward from the courthouse to the planned crosswalks on Courthouse Drive. Landscaping should frame important views and consist of hardy plant materials. See City of Driggs Commercial Design Standards and Guidelines.

v. Courthouse Forecourt. (See Framework Plan)

The main entrance to the courthouse should incorporate a forecourt that is large enough to accommodate public assemblies. The forecourt should be designed with pavers and stamped or scored concrete to set off the courthouse entrance from the adjacent parking area.

vi. Parking Areas. (See Framework Plan)

i. All surface parking must be placed south of the parking line established on the Framework Plan Map. Underground parking may be placed north of the parking line if it is capped with the Civic Green described above.

ii. Where structured parking is provided, it should be consolidated in the planned parking areas between the West Little Avenue buildings and the courthouse.

iii. Parking areas must be interconnected and allow for internal vehicle circulation without requiring turning movements on adjacent streets. Except as restricted by lease agreement, parking in the Tributary development must be shared parking, available to all uses in the development.

iv. Parking area access points should be aligned with access points on opposing block faces (opposite side of the street).

v. Pedestrian walkways must be extended through the courthouse parking areas and connect to (or be stubbed to future) building entrances along West Little Avenue.

vii. West Little Avenue Buildings. (See Framework Plan Map)

i. Buildings developed south of the courthouse must generally conform to the building envelopes as shown on the Framework Plan Map. The floor plate of a building occupied by a single use must not exceed 20,000 square feet, exclusive of parking structures.

ii. Buildings and their primary entrance(s) must be placed within ten (10) feet of the West Little Avenue right-of-way ("build-to line") so that not less than sixty percent (60%) of the street frontage has buildings placed within ten (10) feet of it. The build-to line may be extended to accommodate civic spaces such as plazas and extra-width sidewalks.

iii. The buildings fronting onto West Little Avenue must have their primary entrances oriented to West Little Avenue, or placed not more than twenty (20) feet from the West Little Avenue right-of-way.

iv. Minimum side and rear setbacks must be zero, except where required by building code.

v. Lot coverage is not restricted, provided that buildings generally conform to the envelopes shown on the Framework Plan Map.

vi. Civic spaces must be provided in new commercial and mixed use developments, as specified by the City of Driggs Commercial Design Standards and Guidelines.

viii. Building Envelopes. (See Framework Plan Map)

The building envelopes shown on the Framework Plan Map are approximate; they are intended to accommodate the parking requirements of planned land uses at buildout. The envelopes adjacent to West Little Avenue may be adjusted, for example, to allow for a continuous building wall along the street, or to better meet the intent of the Framework Plan. The building envelopes may expand considerably where additional parking can be provided underground or in multistory parking structures.

a. Landscaping. Areas not covered by impervious surfaces must be landscaped in conformance with the City of Driggs Commercial Design Standards and Guidelines.

b. Architectural Guidelines. Building designs must conform to the Tributary Town Plaza Development Guidelines. Any modification to the Tributary Town Plaza Development Guidelines is subject to prior review and approval by the city's Planning and Zoning Administrator.

b. Perimeter Mixed-Use Blocks

The Perimeter Block standards are intended to provide appropriate transitions in land use and development form where PUD-T-C abuts Driggs's Central Business District and the residential and resort areas of Tributary.

i. Uses

Uses must be as provided in Table 9C, except that retail uses, restaurants, delis, drinking establishments, entertainment-oriented uses, and similar uses that do not front directly onto Depot Street, Front Street or West Little Avenue must have hours of operation that begin no earlier than 6:00 a.m. and end no later than 11:00 p.m. This requirement is

intended to avoid uses that would conflict with adjacent residential uses or inappropriately compete with the downtown visitor retail and entertainment core, to maintain the integrity of the courthouse district as a place for civic, professional and business support services, and to reinforce Depot, Front and West Little as part of the downtown retail and entertainment core.

ii. Height

35 feet maximum, except 45 feet maximum where dwellings are provided in upper building story(ies).

iii. Floor Plate

The floor plate of a building occupied by a single use must not exceed 20,000 square feet, exclusive of parking structures.

iv. View Corridors. (See Framework Plan Map)

i. Buildings fronting Woodland Star Drive should frame street-ending views of the courthouse. Staggered building planes or offsets in building elevations, where practical, should be used to enhance the courthouse gateway and sense of arrival from the north and west.

ii. The view corridors from Woodland Star Drive must be kept clear of structures, surface parking, storage, above-ground utilities, and other obstructions. Where trees are planted their placement should frame important views.

iii. An open view corridor must be maintained "to and through" the Civic Green from Depot Street, allowing for views of the Big Hole Mountains from Depot Street. This area must be kept clear of structures, surface parking, storage, above-ground utilities, and other obstructions. Where trees are planted their placement should frame important views.

v. Parking Areas. (See Framework Plan Map)

i. All surface parking areas and driveway access points must be setback at least 100 feet from the Courthouse Drive right-of-way. Surface parking areas must be setback from all other streets, parks, and civic spaces behind a landscape buffer of not less than fifteen (15) feet in width. The buffer must contain an improved pedestrian walkway not less than six (6) feet in width, unless the reviewing authority determines that pedestrian connectivity is satisfied by other means.

ii. Where structured parking is provided, it must be setback at least 100 feet from Courthouse Drive, reserving the street frontage for allowed commercial and upper-story residential uses.

iii. Parking areas must be interconnected to allow for internal vehicle circulation without requiring turning movements on adjacent streets. Except as restricted by lease agreement, parking in the Tributary development must be shared parking, available to all uses in the development.

iv. Parking area access points should be aligned with access points on opposing block faces (opposite side of the street).

vi. Building Orientation and Entrances. (See Framework Plan Map)

i. All building entrances on a site must be connected to one another by a network of pedestrian walkways.

ii. Buildings and their primary entrance(s) must be placed within ten (10) feet of a street right-of-way ("build-to line") so that not less than sixty percent (60%) of the street frontage has buildings placed within ten (10) feet of it. Portions of a lot's frontage that do not have buildings placed within ten (10) of the street should be developed with civic spaces, such as outdoor seating areas or plazas.

iii. Where lots abut Courthouse Drive, buildings on those lots must orient to Courthouse Drive.

iv. Buildings on corner lots must orient to the street corner and have a primary entrance located not more than (20) feet from the corner.

v. Buildings on through lots need only orient to one street; for example, where a lot fronts Courthouse Drive and Finch Avenue, a building must orient to Courthouse Drive, or it may orient to both Courthouse Drive and Finch Avenue.

vi. On any street frontage, the build-to line may be extended to accommodate civic spaces such as corner plazas or seating.

vii. A continuous building wall along Courthouse Drive is encouraged but not required.

vii. Pedestrian Shelters

Pedestrian shelters must be provided in conformance with the City of Driggs Design Standards and Guidelines (DX section), except that elevations facing Woodland Star Drive, Courthouse Drive, Depot Street, and Front Street must provide a weather protecting canopy (pedestrian shelter) along at least sixty percent (60%) of a building's ground floor elevation(s) where the building abuts a sidewalk, plaza, pedestrian access way, or outdoor seating area.

viii. Yards

Minimum front, side and rear setbacks are zero, except as required to accommodate civic spaces or where required by building codes. Where yards are provided between buildings, pedestrian walkways should be extended through them to reach rear parking areas.

ix. Building Envelopes. (See Framework Plan Map)

i. The building envelopes shown on the Framework Plan Map are approximate; they are intended to accommodate the parking requirements of planned land uses at buildout.

ii. Lot coverage is not restricted, provided that buildings generally conform to the envelopes shown on the Framework Plan Map.

iii. The building envelopes may be adjusted, for example, to allow for a continuous building wall along the street, or to better meet the intent of the Framework Plan. The building envelopes may expand considerably where additional parking can be provided underground or in multistory parking structures.

x. Civic Spaces

Civic spaces must be improved with new commercial and mixed use developments, as specified by the City of Driggs Commercial Design Standards and Guidelines.

xi. Landscaping

Areas not covered by impervious surfaces must be landscaped in conformance with the City of Driggs Commercial Design Standards and Guidelines.

xii. Architecture

Building designs must conform to the Tributary Town Plaza Development Guidelines. Any modification to the Tributary Town Plaza Development Guidelines must be subject to prior review and approval by the city's Planning and Zoning Administrator.

c. Hotel Block

i. Uses

The Hotel Block is reserved for hotel and ancillary (e.g., resort) uses associated with Tributary. All other uses authorized for PUD-T-C (Table 9C) require conditional use

approval, and must be secondary to an existing hotel use, except dwellings which are allowed subject to standards.

ii. Height

The maximum allowable height is 45 feet for hotel building(s); ancillary resort uses are limited to 35 feet in height.

iii. Building and Parking Envelopes

Adherence to the building and parking envelopes, and view corridor provisions, as illustrated on the Framework Plan Map, is required.

iv. Drive-up/Loading and Unloading Facilities

Any drive-up loading and unloading facility (i.e., associated with a hotel) must not conflict with pedestrian safety, and must ensure adequate site distance is provided along Courthouse Drive and Woodland Star Drive.

v. Civic Spaces

Civic spaces must be provided as specified by the City of Driggs Commercial Design Standards and Guidelines.

vi. Landscaping

Areas not covered by impervious surfaces must be landscaped in conformance with the City of Driggs Commercial Design Standards and Guidelines.

vii. Architectural Guidelines

Building designs must conform to the Tributary Town Plaza Development Guidelines. Any modification to the Tributary Town Plaza Development Guidelines is subject to prior review and approval by the city's Planning and Zoning Administrator.

viii. Subdivision or Lot Split

The Hotel Block must not be further divided or split without amending the Framework Plan Map as per Art. 14.5. This provision does not apply to condominium plats.

9.5.1. Purpose

The purpose of the Airport Overlay Districts is to ensure that the uses established in the vicinity of and on the Driggs-Reed Memorial Airport will not be in conflict with the Driggs Comprehensive Plan, Airport Master Plan or Airport Layout Plan; that sensitive or vulnerable uses will be reasonably protected from airport related activities including noises, hazards and similar conditions; and that the airport and airport related activities are reasonably protected from the encroachment of uses incompatible with the operation of the airport. (Ord 385-17, 12-28-2017)

9.5.2. Scope and Boundaries

The provisions of this Article shall apply to the land and structures within each of the following overlay districts in the Driggs Area of Impact:

A. Aircraft Traffic Pattern Overlay

Shown on the official Driggs Area of Impact Zoning Map and defined as encompassing all land on and around the airport to a distance of 14,000 feet from the runway center line surface, except on the southeast side, where the boundary is 3,700 feet from the runway center line surface. This difference accounts for the prescribed turning movements being on the north side of the airport.

B. Airspace Protection Overlay

Shown on the official Driggs Area of Impact Zoning Map and defined as the area underneath the Approach and Transitional Surfaces designated on the adopted Driggs-Reed Memorial Airport Layout Plan and also applies to land in the Airport Hazards and Airport Operations Overlays. Generally speaking, the approach surfaces are sloped at 34:1 off the SW end of the runway, 20:1 off the NE end of the runway and 7:1 on each side, starting at the outer boundary of the Object Free Area.

C. Airport Hazards Overlay

Shown on the official Driggs Area of Impact Zoning Map, and consisting of and defined by the following areas as established by the adopted Driggs-Reed Memorial Airport Master Plan and Airport Layout Plan.

1. Object Free Area: An area 400ft in width either side of and parallel to the runway center line. The purpose of the OFA is to enhance the safety of aircraft operations by remaining clear of objects.
2. Runway Protection Zone (RPZ): An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway center line.
3. Lateral Safety Zone (LSZ): An area extending 1,000 feet either side of the runway center line.
4. Inner Critical Zone (ICZ): An area rectangular in shape and centered about the extended runway center line. The width of the ICZ is 2,000 feet and extends a horizontal distance of 5,000 feet from each end of the runway surface.
5. Outer Critical Zone (OCZ): An area rectangular in shape and centered about the extended runway center line. The width of the OCZ is 1,000 feet and extends a horizontal distance of 4,000 feet from each end of the ICZ.

D. Airport Operations Overlay

Shown in approximation on the Driggs Area of Impact Airport Overlay Map and defined as all properties within the airport security fence.

9.5.3. Airport Overlay District Provisions

A. Aircraft Traffic Pattern Overlay

1. Avigation Easement Required: Within the Airport Traffic Pattern Overlay, the execution of an Avigation Easement for the unobstructed passage of aircraft, as specified by the City of Driggs, will be a condition of any subdivision or conditional use permit.

B. Airspace Protection Overlay

1. Structure Height: No building permit will be issued within the Airspace Protection Overlay without acknowledgement from the FAA that a completed FAA Form 7460-1 has been received and that the proposed construction will either not encroach into the protected airspace or that acceptable mitigation has been agreed to.

C. Airport Hazards Overlay

1. Use Provisions: The following provisions restrict uses within the Airport Hazards Overlay and are in addition to the use provisions specified for the underlying zone district. Uses not permitted below that existed at the time these regulations were adopted may be continued pursuant to Chapter 3 of the Area of Impact zoning regulations.

    a. Object Free Area: No structures, storage, equipment or trees shall be located in the OFA except for objects needed for air navigation or aircraft ground maneuvering purposes. The only permitted land uses in the OFA are:

        i. Aircraft runways, taxiways, ramps.

        ii. Cropland or open space

    b. Runway Protection Zone (RPZ): The only permitted land uses in the RPZ are:

        i. Navigational aids

        ii. Cropland or open space

    c. Lateral Safety Zone (LSZ): The allowed and conditionally permitted land uses in the LSZ are those allowed or conditionally permitted in the underlying zoning district, with the exception that the following land uses are not permitted within the LSZ:

        i. Residential uses are prohibited, with the exception of the following:

            a. A single family residence associated with an aircraft hangar within the Sweetwater Fly-In and Frank Nipple Winkler subdivisions.

            b. A dwelling accessory to a use that is allowed in the Airport Operations Overlay District, provided that the accessory dwelling's gross floor area does not exceed 20% of the primary structure's ground floor area up to a maximum of 1250 square feet.

        ii. Hotel/Motel

        iii. Civic uses with public assembly (schools, libraries, churches, etc.)

        iv. Hospital

        v. Day care center

        vi. Playgrounds

        vii. Indoor recreation, special event facility or retail use with greater than 5,000 square feet of net floor area

        viii. Outdoor spectator sports seating

    d. Inner Critical Zone (ICZ): The allowed and conditionally permitted land uses in the ICZ are those allowed or conditionally permitted in the underlying zoning district, with the exception that the following land uses are not permitted within the ICZ:

        i. Hotel/Motel

        ii. Civic uses with public assembly (schools, libraries, churches, etc.)

        iii. Hospital

        iv. Day care center

        v. Recreation, special event facility or retail building larger than 5,000 square feet of net floor area

        vi. Outdoor spectator sport facilities

    e. Outer Critical Zone (OCZ): The allowed and conditionally permitted land uses in the OCZ are those allowed or conditionally permitted in the underlying zoning district with the exception that the following land uses are not permitted within the OCZ:

        i. Hotel/Motel

        ii. Civic uses with public assembly (schools, libraries, churches, etc.)

        iii. Hospital

        iv. Day care center

f. The County may prohibit or require conditions on land use elements that are considered bird attractants, such as ponds and water features or garbage, or that may cause pilot distraction such as light glare, to ensure the safety of aircraft operations in the surrounding airspace.

D. Airport Operations Overlay

1. Purpose: The purpose of the Airport Operations Overlay District is to preserve the safety and utility of the airport and the public investment therein by regulating the uses within the airport's perimeter security fence.

2. Uses Allowed: Within the Airport Operations Overlay District, only the following uses are permitted:

   a. Aircraft runways, taxiways, ramps, parking areas.

   b. Aircraft operational facilities including, but not limited to, instrument landing systems, visual navigational aids and related equipment; communication facilities; weather service offices and equipment.

   c. Hangars and buildings which may only be used for the storage or maintenance of aircraft; airport snow removal, sweeping and other aviation or airport maintenance equipment, and other aviation-related or ancillary activities only.

   d. Offices and facilities for airport management, air charter, air taxi, crop spraying, aircraft sales or rentals, and air cargo processing facilities.

   e. Flight schools, flying clubs and other schools or training facilities relating to aviation or air-related transportation.

   f. Offices and facilities for the operation and maintenance of air rescue, emergency and firefighting services.

   g. Aircraft or aviation related maintenance, manufacturing, and testing facilities.

   h. Offices and facilities of Federal, State and local government entities.

   i. Dwelling accessory to a use that is allowed in the Airport Operations Overlay District, provided that the dwelling's gross floor area does not exceed 20% of the hangar's ground floor area up to a maximum of 1250 square feet. On Driggs City owned property, an Accessory Dwelling Unit may only be used as crew quarters for occasional overnight and resting periods for flight crew and not as permanent or temporary residences for flight crews, aircraft owners, guests or any other person.

3. Conditional Uses Permitted:

   a. Bulk storage of flammable or hazardous liquid above or below ground.

   b. Crop spraying facilities and related facilities.

9.6.1. Purpose

The purpose and intent of this Article is to establish a stand-alone planned unit development zoning district that provides a unique set of standards to guide the mixed use development previously approved in the Creekside Meadows Master Plan Plat. These standards are consistent with the Master Plan Plat that was approved on July 12, 2001 by the Driggs City Council and they are designed to continue the development of the Master Plan Plat that has occurred since the approval. This PUD district incorporates several standards and definitions from the Driggs Land Development Code to facilitate routine issuance of permits as the Creekside Meadows Master Plan progresses toward complete development.

9.6.2. Adoption of Master Plan

This Article adopts and includes here by reference the Master Plan Plat for Creekside Meadows Planned Unit Development consisting of sheets 1 – 6 that was recorded in the Teton County Land Records on July 19, 2001 as Instrument 143472, and two amendments to said plat that are Amendment to Final Plat for Creekside Meadows consisting of sheets 1 – 3 that was recorded on January 19, 2006 as Instrument 174145, and Subdivision Plat Amendment consisting of sheets 1 – 2 that was recorded on January 15, 2016 as Instrument 239554.

9.6.3. Establishment of Subdistricts

This Article establishes the seven subdistricts listed and described in the table below. The location of these subdistricts is defined in terms of the Blocks, Tracts and Lots delineated in the adopted Master Plan Plat and amendments thereto described in subsection 9.6.2.

Subdistrict	Description	Intent
CM – HDR	High Density Residential - SF	Provide a single-family neighborhood with Traditional Neighborhood Design principles for a diversity of households. Accommodate a range of residential uses and accessory uses customary to single family neighborhoods. Lot sizes ranging from .14 to .41 acres. Initial homes are designed and built by the Developer. All other homes must be of similar architecture with similar exterior materials and approved by Creekside Meadows Residential Architectural Committee to create a homogenous neighborhood.
CM – ER	Estate Residential - SF	Provide lower density single family neighborhood with generous separation between houses. Accommodate a range of residential uses and accessory uses customary to single family neighborhoods on lots ranging from .33 to 2.1 acres. Different architectural styles are encouraged and will be subject to approval by the Creekside Meadows Residential Architectural Committee.
CM – MF	Multi-family Residential	Provide a higher density neighborhood in apartments, townhouses and condominiums for diversity of households. Accommodate a range of residential uses and accessory uses customary to single family neighborhoods provided the accessory uses avoid impacting neighbors. Initial buildings will be regulated by the Developer and subsequent buildings will be subject to approval of the Creekside Meadows Residential Architectural Committee.
CM – MFM	HOA Manager - Maintenance	Service the PUD by providing HOA maintenance, rental management and manager's residence. The initial building will be regulated by the Developer and any subsequent building will be subject to approval of the Creekside Meadows Residential Architectural Committee.
CM – CMU	Commercial Mixed Use	Provide a mix of commercial and residential uses. Individual buildings may contain a single use or multiple uses. Overall, this sub-district should contain a mix of uses. Buildings will be regulated by the Creekside Meadows Commercial Architectural Committee.
CM – C	Civic	Land originally designated as public park but reverted to developer who retains right to allow civic uses, a park, recreational facilities and outdoor entertainment venues. Uses and buildings will be regulated by the Developer.
CM – OS	Open Space	Provide common open space to benefit Creekside Meadows population, plant and wildlife communities.

9.6.4. Land Uses

A. Land Use Table Key

1. Permitted (P) indicates a use is permitted in the respective subdistrict.
2. Limited Use (L) indicates a use may be permitted in the respective subdistrict subject to certain use standards.

B. Permitted and Limited Use Table

The table below establishes the allowed uses for each subdistrict as either Permitted or Limited uses.

C. Defined Uses

Single family dwellings listed in the Allowed Use Table 9.6.4.B include but are not limited to structures commonly referred to as bungalows, cabins, cottages and villas. The allowed lodging uses include structures commonly referred to as villas.

D. Similar Use Determination

A use not specifically listed in the Allowed Use Table 9.6.4.B may be considered a permitted use if the Planning and Zoning Administrator determines the proposed use is sufficiently similar to one of the uses permitted in the table. Limitations may be placed on the use to ensure compatibility with surrounding uses and character. This determination shall be consistent with the purposes of the Creekside Meadows PUD after consultation with the PUD developer. However, after building permits have been issued for 90% of the building lots within the Creekside Meadows PUD, the consultation shall be with the Creekside Meadows HOA.

Use Category Specific Use	CM - HDR	CM - ER	CM - MF	CM - MFM	CM - CMU	CM - C	CM - OS	Conditions Reference
Residential								
Single Family	P	P	P	P	P			
Duplex			P	P	P			
Single Family Attached			P	P	P			
Townhouse Subdivision			P	P	P			
Multi -family Apartments			P		P			
Multi-family Live Work			P		P			
Condominium Subdivision			P	P	P			9.6.5.U
Manufactured Home Community					L			9.6.5.A
Group Living	P	P	P	P	P			
Civic								
Arts Center					P	P		9.6.5.T
Athletic Facilities					P	P		
Civic Uses - All					P	P		
Community Garden - Composting							P	
Lighted Sports Field						L		9.6.5.B
Nature Trails							P	9.6.5.R
Outdoor Music Venue/Stage					P	P		9.6.5.O
Picnic Area						P	P	9.6.5.S
Place of Worship					P	P		
Playground						L	L	9.6.5.C
Community Garden, Plant Nursery, Greenhouse, Commercial Garden						L		9.6.5.D
Trade, Technical School					P			
School (K-12)					P			
Transportation Terminal					P			9.6.5.Q
Wildlife Facility						L		9.6.5.E
Commercial								
Bank					P			
Day Care Family			L	L	P			9.6.5.F
Day Care Group				L	P			9.6.5.G
Indoor Recreation					P			
Bowling Alley					P			
Indoor Swimming Pool					P			
Indoor Theater					P			
Spa, Massage					P			

Use Category Specific Use	CM - HDR	CM - ER	CM - MF	CM - MFM	CM - CMU	CM - C	CM - OS	Conditions Reference
Overnight Lodging					P			
Lodging B&B					P			
Lodging - Hotel, Boutique Hotel, Villa					P			
Office				P	P			
Personal Services not prohibited below					P			
Animal Kennels, Boarding, Daycare, Adoption Center, Grooming, Training					L			9.6.5.H
Barber, Beauty Shop					P			
Printing, Publishing					L			9.6.5.I
Veterinarian					P			
Restaurants					P			
Bar, Tavern, Night Club, Members Lounge					L			9.6.5.J
Brewery					P			
Restaurant with outdoor seats					P			
Retail Sales					P			
Business Services					P			
Convenience Store with Gas Pumps					P			
Convenience Store without Gas Pumps					P			
Variety Store					P			
Vehicle Car Wash					L			9.6.5.K
Industrial								
HOA Maintenance Facilities				P				9.6.5.P
Accessory								
Accessory Apartment	P	P	P	P				
Caretaker's Unit Over Garage		P	L					9.6.5.L
Detached Storage Units	L	L	L	L				9.6.5.M
Drive Through Facility - restaurant, bank					P			
Home Occupation	P	P	P		P			
Home Office	P	P	P	P	P			9.6.5.N

9.6.5. Limited Use Standards

The standards established below apply to certain Limited Uses allowed in the Allowed Use Table 9.6.5.B. These limited use standards apply in addition to other standards in this Article.

A. Manufactured Home Community

1. A manufactured home community is a collection of homes built entirely or mostly at an off-site location and transported to Creekside Meadows.
2. The manufactured homes shall have a consistent design and architecture.
3. A manufactured home community shall contain amenities for the residents who live in the community.

B. Lighted Sports Field

1. Lighting shall illuminate only the playing surface and not spill over on other land.
2. Lights shall be directed downward and shielded to prevent the light source from being seen except from the playing surface.
3. Lighting shall avoid impacting the "Dark Sky."
4. Lights shall be turned off by 10:00 PM.

C. Playground

1. Playgrounds shall be sized to accommodate only Creekside Meadows residents.
2. Playgrounds shall include equipment that is designed and maintained, and appropriate signage shall be provided, to promote safety for users.
3. Play facilities in the Open Space subdistrict shall be low intensity and avoid interfering with wildlife
4. Structures shall be prohibited in wetland areas except for trail bridges.

D. Community Garden, Plant Nursery, Greenhouse, Commercial Garden

1. A community garden shall be designed in plots approximately 10' x 20' to allow Creekside Meadows residents to plant and cultivate vegetables and flowers.
2. Any greenhouse shall be constructed of materials compatible with the development of Creekside Meadows. Any compressors or other equipment shall be screened from view from streets and to minimize audible impacts.
3. A nursery shall be screened from view from Creekside Meadows Avenue.
4. Commercial Garden shall be for the production of fruits and vegetables to be used or sold locally.

E. Wildlife Facility

A wildlife facility is for rehabilitating small animals and birds.

1. All wildlife facilities shall be constructed of materials compatible with the development of Creekside Meadows.
2. All wildlife facilities shall be screened from view from Creekside Meadows Avenue.

F. Day Care Family

1. A family day care shall provide care for no more than 7 children at a time.

G. Day Care Group

1. A group day care shall have no more than 20 children.

H. Animal Kennels, Boarding, Daycare, Adoption Center, Grooming and Training

The kenneling, boarding, caring, grooming or adopting of animals shall occur in an indoor facility with limited outdoor areas for animal relief and exercise.

1. The facility shall be designed and operated to avoid creating a noise nuisance for neighboring properties.
2. The facility shall be maintained in accordance with industry standards.
3. Grooming and training shall be for small animals only; cats and dogs.

I. Printing, Publishing

1. All equipment and supplies shall be contained indoors except for screened outdoor storage.

2. There shall be on-site paper, cardboard and ink recycling facilities.

J. Bar, Tavern, Night Club, Lounge, Members Lounge

1. Bars and taverns shall close no later than 2:00 AM.
2. Music and loud noises shall be contained indoors and not allowed in outdoor areas.

K. Vehicle Car Wash

1. A car wash facility shall be constructed of materials compatible with the development of Creekside Meadows.
2. The building permit application for the facility shall include a wastewater disposal plan for review and approval by the Zoning Administrator.

L. Caretaker's Unit Over Garage

A fully contained living unit with full kitchen, designed to function as a living quarter for persons who will either take care of the main residence while the owner is not present or to provide care-giving services to the residences of the man house.

1. A caretaker's unit above a garage shall not exceed 650 square feet of habitable floor area and contain no more than one bedroom.
2. The exterior surfaces of a caretaker's unit over a garage shall match the materials and colors of the principal dwelling unit.

M. Detached Storage Units

1. Exterior surfaces of detached storage units shall match the materials and colors of the principal dwelling unit.
2. The height of a detached storage unit shall not exceed 70% of the height of the principal dwelling unit.
3. Only one detached storage unit is allowed per single lot.
4. A structure used to store equipment, furniture, household items, tools and other items typically in an unheated space.
5. May not be used for sleeping.
6. May not be built before the main residence is built.
7. Detached storage units in the CM – HDR and the CM-ER subdistrict shall be no larger than 200 square feet.

N. Home Office

1. Office use within a home that utilizes no more than 25% of the square footage of the unit.
2. No more than 1 non-resident employee may work on the premise at a time.
3. No more than 3 visitors or clients may visit in a 12-hour period.
4. No visitors may visit the unit between 8 PM and 7 AM.

O. Outdoor Music Venue/Stage

An entertainment facility constructed for sheltering performers from the elements that typically projects the performance to the viewing/seating area. There may be either landscaped areas for chairs or a sloping/terraced area for seating. This facility should accommodate a maximum of 300 people.

P. HOA Maintenance Facilities

This facility may consist of a 3-car garage, 1,000 sq. ft. maximum, with workshop with the purpose of doing regular maintenance on homes, townhouse, condominiums, apartments in Creekside Meadows. This may also be used as a residence for an employee and office for management. It may not be used as a contractor's construction facility for the purpose of building new residences.

Q. Transportation Terminal

A facility intended to be used as a gathering place for parked cars, motorcycles and bicycles and stopping place for multi-passenger vehicles to pick up people who want to transport to nearby towns or places of work. This place may have enclosed/ heated space with rest rooms. Cars may not be parked over-night but transportation vehicles may.

R. Nature Trails

A walking path located in the common Area used for casual recreation. Noise shall be kept to a minimum in recognition of the wildlife present. This may not be used by motorized vehicles.

S. Picnic Area

Day use area with tables, used for gatherings of not more than 30 people. All users must be responsible for clean-up and trash removal. Fires are permitted only in designated areas.

T. Arts Center

A specific use building for the purposes of supporting the local arts community. This building may have rooms for crafts, performing theater, meeting rooms, and other uses customary to the arts.

U. Condominium Subdivision

A group of attached residential units, typically on multi-floors that belong to a Homeowner's Association which is in charge of collecting monthly dues, performing exterior maintenance, providing group building insurance, establishing reserve funds, and other functions typically associated with Condominium projects. A separate plat would be required to describe each unit.

9.6.6. Dimensional Limitations

Dimensional limitations for each Subdistrict are established in the table below.

Zone	Minimum Square Footage	Maximum Square Footage/ Coverage	Maximum Height	Front Setback	Rear Setback	Side Setback
	Per Unit	Per Unit	Building	Building/Site Development	Building/Site Development	Building/Site Development
CM-HDR	1,200	2,400	30	15/10	5/7	10/3
CM-ER	1,500	6,000	30	25/10	20/10	20/5
CM-MF	450	15,000	36	10/5	10/3	0/0
CM-MFM	600	2,000	30	10/5	10/5	10/5
CM-CMU	1,000	80% Coverage	45	10/5	10/5	10/5
CM-C	1,000	80% Coverage	45	10/5	10/5	10/5

9.7.1. PUD-SRT Zoning District

The density, standards and uses shall be those established on the recorded Stone Ridge Townhomes PUD plat (Instrument No. 126675) as follows, in addition to all other land development standards adopted by the City of Driggs not in conflict with the following:

A. Maximum Dwelling Units: 48

B. Maximum Building Height for Lots 1 and 2: 45ft

C. Maximum Building Height for Lot 3: 30ft

D. Maximum Building Height for Lot 11: 35ft

E. Minimum Front Yard Setback: 20ft

F. Minimum Rear Yard Setback: 20ft

G. Minimum Side Yard Setback: 5ft

H. Allowed Uses: Townhome

9.8.1. PUD-APT Zoning District

The density, standards and uses shall be those established on the recorded Aspen Point Townhomes PUD plat (Instrument No. 126674) as follows:

A. Maximum Dwelling Units: 98

B. Maximum Building Height: 45ft

C. Minimum Front Yard Setback: 20ft

D. Minimum Rear Yard Setback: 20ft

E. Minimum Side Yard Setback: 5ft

F. Allowed Uses: Townhome

Chapter 10 - Use

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10.1.1. Classification of Uses

A. Principal Uses

1. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use categories provide a systematic basis for assigning uses to appropriate categories with other, similar uses. Use categories classify principal uses and activities based on common functional, product or physical characteristics.

2. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Planning & Zoning Administrator has the responsibility for categorizing all uses.

3. The allowed use table in Art. 10.2 establishes permitted uses by district. No building or lot may be used except for a purpose permitted in the district in which it is located.

4. Use definitions and limited use standards for principal uses are specified in Art. 10.3 through Art. 10.9.

B. Accessory Uses

1. An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with a permitted principal use located on the same lot.

2. The allowed use table in Art. 10.2 establishes permitted accessory uses by district. Standards for allowed accessory uses are specified in Art. 10.8.

C. Temporary Uses

1. A temporary use is a use that is in place for a limited period of time only.

2. Temporary uses may be permitted through the Special Event Permit process in Title 5 Chapter 6 or are otherwise specified in Art. 10.9.

D. Principal Uses Not Listed

1. A principal use not specifically listed is prohibited unless the Planning & Zoning Administrator determines the use to be part of a use category as described below.

2. The Planning & Zoning Administrator is responsible for categorizing all principal uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Planning & Zoning Administrator may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Planning & Zoning Administrator must consider the following criteria:

    a. The actual or projected characteristics of the proposed use;

    b. The relative amount of site area or floor area and equipment devoted to the proposed use;

    c. Relative amounts of sales;

    d. The customer type;

    e. The relative number of employees;

    f. Hours of operation;

    g. Building and site arrangement;

    h. Types of vehicles used and their parking requirements;

    i. The number of vehicle trips generated;

    j. How the proposed use is advertised;

    k. The likely impact on surrounding properties; and

    l. Whether the activity is likely to be found independent of the other activities on the site.

3. Where a use not listed is found by the Planning & Zoning Administrator not to be similar to any other permitted use, the use is only permitted following a text amendment (see Art. 14.4).

E. Accessory Uses Not Listed

An accessory use not specifically listed is prohibited unless the Planning & Zoning Administrator determines the accessory use:

1. Is clearly incidental to and customarily found in connection with an allowed principal use;
2. Is subordinate to and serving an allowed principal use;
3. Is subordinate in area, extent and purpose to the principal use served;
4. Contributes to the comfort, convenience or needs of occupants, business or industry in the principal use served; and
5. Is located on the same lot as the principal use served.

10.1.2. Use Table Key

A. Permitted Use (P)

Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of this code.

B. Limited Use (L)

Indicates a use is permitted in the respective district, subject to a use standard found in the right-hand column of the use table. The use is also subject to all other applicable requirements of this code.

C. Conditional Use (C)

Indicates a use may be permitted in the respective district only after a public hearing and approval by the Planning & Zoning Commission (see Art. 14.7). Conditional uses are subject to all other applicable requirements of this code, including any applicable use standards, except where the use standards are expressly modified as part of the approval process.

D. Use Not Permitted (-)

Indicates that a use is not permitted in the respective district.

Use Category Specific Use	RC-2.5	RC-1.0	RC-0.5	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	RX	NX	CX	DX	CC	CH	IX	IL	CIV	REC	CON	Definition/ Standards
Residential Uses																					
All household living, as listed below:																					Sec. 10.3.1.A
Single-family detached house	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	C	-	-	Sec. 10.3.1.B & Art. 8.2
Duplex	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	-	-	C	-	-	Sec. 10.3.1.C & Art. 8.4
Single-family attached house (2 units)	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	-	-	C	-	-	Art. 8.7
Townhouse (2 or more units)	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	C	-	-	Art. 8.9
Four-plex (3 or 4 units)	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	C	-	-	Art. 8.8
Multi-family: apartment (5 or more units)	-	-	-	-	-	-	-	-	P	L	L	P	L	L	-	-	-	L	-	-	Sec. 10.3.1.D & Art. 8.10
Multi-family: Live-Work (3 or more units)	-	-	-	-	-	-	-	-	-	P	P	P	L	P	-	L	-	-	-	-	Sec. 10.3.1.D & Art. 8.11
Multi-family: Shopfront house	-	-	-	-	-	-	-	-	-	L	L	L	L	L	--	L	-	-	-	-	Sec. 10.3.1.D & Art. 8.12
Multi-family: Mixed Use Shopfront	-	-	-	-	-	-	-	-	-	L	L	L	L	L	--	L	-	-	-	-	Sec. 10.3.1.D & Art. 8.14
Cottage Court	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	Art. 8.4
Manufactured housing community	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	Sec. 10.3.1.E
Group home (per FHA; up to 8 residents)	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	Sec. 10.3.1.F
All group living (9 or more residents)	-	-	-	-	-	-	-	C	P	P	P	P	P	P	-	P	-	-	-	-	Sec. 10.3.2.A
All social service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	Sec. 10.3.3.A
Short-Term Rental (STR)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	-	Sec. 10.3.4
Public Uses																					
All civic, as listed below:																					Sec. 10.4.1.A
Community college, university	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-	-	Sec. 10.4.1.B
Club or lodge	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	Sec. 10.4.1.C
Museum, library	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	--	-	P	P	-	Sec. 10.4.1.D
Place of worship	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	C	-	Sec. 10.4.1.E
Public use, except as listed below:	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	C	-	Sec. 10.4.1.F
Public Works Facility	C	C	C	-	-	-	-	-	-	-	-	-	-	-	C	C	P	C	-	-	Sec. 10.4.1.F.1

Key: P = Permitted Use L = Limited Use C = Conditional Use - = Use Not Permitted
Properties located within the Airport Overlay Zone are subject to Article 9.2

Use Category Specific Use	RC-2.5	RC-1.0	RC-0.5	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	RX	NX	CX	DX	CC	CH	IX	IL	CIV	REC	CON	Definition/ Standards
Correctional Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.4.1.F.2
Trade or technical school	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	Sec. 10.4.1.G
School (K-12)	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	-	P	-	-	Sec. 10.4.1.H
All parks and open space, as listed below:																					Sec. 10.4.2.A
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	-	Sec. 10.4.2.B
Conservation area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 10.4.2.C
Golf course	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	Sec. 10.4.2.D
Park, recreation field (up to 2 acres)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	P	P	Sec. 10.4.2.E
Park, recreation field (more than 2 acres)	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	Sec. 10.4.2.E
All utilities, as listed below:																					Sec. 10.4.3.A
Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	Sec. 10.4.3.A.1
Major utilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	Sec. 10.4.3.A.2
Wireless telecommunication facility, as listed below																					Sec. 10.4.4.A
Amateur radio operator Tower	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	P	P	-	-	Sec. 10.4.4.B
Wireless telecommunication tower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	Sec. 10.4.4.C
Building-mounted wireless telecommunication antenna	C	C	C	C	C	C	C	L	L	L	L	L	L	L	L	L	L	L	L	-	Sec. 10.4.4.D
Commercial Uses																					
All day care, as listed below:																					Sec. 10.5.1.A
Family day care (6 or less)	L	L	L	L	L	L	L	L	L	L	L	-	-	-	-	-	-	-	-	-	Sec. 10.5.1.B/E
Group day care (7 to 12)	C	C	C	C	C	C	C	L	L	L	L	L	L	L	L	L	-	L	-	-	Sec. 10.5.1.C/E
Day care center (13 or more)	-	-	-	-	-	-	-	L	L	L	L	L	L	L	L	L	-	L	-	-	Sec. 10.5.1.D/E
All indoor recreation, except as listed below:	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	-	-	Sec. 10.5.2.A
Dance, martial arts, music studio or classroom	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	-	-	Sec. 10.5.2.B

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Gym, health spa, yoga studio	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	-	-	Sec. 10.5.2.C
Shooting range	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	Sec. 10.5.2.D
Special event facility	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	C	-	Sec. 10.5.2.E
All medical, except as listed below:	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	Sec. 10.5.3.A
Hospital	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	-	-	P	-	-	Sec. 10.5.3.B
Clinic or medical office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	P	-	-	
All office, except as listed below:	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	Sec. 10.5.4.A
Bail bonds	-	-	-	-	-	-	-	-	-	-	L	P	P	P	P	P	-	-	-	-	Sec. 10.5.4.B
Call center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	Sec. 10.5.4.C
All outdoor recreation, except as listed below:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	Sec. 10.5.5.A
Campground, travel trailer park, RV park	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-	-	C	C	-	Sec. 10.5.5.B
Horse stable, riding academy, equestrian center	L	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-	-	-	C	-	Sec. 10.5.5.C
Shooting range	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.5.5.D
Underwing Camping	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-	-	-	Sec. 10.5.5.E
All overnight lodging, as listed below:																					Sec. 10.5.6.A
Bed and breakfast (up to 6 rooms)	C	C	-	-	C	-	-	P	P	P	P	C	C	C	-	-	-	-	-	-	Sec. 10.5.6.B
Boutique hotel/motel (7 to 30 rooms)	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	Sec. 10.5.6.C
Hotel/motel (more than 30 rooms)	-	-	-	-	-	-	-	-	-	-	-	P	C	P	P	-	-	-	-	-	Sec. 10.5.6.D
All parking, as listed below:																					Sec. 10.5.7.A
Commercial parking	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	--	-	-	-	-	Sec. 10.5.7.B
Remote parking	-	-	-	-	-	-	-	-	-	-	L	L	L	L	L	L	L	P	-	-	Sec. 10.5.7.C
All personal service, except as listed below:	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	Sec. 10.5.8.A
Animal care (indoor)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	Sec. 10.5.8.B
Animal care (outdoor)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	L	L	-	-	-	Sec. 10.5.8.C
All restaurants	-	-	-	-	-	-	-	-	-	L	P	P	P	P	-	-	-	-	-	-	Sec. 10.5.9.A
Mobile Food Unit												L	L	L							Sec. 10.5.10

Key: P = Permitted Use L = Limited Use C = Conditional Use - = Use Not Permitted
Properties located within the Airport Overlay Zone are subject to Article 9.2

Use Category Specific Use	RC-2.5	RC-1.0	RC-0.5	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	RX	NX	CX	DX	CC	CH	IX	IL	CIV	REC	CON	Definition/ Standards
All retail sales, as listed below:																					Sec. 10.5.10.A
Retail establishment (5,000 SF or less)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	Sec. 10.5.10.A
Retail establishment (5,001 - 15,000 SF)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	L	-	-	-	-	-	Sec. 10.5.10.A
Retail establishment (15,001 - 50,000SF)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	L	-	-	-	-	-	Sec. 10.5.10.A
Retail establishment over (50,000 SF)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.5.10.A
Business services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	Sec. 10.5.10.B
Convenience Store																					
Convenience store with gas pumps	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	Sec. 10.5.13.A
Convenience store without gas pumps	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	Sec. 10.5.13.B
All vehicle sales/rental, as listed below:																					Sec. 10.5.11.A
Light vehicle/equipment	-	-	-	-	-	-	-	-	-	-	-	L	L	L	L	L	-	-	-	-	Sec. 10.5.11.B/D
Heavy vehicle/ equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-	L	-	-	-	Sec. 10.5.11.C/D
Sexually Oriented Businesses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	Defined by the State
Industrial Uses																					
All heavy industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.6.1.A
All light manufacturing	-	-	-	-	-	-	-	-	-	-	-	L	C	L	L	L	P	-	-	-	Sec. 10.6.2.A
Light manufacturing (3,000 SF or less)	-	-	-	-	-	-	-	-	-	-	C	L	L	L	L	L	P				Sec. 10.6.2.A
Light manufacturing (3,001 SF or more)	-	-	-	-	-	-	-	-	-	-	-	C	C	L	L	L	P				Sec. 10.6.2.A
All research and development	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	Sec. 10.6.3.A
All resource extraction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.6.4.A
All vehicle service and repair, as listed below:																					Sec. 10.6.5.A
Car wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	L	-	-	-	-	Sec. 10.6.5.B
Vehicle repair, minor	-	-	-	-	-	-	-	-	-	-	-	L	L	L	L	L	P	-	-	-	Sec. 10.6.5.C
Vehicle repair, major	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	L	L	-	-	-	Sec. 10.6.5.D
Vehicle repair, commercial vehicle	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	L	-	-	-	Sec. 10.6.5.E

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Use Category Specific Use	RC-2.5	RC-1.0	RC-0.5	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	RX	NX	CX	DX	CC	CH	IX	IL	CIV	REC	CON	Definition/ Standards
Vehicle repair, power sports vehicle	-	-	-	-	-	-	-	-	-	-	-	L	L	L	P	L	P	-	-	-	Sec. 10.6.5.F
All warehouse, storage and distribution, as listed below:																					Sec. 10.6.6.A
Enclosed storage	-	-	-	-	-	-	-	-	-	-	-	L	L	L	L	L	L	-	-	-	Sec. 10.6.6.A/B
Self-service storage, mini-warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	L	L	-	-	-	Sec. 10.6.6.A/B
All waste-related service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.6.7
Hangar	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-	-	-	Sec. 10.6.8
Open Uses																					
All agriculture, as listed below:																					Sec. 10.7.1.A
Agricultural auction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.7.1.C
Agricultural processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	P	-	-	-	Sec. 10.7.1.D
Community garden	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	P	P	-	Sec. 10.7.1.E
Confined Animal Feeding Operation (CAFO)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.7.1.F
Farming	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 10.7.1.G
Nursery	L	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	Sec. 10.7.1.H
Urban farm	L	-	-	-	-	-	-	-	-	-	-	L	L	L	L	L	-	P	-	P	Sec. 10.7.1.I
Winery	C	C	C	-	-	-	-	-	-	-	-	-	-	-	P	-	-	L	-	-	Sec. 10.7.1.J
Accessory Uses																					
Accessory uses not otherwise listed below, as determined by the Planning & Zoning Administrator:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 10.1.1.E
Accessory apartment, attached	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	-	-	Sec. 10.8.1
Backyard cottage	L	L	L	L	L	L	L	L	L	L	L	-	-	-	-	-	-	-	-	-	Sec. 10.8.2
Drive-thru facility	-	-	-	-	-	-	-	-	-	-	-	L	-	L	L	-	-	-	-	-	Sec. 10.8.3
Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	Sec. 10.8.4
Greenhouse	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	Sec. 10.8.5
Home occupation	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	L	-	-	-	-	Sec. 10.8.6
Home business	C	C	C	C	C	C	C	C	C	L	L	L	L	L	-	L	-	-	-	-	Sec. 10.8.7
Home industry	C	C	C	-	-	-	-	-	-	-	-	L	-	L	L	L	P	-	-	-	Sec. 10.8.8
Livestock keeping	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	L	-	L	L	L	Sec. 10.8.9
Outdoor display	-	-	-	-	-	-	-	-	-	L	L	L	L	L	L	L	L	-	-	-	Sec. 10.8.10
Outdoor commercial storage as listed below:																					Sec. 10.8.11
Low-impact	-	-	-	-	-	-	-	-	-	-	-	L	-	L	-	L	P	-	-	-	Sec. 10.8.11.A

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Use Category Specific Use	RC-2.5	RC-1.0	RC-0.5	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	RX	NX	CX	DX	CC	CH	IX	IL	CIV	REC	CON	Definition/ Standards
High-impact	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	C	-	-	Sec. 10.8.11.B
Parking, on-site	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	Sec. 10.8.12
Retail Sales, Accessory	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	Sec.10.8.13
Solar panels, wind turbines	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	Sec. 10.8.14
Rainwater collection systems	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	Sec. 10.8.15
Temporary Uses																					
Temporary Portable Storage Containers	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	Sec. 10.9.1
Temporary On-Site Rock Crushing	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	Sec. 10.9.2
Temporary Structures as Living Quarters	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-	Sec. 10.9.3
Temporary Construction Staging	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	_	Sec. 10.9.4
Temporary Construction Housing	C	C	C	C	C	C	C	C	C	_	_	_	_	C	C	_	C	_	_	_	Sec. 10.9.5
Nonpermanent Vendor	-	-	-	-	-	-	-	-	-	L	L	L	L	L	L	L	L	L	L	-	Sec. 10.9.4
Special Events	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	City Code Title 5, Ch 6

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10.3.1. Household Living

A. Defined

Residential occupancy of a dwelling unit by a household. Household living includes the following.

1. Single-family detached, duplex, single-family attached, townhouse, multi-family.
2. Manufactured home.
3. Modular home.
4. Manufactured housing community.
5. Group home.

B. Single-Family Detached

One dwelling unit in a single principal structure; may also contain an accessory unit in an attached accessory apartment or a backyard cottage.

1. Use Standards

a. The home must be placed on a permanent foundation that complies with the International Residential Code as adopted in Title 8-1-1 of city code.

b. Any hitch, axles, and wheels that are associated with a manufactured home must be removed, and the foundation and foundation fascia must be similar in appearance and durability as masonry foundations of site built buildings.

c. The home must have a non-glare metal, wood shake, or asphalt roof.

d. The home must have exterior siding that is residential in character, including but not limited to clapboards (such as conventional vinyl or metal siding), wood shingles or shakes, vertical or horizontal wood siding, or similar material. The siding may not have a high gloss finish and may not be primarily composed of smooth, ribbed, or corrugated metal or plastic panels.

C. Single-Family Attached

Two or more dwelling units where each unit is attached vertically by a common side wall. Units cannot be vertically mixed.

D. Multi-Family

Three or more dwelling units in a single principal structure that do not meet the definition of single-family attached above.

1. Use Standards

a. Where multi-family is allowed as a limited use in a mixed-use zone, it is allowed only if it does not front upon the main street or is in the upper stories of a mixed use building. A lobby or other entrance is allowed on the ground floor.

b. Where multi-family is allowed as a limited use in the civic zone, the following standards apply:

i. The use shall be subject to all development standards as found in the RM-2 zone (Art 4.6).

ii. If the multi-family housing is to be located within 300ft of a residentially zoned parcel, a CUP shall be required in accordance with Art 14.7.

c. Where non-mixed use multi-family is allowed as a limited use in the DX zone, 25% of the units shall be designated as deed-restricted affordable housing, with the minimum number of units dedicated being one.

E. Manufactured Housing Community

Any site, lot or tract of land upon which 2 or more manufactured homes may be sited. The manufactured housing community may feature either fee simple land sales or land leased or rented by the homeowner.

1. Use Standards

a. 15% of the site area shall be designated and improved as a landscaped common area.

b. A Type A or B buffer (see Sec. 11.2.2) must be established along all side and rear lot lines.

c. Minimum site size of 14,000 square feet.

d. Skirting standards shall meet the following:

i. Skirting shall be constructed of a durable rigid material such as vinyl, wood, aluminum, or steel, and shall be suitable for exterior exposure. Untreated wood shall not be utilized within six inches (6") of any earthen material.

ii. Skirting shall be installed according to the skirting manufacturer's installation instructions and this subsection.

iii. Skirting shall be adequately secured to assure stability, to minimize vibration, and to minimize susceptibility to wind damage.

iv. Skirting shall be installed to compensate for possible frost heave.

v. Holes or gaps between the skirting and the ground, or any other gap anywhere around the skirting that could permit rodents to get under the home, shall be sealed or back filled.

vi. Skirting shall not be attached to a manufactured home in a manner which will permit water to be trapped between the skirting and the siding or between the skirting and the trim of the manufactured home.

vii. All framing used to secure skirting material and located within six inches (6") of earth shall be pressure treated lumber.

F. Group Home

1. Defined

a. A dwelling unit containing up to 8 unrelated persons who are mentally or physically impaired who are protected under the Fair Housing Act, along with support or supervisory personnel or family members who may reside at the facility.

b. The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, intellectual disability, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness.

c. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered mentally or physically impaired under the Fair Housing Act.

d. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

10.3.2. Group Living

A. Defined

Residential occupancy of a structure by 9 or more people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following.

1. Assisted living facility.
2. Boarding house, rooming house (considered "non-transient" and require a minimum stay of 30 days).
3. Congregate care facility.
4. Dormitory.
5. Hospice.
6. Monastery, convent.
7. Nursing or care home.
8. Independent living facility.
9. Skilled nursing care facility.

10.3.3. Social Services

A. Defined

A facility that provides treatment for persons not protected under the Fair Housing Act or who present a direct threat to the persons or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Also includes correctional facilities and facilities that provide transient housing related to post-incarceration and social service programs.

10.3.4. Short-term Rental (STR)

A. Defined

Short-term Rental or vacation rental means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative, or timeshare, or owner-occupied residential home that is offered for a fee and for thirty (30) days or less.

B. Use Standards

Short-term Rentals are not allowed in any multi-family apartment building.

10.4.1. Civic

A. Defined

Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following.

1. Community college, university.
2. Club or lodge.
3. Museum, library.
4. Place of worship.
5. Public use.
6. Trade or technical school.
7. School (K-12)

B. Community College, University

A facility of higher education having authority to award associate and higher degrees.

C. Club or Lodge

A facility used for associations or organizations of an educational, fraternal or social character; not operated or maintained for profit. Representative organizations include Elks, Veterans of Foreign Wars or Lions.

D. Museum, Library

A facility having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of books, natural, scientific, literary curiosities, objects of interest or works of art, and arranged, intended, and designed to be viewed by members of the public, with or without an admission fee.

E. Place of Worship

A facility that by design and construction is primarily intended for conducting organized religious services.

F. Public Use

Any building, structure, or use owned or operated by the federal government, State, County, the City or other municipality, or any authority, agency, board, or commission of the above governments that is necessary to serve a public purpose, including but not limited to government administrative buildings, post offices, police, fire and EMS stations, public health facilities, public works facilities, fairgrounds, and community centers.

1. Public Works facilities include buildings and/or sites operated by a government agency used for the operation, storage and/or maintenance of equipment, vehicles, and machinery related to public facilities such as roads, parks, and water and sewer utilities.
2. Correctional Facility/Jail: A facility for the confinement of prisoners or juvenile offenders operated by or under the control of the county or city for a period longer than 72 hours.

G. Trade or Technical School

A facility having a curriculum devoted primarily to industry, trade or other vocational-technical instruction.

H. School (K-12)

A facility for students in grades pre-kindergarten through 12.

10.4.2. Parks and Open Space

A. Defined

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. Parks and open space includes the following.

1. Cemetery.
2. Conservation area.
3. Golf course.
4. Park, recreation field.
5. Reservoir, water supply, water well.

B. Cemetery

The use of property as a burial place.

C. Conservation Area

A tract of land that is protected in order to ensure that natural features, cultural heritage or biota are preserved. May include recreation trails, greenways and nature preserves.

D. Golf Course

A tract of land laid out with at least 9 holes for playing golf and improved with tees, greens, fairways and hazards. A golf course may include a clubhouse, shelters and a driving range as accessory uses.

E. Park, Recreation Field

An area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ballfields, soccer fields, basketball courts, swimming pools and tennis courts. May include both passive and active recreation.

10.4.3. Utilities

A. Defined

Public or private infrastructure serving a limited area with no on-site personnel (minor utility) or serving the general community with on-site personnel (major utility). Utilities includes the following.

1. Minor utilities, including on-site stormwater retention or detention facilities, neighborhood-serving telephone exchange/switching centers, gas/electric/telephone/cable transmission lines, water and wastewater pump stations or lift stations, gas gates, reservoirs, control structures, drainage wells, water supply water wells, and water towers or tanks.

2. Major utilities, including aeration facilities, electrical substations, electric or gas generation plants, filter beds, transmission towers, waste treatment plants, and water pumping facilities.

10.4.4. Wireless Telecommunication Facility

A. Defined

A facility for the provision of radio waves or wireless service. Wireless telecommunication facility includes the following.

1. Amateur radio operator tower.

2. Wireless telecommunication tower.

3. Building-mounted wireless telecommunication antenna.

B. Amateur Radio Operator Tower

1. Defined

A facility used for personal, non-commercial radio licensed by the Federal Communications Commission.

2. Use Standards

Where an amateur radio operator tower is allowed as a limited use, it is subject to the following:

a. An amateur radio operator tower may not exceed the wireless telecommunication tower heights as listed by district in section 10.4.4.C.2.b. Additional height may be granted through the variance process (See Art. 14.8).

b. The tower must be located so that no part of the antenna or its elements encroaches within the required side or rear setbacks or within 10 feet of any easement for overhead electric distribution or transmission lines.

c. Maximum tower height is measured to the tallest point of the supporting tower and does not include the antenna mast or antenna elements affixed to the tower.

d. No more than one tower is allowed on a lot.

e. A request for a building permit must be accompanied by a copy of a valid Amateur Radio Operators licensed issued by the Federal Communications Commission for the location being requested.

C. Wireless Telecommunication Tower

1. Defined

Any mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas.

2. Use Standards

Where a wireless telecommunication tower is allowed as a conditional use, it may be permitted subject to Art. 14.7 and the standards below:

a. Necessary to Erect Tower

It must be demonstrated that it is necessary to erect the tower at the proposed location and due to one or more of the following reasons:

i. The planned equipment would exceed the structural capacity of existing or approved structure and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

ii. The planned equipment would result in technical or physical interference with or from other existing or planned equipment and the interference cannot be prevented at a reasonable cost.

iii. There is no appropriate existing or pending structure to accommodate the planned equipment.

iv. Other technical reasons that make it impractical to place equipment planned by the applicant on existing or approved structures.

b. Height

Building height restrictions do not apply to wireless communication towers. Wireless communication tower height may not exceed the standards established in the following table.

Districts	Tower Height (max)
Rural District	65′
Residential District	45′
Mixed Use District	65′
Industrial District	75′
Civic/ Con /Rec District	75′
Airport Overlay	See Article 9.2

c. Setbacks for Ground Equipment

The setbacks for ground equipment are governed by the applicable setbacks for the district.

d. Setbacks for Towers

Towers must be set back 1 foot from the property line for every foot of height.

e. Co-Location

i. No wireless telecommunication tower or equipment owner or lessee or employee may exclude or attempt to exclude any other wireless telecommunication provider from using the same building, structure or location. Wireless telecommunication facility owners or lessees or employees must cooperate in good faith to achieve co-location of wireless telecommunication facilities and equipment with other wireless telecommunication providers.

ii. All new telecommunications towers must be constructed with excess capacity for co-location. Any owner of a telecommunications tower must allow other telecommunications providers to install or co-locate antennae or facilities on their towers. Co-location

is subject to mutually agreeable terms and conditions negotiated between the parties.

f. Screening

Wireless telecommunication towers may require extensive landscaping/screening due to the unique nature of such facilities. Landscaping may be required to achieve a total screening effect at the base of the facility to screen the mechanical characteristics. A heavy emphasis on coniferous plants or other approved materials for year-round screening may be required.

g. Lighting

No signals, lights, or illumination is allowed on a tower or telecommunication facility unless required by the Federal Aviation Administration or other applicable authority.

D. Building-Mounted Wireless Telecommunication Antenna

1. Defined

Any antenna attached or affixed to a building, roof or other type of structure not originally intended to house such an antenna facility.

2. Standards

Where a building-mounted wireless telecommunication antenna is allowed as a limited or conditional use, it may be permitted subject to Art. 14.7 and the standards below:

a. A building-mounted wireless telecommunication antenna shall not exceed the maximum height allowed for a wireless telecommunication tower in the same district (§10.4.4.C.b).

b. A building-mounted wireless telecommunication antenna must be painted or camouflaged to match as closely as possible the color and texture of the wall, building, roof or surrounding built environment. Muted colors, earth tones and subdued colors must be used.

c. A building-mounted wireless telecommunication antenna mounted to the wall of a building or structure must be mounted in a configuration as flush to the wall as technically possible, and must not project above the wall on which it is mounted.

d. A building-mounted wireless telecommunication antenna mounted to a roof must be located as far from the edge of the roof as possible.

e. A building-mounted wireless telecommunication antenna is not subject to the screening requirements of Sec. 11.2.4.

10.5.1. Day Care

A. Defined

A facility providing care and supervision for compensation during part of a 24-hour day, for a child/adult or children/adults not related by blood, marriage or legal guardianship to the person or persons providing the care, in a place other than the child's or children's own home or homes. Day care includes the following.

1. Family day care home (6 or less)
2. Group day care (7 to 12)
3. Day care center (13 or more)

B. Family Day Care Home

A home, place, or facility providing day care for 6 or fewer children or adults.

C. Group Day care Facility

A home, place, or facility providing day care for 7 to 12 children or adults.

D. Day Care Center

A place or facility providing day care for compensation for 13 or more children or adults.

E. Use Standards

Where day care is allowed as a limited or conditional use (see Art. 14.7), the day care must be registered with the city.

10.5.2. Indoor Recreation

A. Defined

A commercial facility providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following.

1. Amusement center, game/video arcade.
2. Assembly hall, auditorium, meeting hall.
3. Billiard hall, pool hall.
4. Bowling alley.
5. Dance, martial arts, music studio or classroom
6. Extreme sports facility such as BMX, skateboarding or roller blading.
7. Gym, health spa or yoga studio.
8. Ice or roller skating rink.
9. Indoor sports facility.
10. Inflatable playground, indoor trampolines
11. Miniature golf facility.
12. Movie theater or other indoor theater.
13. Shooting range.
14. Special event facility

B. Dance, Martial Arts, Music Studio or Classroom

A facility that offers or provides instruction to more than 2 students at a time in dance, singing, music, painting, sculpting, fine arts or martial arts.

C. Gym, Health Spa, Yoga Studio

A facility which for profit or gain provides as one of its primary purposes, services or facilities which assist patrons in improving their physical condition or appearance. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility.

D. Shooting Range

A facility with an enclosed firing range and targets for archery, rifle or handgun practice.

E. Special Event Facility

A facility or assembly hall available for lease by private parties or special events, such as weddings.

10.5.3. Medical

A. Defined

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical includes the following.

1. Ambulatory surgical center.
2. Blood plasma donation center, medical or dental laboratory.
3. Hospital.
4. Medical, dental office or chiropractor, osteopath, physician, medical practitioner.
5. Medical clinic.
6. Urgent care, emergency medical office.

B. Hospital

A facility providing health services primarily for the sick or injured and offering inpatient medical and/or surgical care.

10.5.4. Office

A. Defined

A facility used for activities conducted in an office setting and generally focusing on business, professional or financial services. Office includes the following.

1. Services including, but not limited to advertising, business management consulting, computer or data processing, graphic design, commercial art or employment agency.
2. Professional services including, but not limited to lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator or security system services.
3. Financial services including but not limited to lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent, mortgage agent or collection agency.
4. Counseling in an office setting.
5. Radio, TV station, recording studio.

B. Bail Bonds

A facility with a bail bond agent, or bondsman, that provides surety and pledges money or property as bail for the appearance of persons accused in court.

1. Where allowed as a Limited Use, the business hours when the office is open to the public and customers shall be from 8AM to 7PM.

C. Call Center

A facility used for the purpose of receiving or transmitting a large volume of telephone calls.

10.5.5. Outdoor Recreation

A. Defined

A commercial facility, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation includes the following.

1. Drive-in theater.
2. Campground, travel trailer park, RV park.
3. Extreme sports facility such as BMX, skateboarding or roller blading.
4. Horse stable, riding academy, equestrian center.
5. Outdoor amusements such as batting cage, golf driving range, amusement park, miniature golf facility or water park.
6. Outdoor theater.
7. Shooting range.
8. Racetrack.

B. Campground, Travel Trailer Park, RV Park

A facility used for 2 or more tent or recreational vehicle campsites. Does not include sites for manufactured homes.

C. Horse Stable, Riding Academy, Equestrian Center.

A facility used primarily for the care, breeding, boarding, rental, riding or training of horses or for the teaching of equestrian skills.

1. Where a horse stable, riding academy or equestrian center is allowed as a limited use, no part of any building, structure or run in which animals are housed may be closer than 50 feet from any property line, except property owned or occupied by an owner or operator of the facility.

D. Shooting Range

A facility with an outdoor firing range and targets for archery, rifle or handgun practice.

E. Underwing Camping

A facility that allows for the tying down of small personal aircraft and overnight camping on the same site.

1. Where underwing camping is allowed as a limited use, the following standards apply;
    a. Underwing camping and facilities are only allowed on property within the Light Industrial zone, that is owned by the City of Driggs and managed by the Driggs Airport Board
    b. Underwing camping facilities and management are subject to FAA regulations.

10.5.6. Overnight Lodging

A. Defined

Accommodations arranged for short term stays. Overnight lodging includes the following.

1. Bed and breakfast (up to 6 rooms).
2. Boutique hotel (7 to 30 rooms).
3. Hotel/motel (more than 30 rooms).

B. Bed and Breakfast (up to 6 rooms)

A facility where overnight accommodations not exceeding 6 rooms are provided for compensation, with or without a morning meal, and which may include an afternoon or evening meal for guests, and where the operators of the facility live on the premises.

C. Boutique Hotel/Motel (7 to 30 rooms)

A facility where overnight accommodations not exceeding 30 rooms are provided for compensation.

D. Hotel/Motel (more than 30 rooms)

A facility where more than 30 rooms are provided for overnight accommodations.

10.5.7. Parking

A. Defined

A facility that provides parking as a principal use. Parking includes the following.

1. Commercial parking.
2. Remote parking.

B. Commercial Parking

A facility that provides parking as a principal use where fee is charged.

1. Where commercial parking is allowed as a conditional use, it may be permitted subject to Art. 14.7 and the standards below:

a. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use;

b. All surface parking areas must be landscaped in accordance with Sec. 11.2.3.

C. Remote Parking

A facility that provides parking as a principal use where a fee is not charged.

1. Where remote parking is allowed as a limited use, it is subject to the following:

   a. The remote parking facility must be located within the same or more intense zoning district as the principal use served;

   b. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use;

   c. All surface parking areas must be landscaped in accordance with Sec. 11.2.3.

10.5.8. Personal Service

A. Defined

A facility involved in providing personal or repair services to the general public. Personal service includes the following.

1. Animal care.
2. Beauty, hair or nail salon.
3. Catering establishment.
4. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
5. Copy center, printing, binding, photocopying, blueprinting, mailing service.
6. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium.
7. Locksmith.
8. Optometrist.
9. Palmist, psychic, medium, fortune telling.
10. Repair of appliances, bicycles, canvas product, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, watch or similar items.
11. Tailor, milliner or upholsterer.
12. Tattoo parlor or body piercing.
13. Taxidermist.
14. Tutoring.
15. Wedding chapel.

B. Animal Care (Indoor)

A facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with care of animals is allowed. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel and doggy day care.

C. Animal Care (Outdoor)

A facility designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel and doggy day care.

1. Where outdoor animal care is allowed as a limited use, it is subject to the following:

   a. All outdoor exercise areas and runs must be fenced for the safe confinement of animals;

   b. A Type A or B buffer (see Sec. 11.2.2) must be established along any outside areas used to exercise, walk, or keep animals that abuts a ground floor residential use; and

   c. No animal may be outdoors between 11 PM and 6 AM.

10.5.9. Restaurant

A. Defined

A facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant includes the following.

1. Bar, tavern, pub.
2. Cafe.
3. Coffee or tea shop.
4. Restaurant, take out or pizza delivery facility.
5. Restaurant, fast-food.
6. Restaurant, sit down
7. Yogurt or ice cream shop.

B. Use Standards

Where a restaurant is allowed as a limited use, it is subject to the following:

1. A Type A or B buffer (see Sec. 11.2.2) shall be established along all lot lines within 300 ft of a residentially zoned property
2. Hours of operation shall not exceed 6am – midnight
3. Outdoor seating noise or music shall not create a disturbance to neighbors

C. Where Restaurants are a limited use in the RX zone, a Restaurant shall only be permitted as part of a mixed-use building, and shall be limited to not exceed 50% of the building's total square footage.

10.5.10. Mobile Food Unit

A. Defined.

A vehicle, usually a van, truck, towed trailer, or push cart, from which food and beverages are sold.

B. Use Standards

When Mobile Food Units are allowed as a limited use, it is subject to the following:

1. Operators must register their business with the City Clerk.
2. Mobile Food Units are not allowed to operate in the public right-of-way, but can operate on private property with permission from the property owner.
3. Operators must provide appropriate parking, per Article 11.1, or as approved by the Administrator.
4. Operators must provide trash receptacles, provide a safe area for pedestrian circulation and queuing that is separated from vehicular traffic.
5. Any structures or vehicles on site must conform to the lighting standards contained in Article 11.4.

10.5.11. Retail Sales

A. Defined

1. A facility involved in the sale, lease or rental of new or used products. Retail sales includes the following:
    a. Antiques, appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet ad floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronics, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, phones, photo finishing, picture frames, plants, pottery, printed materials, produce, seafood, shoes, souvenirs, sporting goods, stationery, tobacco, toys, vehicle parts and accessories, videos, video games and related products.
2. Where retail sales is allowed as a limited use, it is limited to large items only, such as lumber,

hardware, trailers, etc. or retail associated with a service business.

10.5.12. Business Services

A facility providing other businesses with services including maintenance, repair and service, testing, rental, includes: business equipment repair services, document storage, document destruction, soils and materials testing laboratories.

10.5.13. Convenience Store

A. Convenience Store with Fuel Pumps

A facility with a floor area less than 5,000 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store with fuel pumps may sell vehicle fuel but cannot have any type of vehicle repair or service.

1. Where a convenience store with fuel pumps is allowed as a limited use, it is subject to the following:

    a. All fuel pumps must be located at least 25 feet from any public right-of-way or lot line, and all buildings and appurtenances must be located at least 100 feet from all lot lines abutting a residential use;

    b. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a residential use; and

    c. All fuel must be stored underground outside of any public right-of-way.

B. Convenience Store without Fuel Pumps

A facility with a floor area less than 5,000 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store without fuel pumps cannot sell vehicle fuel or have any type of automotive service.

1. Where a convenience store without fuel pumps is allowed as a limited use, the use must be within or attached to a multi-tenant building, cannot be located in a standalone building.

10.5.14. Vehicle Sales/Rental

A. Defined

A facility that sells, rents or leases passenger vehicles, light and medium trucks, and other consumer vehicles such as power sports vehicles, boats and recreational vehicles.

B. Light Vehicle/Equipment

Sales, rental or leasing of passenger vehicles, power sports vehicles and boats.

C. Heavy Vehicle/Equipment

Sales, rental or leasing of commercial vehicles, heavy equipment and manufactured homes. Includes Recreational vehicles, 18-wheelers, commercial box trucks, high-lifts, construction, heavy earthmoving equipment and manufactured homes.

D. Use Standards

Where vehicle sales/rental is allowed as a limited use, it is subject to the following:

1. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use;

2. All surface parking areas must be landscaped in accordance with Sec. 11.2.3;

3. Vehicle display areas may not be artificially elevated above the general topography of the site; and

4. Parked or stored vehicles may not encroach upon any public right-of-way or sidewalk.

5. All vehicles for sale, rent or lease shall be in operating condition and must be displayed or stored on an impervious surface, such as asphalt or concrete, with a maximum slope of 5% in any direction.

10.5.15. Sexually Oriented Business

A. Defined by State

10.6.1. Heavy Industrial

A. Defined

A facility that involves dangerous, noxious or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause. Heavy industrial includes the following.

1. Animal processing, packing, treating, and storage.
2. Bulk fuel sales.
3. Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products.
4. Concrete batch plant.
5. Detention center, jail, prison (private).
6. Laundry, dry-cleaning, and carpet cleaning plant.
7. Primary metal manufacturing.
8. Sawmill, log production facility.

10.6.2. Light Manufacturing

A. Defined

A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing includes uses such as the following.

1. Clothing, textile or apparel manufacturing.
2. Food and beverage processing
3. Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments, or timing instruments.
4. Pharmaceutical or medical supply manufacturing.
5. Recreational equipment manufacturing.
6. Sheet metal, welding, machine shop, tool repair.
7. Stone, clay, glass or concrete products.
8. Woodworking, cabinet makers or furniture manufacturing.

B. Use Standards

Where Light Manufacturing is allowed as a limited or conditional use, it is subject to the following.

1. The use is conducted in a fashion that does not generate continuous, frequent, or repetitive noises or vibrations or odors than that which is usual in the neighborhood.
2. No more dust, fumes, gases, odors, smoke, or vapors escape from the premises than that which is usual in the neighborhood is allowed.
3. All by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution other than that which is usual in the neighborhood.
4. No noise or disturbance of adjoining premises takes place other than that which is usual in the neighborhood.
5. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use.

C. Food and Beverage Processing

A facility in which food, beverages and alcohol are processed or otherwise prepared and distributed for eventual human consumption. On-site consumption of free samples is allowed when permitted by the State.

10.6.3. Research and Development

A. Defined

A facility focused primarily on the research and development of new products. Research and development includes the following.

1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

10.6.4. Resource Extraction

A. Defined

A facility that extracts minerals and other solids and liquids from land. Resource extraction includes the following.

1. Extraction of phosphate or minerals.
2. Extraction of sand or gravel, borrow pit.
3. Metal, sand stone, gravel clay, mining and other related processing.
4. Stockpiling of sand, gravel, or other aggregate materials.

10.6.5. Vehicle Service and Repair

A. Defined

Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as power sports vehicles, boats and recreational vehicles. Vehicle service includes the following.

1. Car wash.
2. Vehicle repair (minor).
3. Vehicle repair (major).
4. Vehicle repair (commercial vehicle).
5. Vehicle repair (power sports vehicle).

B. Car Wash

A facility with mechanical or hand-operated equipment used for cleaning, washing, polishing or waxing of motor vehicles.

1. Where a car wash is allowed as a limited use, it is subject to the following.
    a. No car wash is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the lot line of the car wash facility).
    b. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
    c. When abutting a ground floor residential use, the car wash facility cannot operate before 6 AM or after 11 PM.

C. Vehicle Repair (Minor)

A facility where minor vehicle repair and service is conducted. Includes tires, brakes, mufflers, oil change, audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, emissions testing, bed-liner installation, and glass repair or replacement.

1. Where minor vehicle repair is allowed as a limited use, it is subject to the following.
    a. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
    b. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.
    c. Outdoor storage provisions (see Sec. 10.8.11.A.2).

D. Vehicle Repair (Major)

A facility where general vehicle repair is conducted, including transmission, along with body and paint shops.

1. Where major vehicle repair is allowed as a limited use, it is subject to the following.
    a. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
    b. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.
    c. Outdoor storage provisions (see Sec. 10.8.11.A.2).

E. Vehicle Repair (Commercial Vehicle)

A facility conducting repair, service, washing or accessory installation for commercial vehicles, including box trucks, 18-wheelers and construction or other heavy equipment.

1. A Type A or B buffer (see Sec. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
2. The dismantling of vehicles for salvage and the storage of impounded vehicle is not allowed.

F. Vehicle Repair (Power Sports Vehicle)

Premises used for the maintenance and repair of power sports vehicles. No impounded or salvage vehicles shall be stored onsite. All power sports vehicles must carry a work order with a completion date not to exceed 45 days. Power sports vehicles without a work order shall be classified as salvage and junk and may not be kept, stored, or worked on at a power sports vehicle repair shop.

1. All materials and vehicles for repair must be screened from view from any public right-of-way or adjacent property using a screen of at least 6ft in height. The screen may consist of buildings, landscaping and/or fencing.
2. Exterior storage of all materials and vehicles onsite must be related only to the business.
3. Any associated noise not in violation of City Code Section 5-1-3 (Disturbing the Peace), 5-1-4 (Loud Noise), and 5-1-5 (Disorderly Houses) shall only occur between the hours of 8AM and 7PM.
4. The use shall not front upon Main Street (Highway 33).

10.6.6. Warehouse, Storage and Distribution

A. Defined

A facility involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse, storage and distribution includes the following.

1. Enclosed storage (includes bulk storage, cold storage plants, frozen food lockers, household moving and general freight storage).
2. Self-service storage, mini-warehouse.

B. Use Standards

Where warehouse, storage and distribution is allowed as a limited use, outdoor storage areas are allowed in accordance with in Sec. 10.8.11.

10.6.7. Waste-Related Service

A. Defined

A facility that processes and stores waste material. Waste-related service includes the following.

1. Automobile dismantlers and recyclers, junk yard, wrecking yard, salvage yard.
2. Landfill.

3. Recycling and recovery facility, including recyclable material storage, including construction material.

4. Scrap metal processors, secondary materials dealer.

10.6.8. Hangar

A. Defined

Aircraft Hanger is a structure actively used for storing and maintaining aircraft and where it is a limited use it is restricted to only those properties located within the Driggs Airport Operations Overlay, subject to the limitations and requirements of Section 9.2.3.D, or those properties outside of the Airport Operation Overlay that hold valid through-the-fence agreements with the Driggs-Reed Memorial Airport Board.

10.7.1. Agriculture

A. Defined

The production of crops, livestock or poultry. Agriculture includes the following.

1. Agricultural auction.
2. Agricultural processing.
3. Community garden.
4. Nursery.
5. Urban farm.
6. Winery.

B. Right to Farm

No agricultural operation, agricultural facility or expansion of an agricultural operation or facility will be or become a nuisance, private or public, based on any changed conditions in or about the surrounding nonagricultural activities after it has been in operation for more than one year, when the operation, facility or expansion was not a nuisance at the time it began or was constructed.

C. Agricultural Auction

A sales establishment at which farm-related merchandise is sold to the highest bidder.

D. Agricultural Processing

Any operation that transforms, packages, sorts, or grades farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Agricultural processing includes milk plant, grain elevator, and mulch or compost production and manufacturing, but does not include animal processing, packing, treating, and storage (see Sec. 10.6.1, Heavy Industrial).

E. Community Garden

An area of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption or donation. On-site sales may be permitted upon approval of a conditional use permit under Art. 14.7. May be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by the group.

1. Where a community garden is allowed as a limited use, it is subject to the following:
    a. A community garden must be primarily used for growing and harvesting food and ornamental crops for consumption or donation or for sale off-site;
    b. Only mechanical equipment designed for household use may be used;
    c. On-site sales may be permitted upon approval of a conditional use permit under Art. 14.7. Sales are restricted to horticultural and agricultural products produced on the premises; and
    d. Livestock keeping may be allowed as an accessory use subject to the use table.

F. Confined Animal Feeding Operation (CAFO)

A lot or facility where the following conditions are met:

1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 90 consecutive days or more in any 12-month period;
2. Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility; and
3. The lot or facility is designed to confine or actually does confine as many as or more than the numbers of animals specified in any of the following categories:
    a. 700 mature dairy cows, whether milked or dry;
    b. 1,000 veal calves;
    c. 1,000 cattle other than mature dairy cows or veal calves;
    d. 2,500 swine each weighing 55 pounds or more;
    e. 10,000 swine each weighing less than 55 pounds;

f. 500 horses;

g. 10,000 sheep or lambs; or

h. 82,000 chickens.

4. Two or more concentrated animal feeding operations under common ownership are considered, for the purposes of this definition, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

G. Farming

The practice of agriculture on a property, and any associated buildings. Agriculture means the business, science, and art of cultivating and managing the soil; composting, growing, harvesting, and selling crops, and the products of forestry, horticulture, and hydroponics; breeding, raising, managing, or selling livestock, including horses, poultry, fish, game, and fur-bearing animals; dairying, beekeeping, and similar activities; and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product to prepare the product for market and may cause a change in the natural form or state of the product. Farming includes the following accessory uses:

1. Accessory agricultural processing and storage of products grown or raised on-site or on property owned, rented, or controlled by the farmer. Accessory agricultural processing includes a milk plant, grain elevator, and mulch or compost production and manufacturing.

2. The sale of products of agriculture and agricultural processing, if products are produced on-site or on property owned, rented, or controlled by the farmer.

3. Accessory agricultural education and tourism activities conducted as a part of a farm's regular operations, with emphasis on hands-on experiences and events that foster increased knowledge of agriculture, including cultivation methods, animal care, water conservation. The maximum footprint for any structure and the total footprint of all structures primarily used for education or tourism is limited to 10% of the total footprint square footage of all structures on the site used for agriculture.

4. The outdoor storage of farm supply materials and machinery used in farming for agricultural purposes.

H. Nursery

The sale of plants and plant materials grown on- or off-site, as well as garden supplies, equipment and related items.

I. Urban Farm

The raising and harvesting of crops and non- food ornamental crops for commercial use. An urban farm may be owned by an individual, group or organization and may include larger- scale farm equipment.

1. Where an urban farm is allowed as a limited use, livestock keeping may be allowed as an accessory use subject to the use table.

J. Winery

A facility for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets.

10.8.1. Accessory Apartment, Attached

A. Defined

A dwelling unit within or attached to an existing detached house, general building, or hangar for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.

B. Use Standards

Where an attached accessory apartment is allowed as a limited use, it is subject to the following:

1. Only one attached accessory apartment is allowed per lot. Where a backyard cottage is proposed or exists, an attached accessory apartment is not allowed, unless one of the two accessory dwelling units is deed-restricted for occupancy by a Qualified Local Household. A property is limited to two accessory dwelling units, if one of the units complies with this standard.
2. One additional off-street parking space must be provided on the lot, per allowed accessory unit;
3. The heated floor area for an attached accessory apartment must not exceed:
    a. RC-2.5, RC-0.5: 1,200 square feet.
    b. RS-16: 1,000 square feet.
    c. RS-7, RS-5, DX, CX: 1,000 square feet.
    d. RS-3, RM-1, RM-2, RX, NX, IX, CC, CH: 700 square feet.
    e. IL: 900 square feet.
    f. Airport Operations Overlay: 1250 gross square feet and cannot exceed 20% of the ground floor area of the hangar in which it is located in (see Art. 9.3).
4. In all instances, an attached accessory apartment must be less than 50% of the heated floor area of the entire dwelling (principal plus accessory);
5. Entrance to the attached accessory apartment must be from the rear or side and must not face the street to which the detached house or general building is oriented; and
6. In the Light Industrial (IL) district, the dwelling must be owner- or employee-occupied.

10.8.2. Backyard Cottage

A. Defined

A small self-contained second dwelling unit located on the same lot as a detached house but physically separated for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.

B. Use Standards

Where a backyard cottage is allowed as a limited use, it is subject to the following:

1. Only one backyard cottage is allowed per lot. Where an attached accessory apartment is proposed or exists, a backyard cottage is not allowed unless one of the two accessory dwelling units is deed-restricted for occupancy by a Qualified Local Household. A property is limited to two accessory dwelling units, if one of the units complies with this standard.
2. One additional parking space must be provided on the lot, per allowed accessory unit; and
3. The heated floor area for a backyard cottage cannot exceed:
    a. RC-2.5, 1.0, 0.5: 1,200 square feet.
    b. RS-16: 1,000 square feet.
    c. RS-7, RS-5: 1000 square feet.
    d. RS-3, RM-1, RM-2, RX, NX: 700 square feet.
4. A tiny house may be used as a backyard cottage, provided it is:

a. Attached to a permanent foundation;

b. Skirted to hide any frame or wheels; and

c. Connected to public water and sewer.

5. A backyard cottage must also meet the requirements of Art. 8.3.

10.8.3. Drive-Thru Facility

A. Defined

A facility at which the customer is served while sitting in a vehicle, typically associated with drive- thru restaurants, banks and pharmacies.

B. Use Standards

Where a drive-thru is allowed as a limited use, it is subject to the following:

1. No drive-thru window, lane or order box is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the drive-thru lane);

2. All drive-thru areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive- thru, must be located to the side or rear of the building. Drive-thru windows and lanes may not be placed between a public street (not including an alley) and the associated building; and

3. Queuing and screening requirements are specified in Sec. 11.1.6.

10.8.4. Garden

A. Defined

A plot of ground where herbs, fruits, flowers, or vegetables are cultivated for personal or group use, consumption or donation. Includes a rooftop garden or green roof.

10.8.5. Greenhouse

A. Defined

A glass accessory building in which herbs, fruits, flowers, or vegetables that need protection from the weather are cultivated for personal or group use, consumption or donation.

B. Use Standards

Where a greenhouse is allowed as a limited use, it is subject to the following:

1. When the roof or façade consists of transparent or translucent materials (which allow for the transmission of light), nighttime emission of interior light that projects outward or upward beyond the building's exterior is prohibited except when interior illumination is intermittent and its immediate exterior illumination does not increase the exterior ambient-light level by more than 0.2 foot-candles.

10.8.6. Home Occupation

A. Defined

1. A home occupation provides a service or product that is conducted wholly on the parcel which also contains a dwelling unit. A home occupation can take place within the dwelling unit or in a building separate from the primary dwelling unit, such as an accessory building or garage.

2. A home occupation does not include Bed and Breakfast (see Sec. 10.5.6.B), Home industry (see Sec. 10.8.8) or Day Care (see Sec. 10.5.1).

B. Use Standards

Where a home occupation is allowed as a limited use, it is subject to the following:

1. The use of the dwelling unit for a home occupation must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the property.

2. No business, storage or warehousing of material, supplies or equipment is allowed outside.

3. No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

4. No display of products may be visible from the street.

5. No persons other than members of the family residing on the premises may be engaged in the home occupation.

6. No more than one vehicle may be used in the conduct of the home occupation, and it must be parked on-site.

7. No article may be sold or offered for sale on the premises except such as is produced by the occupant of the premises.

8. Only 1 customer or pupil is permitted at a time.

9. The delivery of materials may not exceed more than 2 deliveries of per day. No delivery may be by a vehicle larger than a typical delivery van.

10.8.7. Home Business

A. Defined

A home business provides a service or product and is conducted wholly on the parcel which also contains a dwelling unit requires employees, customers, clients or patrons to visit the property. A home business does not include Bed and Breakfast (see Sec. 10.5.6.B), Home industry (see Sec. 10.8.8) or Day Care (see Sec. 10.5.1).

B. Use Standards

Where a home business is allowed as a conditional use, it may be permitted subject to Art. 14.7 and the standards below. Where a home business is allowed as a limited use, it is subject to the following:

1. The use of the dwelling unit for a home business must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the property.

2. No business, storage or warehousing of material, supplies or equipment is allowed outside unless approved as part of a conditional use permit.

3. No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

4. No display of products may be visible from the street.

5. The home business must be conducted by a person residing on the premises and may employ no more than two people not living on the premises.

6. No more than two vehicles may be used in the conduct of the home business, and the vehicles must be parked on-site.

7. Not more than 6 clients a day are permitted to visit the home business.

8. The delivery of materials may not exceed more than 2 deliveries per day. No delivery may be by a vehicle larger than a typical delivery van.

9. Retail sales of goods must be entirely accessory to any service provided on the site (such as hair care products sold as an accessory to hair cutting).

10. No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.

10.8.8. Home Industry

A. Defined

An industrial use conducted on a residential lot. Uses include activities related to agriculture, trucking operations, small automotive repair shops, well and septic tank system service, carpentry, upholstery, woodworking and other similar uses.

B. Use Standards

1. Where home industry is allowed as a limited use, it is subject to the following:

   a. Up to 4 employees may be employed in addition to family members.

   b. No more noise, dust, fumes, gases, odors, smoke, or vapors escape from the premises than that which is usual in the neighborhood.

   c. All by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution other than that which is usual in the neighborhood; and

   d. All non-personal vehicles and/or equipment associated with use must be screened in an enclosed structure.

2. Low impact outdoor storage is allowed in as specified in Sec. 10.8.11.

10.8.9. Livestock Keeping

A. Defined

Livestock includes any animals of the equine, swine or bovine class, including goats, sheep, mules, cattle, hogs, pigs and other grazing animals, and all ratites, including, but not limited to, ostriches, emus and rheas.

B. Use Standards

Where livestock keeping on residential property is allowed as a limited use, it is subject to the following:

1. Prohibited

   a. The keeping of any animal other than dogs, cats and other household domestic animals and those specifically allowed below is prohibited.

   b. Allowing any farm animal to roam freely on or onto public property or private property without the property owner's permission is prohibited.

   c. Roosters are not allowed in non-agricultural districts.

2. Rabbits, Turkeys, Ducks and Chickens

   a. One rabbit, turkey, duck or chicken is allowed per 1,000 square feet of lot area.

   b. Up to 25 rabbits, turkeys, ducks or chickens may be allowed upon approval of a conditional use permit under Art. 14.7.

   c. An area of at least 20 square feet or at least 4 square feet for each rabbit, turkey, duck or chicken, whichever is larger, must be provided. The area must be adequately fenced, cannot be located in a front yard, be at least 25 feet from any dwelling on an abutting lot and be at least 15 feet from any side or rear lot line.

   d. Coops or cages must be ventilated, designed to be easily accessed and cleaned, and may not exceed 8 feet in height.

   e. Coops must not cause a nuisance.

3. Alpacas, Llamas, Goats and Sheep

   a. A lot least 1/2 acre in size is allowed 1 alpaca, llama, goat or sheep per 10,000 square feet of lot area.

   b. Up to 2 alpaca, llama, goat or sheep per 10,000 square feet of lot area may be allowed upon approval of a Special Use Permit under Art. 14.4.

   c. An area of at least 500 square feet or at least 250 square feet for each alpaca, llama, goat or sheep, whichever is larger, must be provided.

   d. The containment area must be adequately fenced, cannot be located in a front yard and must be at least 15 feet from any side or rear lot line.

   e. The structure area must not be located in the front yard and must be at least 30 feet from all lot lines.

4. Horses and Cows

   a. One horse or cow is allowed per 1 acre of lot area.

   b. An area of at least 5,000 square feet must be provided per horse or cow provided that a corral measuring at least 500 square feet per horse or cow may be used to confine the horse or cow in wet seasons.

   c. The containment area must be adequately fenced, cannot be located in a front yard and must be at least 100 feet from any dwelling on an abutting lot.

5. Animal Nuisances and Cruelty Prohibited

   Complaints of animal nuisance and/or cruelty will be investigated by the Enforcement Officer, who, upon finding a complaint to be in violation of the following requirements, issue a notice of violation and require abatement within forty- eight (48) hours of the notice of violation being received by the property occupant(s).

   a. Animal enclosures and structures must be regularly cleaned of waste and maintained so as to prevent offensive odors and the attraction of insects and rodents that would constitute a nuisance or health hazard to any person in the vicinity of the premises.

   b. It is unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal that makes noise so as to habitually or regularly disturb the peace and quiet of any person in the vicinity of the premises.

   c. Animals must not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

6. Slaughtering of Animals

   Rabbits, chickens, ducks and turkeys may be slaughtered on site. No other farm animal may be slaughtered on site.

7. Sales

   The sale of animals and/or animal by-products is allowed if conducted in conformance with Sec. 10.8.6.

C. Penalty

A violation of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in Driggs Code 1-4A.

10.8.10. Outdoor Display

A. Defined

1. The outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink or similar vending machines is considered outdoor display.

2. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (see limited outdoor storage).

3. Where allowed, the outdoor sale or rental of vehicles and equipment as part of a properly permitted use is not considered outdoor display (see Sec. 10.5.11).

B. Use Standards

Where outdoor display is allowed as a limited use, it is subject to the following:

1. Outdoor display is only allowed with a permitted nonresidential use;

2. Outdoor display must abut the primary facade with the principal customer entrance, and may not extend more than 6 feet from the facade or occupy more than 25% of the horizontal length of the facade;

3. Outdoor display may not exceed 6 feet in height;

4. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day, except propane gas storage racks, ice storage bins, soft drink or similar vending machines may remain outside overnight; and

5. Outdoor display may not encroach upon any public right-of-way or sidewalk, unless otherwise permitted through City Code §7-1-1-C. Outdoor display may not impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.

C. Penalty

A violation of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code §1-4A.

10.8.11. Outdoor Commercial Storage

A. Low-Impact

1. Defined

Low-impact outdoor commercial storage includes, but is not limited to:

a. The overnight outdoor storage of vehicles awaiting repair;

b. The outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;

c. Outdoor sale areas for sheds, building supplies, garden supplies, plants, lawn mowers, barbecue's and other similar items; and

d. The outdoor storage of vehicles, boats, recreational vehicles or other similar vehicles at a self-service storage, mini- warehouse facility.

e. The outdoor storage of contractor's equipment; lumber, pipe, steel or wood;

f. The outdoor storage of trailers or equipment associated with the primary use. The storage area shall be surfaced and subject to all standards found in Art 11.1

2. Use Standards

Where low-impact outdoor storage is allowed as a limited use, it is subject to the following:

a. All material stored outdoors cannot be located in a required setback;

b. All material stored outdoors cannot be more than 12 feet in height;

c. All material stored outdoors must be fully screened from view from the public right-of-way and abutting properties using a Type A or B buffer (see Sec. 11.2.2); and

d. Vehicles awaiting repair overnight may only be stored up to 30 days within the screened storage area.

B. High-Impact

1. Defined

High-impact outdoor commercial storage includes, but is not limited to:

a. The outdoor storage of salvage, recycled materials or scrap metal;

b. The outdoor storage of impounded or inoperable vehicles;

c. Loading yard for vehicles, trailers or equipment.

d. The outdoor storage of construction material; and

e. The outdoor storage of domestic or construction waste or debris.

2. Use Standards

Where high-impact outdoor storage is allowed as a limited or conditional use (see Art. 14.7), it is subject to the following:

a. All material stored outdoors cannot be located in a required setback and must be located at least 15 feet from the public right- of-way; and

b. All material stored outdoors must be fully screened from view from the public right-of-way and abutting properties using a Type C or D buffer (see Sec. 11.2.2).

C. Penalty

A violation of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code §1-4A.

10.8.12. Parking, On-Site

A. Defined

Parking provided on-site to serve a principal use of the site.

10.8.13. Retail Sales, Accessory

A. Defined

Retail sales that are incidental to, and on the same premises as a principal use. Products offered for sale are limited to those that are produced or processed by the principal use, or which are directly related to, and offered in support of, products which are produced, processed, or warehoused by the associated principal use.

10.8.14. Solar Panels, Wind Turbines

A. Defined

Renewable energy systems such as solar panels and wind turbines.

B. Use Standards

Where solar panels or wind turbines are allowed as a limited use, it is subject to the following:

1. The system must meet setbacks as required by the district in which it is located; and

2. The system is subject to height encroachment limits (see Sec.2.5.2.C).

10.8.15. Rainwater Collection Systems

A. Defined

Rainwater collection devices such as rain barrels and cisterns.

B. Use Standards

Where rainwater collection systems are allowed as a limited use, it is subject to the following:

1. A rainwater collection device that has a capacity of 55 gallons or less are exempt from setback requirements. If the system is larger than 55 gallons, it must meet setbacks as required by the district in which it is located; and

2. The system is subject to height encroachment limits (see Sec.2.5.2.C).

C. Penalty

A violation of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code §1-4A.

10.8.16. Temporary Portable Storage Containers

A. Defined

A container designed and rented, leased, or owned for the temporary storage of commercial, industrial or residential household goods that does not contain a foundation.

B. Use Standards

1. In RS- and R- districts, one container is permitted for a maximum of 30 consecutive days twice per calendar year.

2. No container may be more than 8 feet in height, or more than 16 feet in length in a residential district.

3. In all other districts, no more than 3 containers are permitted at any one time. No single container may be on-site for more than 30 consecutive days.

4. Any person wishing to utilize a container longer than 30 calendar days may apply for a 30-day extension subject to the Planning & Zoning Administrator's approval.

5. Containers cannot be stacked on top of each other.

6. Containers cannot be located in any required setback and must be located completely on the owner's lot and no part of any container may be located in the public right-of-way.

C. Penalty

A violation of any of the provisions of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code §1-4A.

10.8.17. Temporary On-Site Rock Crushing

A. Use Standards

The following standards are required to be met prior to the operation of temporary on-site rock crushing for on-site construction and maintenance:

1. The development has received site plan or final plat approval for the associated construction or maintenance activity or is an approved public facility project.

2. A final grading plan for the development has been approved by the City, or Teton County if located in the Area of City Impact.

3. No excavation of native material will occur outside of approved roadways or building foundations, unless:

    a. A reclamation plan detailing how those areas will be revegetated is approved by the Planning & Zoning Administrator;

    b. A balance sheet is submitted showing that the excavated material will be used within the development; and

    c. The estimated reclamation/ revegetation costs are included in the development's surety bond.

4. No off-site materials are brought on site for crushing.

5. Rock crushing equipment is removed from the site within 15 days of completing the crushing activity.

6. Excavated crushed material not used for on-site construction or landscaping is removed from the site within 30 days of completing the crushing activity.

7. The rock crushing equipment is setback as far away as practicable from all occupied structures and residential property lines, but in no case may the setback be less than 800 feet without a sound barrier shown to be capable of reducing sound levels at the nearest residential property line or occupied structure to below 65 dBA. With such sound barrier in place the setback from occupied structures and residential property lines cannot be less than 400 feet.

8. The duration of the temporary rock crushing activity is for no more than 60 consecutive days from the date the activity commenced, unless extended by the City Council within an executed development agreement.

9. Rock crushing will occur only during Monday through Friday, between 8:00 AM and 6:00 PM, and not on Federal holidays.

10. Water is available and utilized for dust control.

11. Any Federal, State or County permits required for the proposed operation are obtained.

B. Penalty

A violation of any of the provisions of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code §1-4A.

10.8.18. Temporary Structures as Living Quarters

A. Defined

Temporary (non-winterized) structures such as yurts, Recreational Vehicles, and seasonal cabins that do not meet the building code requirements for habitable space are not considered to be residential structures, and therefore are not allowed as living quarters except as follows:

1. Temporary structures may be occupied for a maximum of three (3) months when visiting the premises of an authorized city water and/or sewer user per City Code §7-3-7.

2. A temporary building may be used as necessary for construction purposes when associated with a residential building permit.

3. A unit within a temporary construction housing camp that holds a valid CUP (as per Sec. 10.9.5)

B. Penalty

A violation of any of the provisions of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code §1-4A.

10.8.19. Temporary Construction Staging

The following standards are required to be met prior to the staging of construction materials on a project site (including vehicles and equipment):

A. The construction is not required to take place on the subject parcel, but should be located within 1,000 feet of the project site.

B. The development has received site plan or final plat approval for the associated construction or maintenance activity or is an approved public facility project.

C. A weed control / ground cover restoration plan has been approved by the City, or Teton County if located in the Area of City Impact,

D. Excavation of native material is not allowed unless otherwise permitted.

E. All construction equipment is removed from the site within 15 days of completion of the associated construction project.

F. The construction equipment is setback as far away as practicable from all occupied structures and residential property lines, but in no case may the setback be less than 400 feet.

1. Equipment shall not be staged onsite for more than 1 year. An applicant may request one extension of 180 days, to be reviewed and approved by the Planning & Zoning Administrator.

2. Water is available and utilized for dust control.

3. Any Federal, State or County permits required for the proposed operation are obtained.

10.8.20. Temporary Construction Housing

A temporary housing camp located on an active and permitted construction site or permitted temporary construction staging area occupied solely by construction workers employed on the same construction site. The temporary housing cap shall not require hookup to City water or sewer services,. All units shall comply with the applicable temporary housing standards outlined in Sec 10.9.3. In no case will temporary construction housing be allowed within 300 feet of a residential use in a residential or mixed use zone. The Commission shall specifically consider the appropriate length of time that the temporary construction housing will be permitted on-site.

10.8.21. Nonpermanent Vendors

A. Defined

1. Mobile Vendor

A business exhibiting goods or services from a vehicle, trailer, on foot or in a similar mobile manner for not more than 1 hour in 24 hours on any one site, or which is operating during an approved public event on property owned or leased by a governmental entity, with approval of the event organizer.

2. Temporary Vendor

A business, other than a mobile vendor, exhibiting goods or services within the City of Driggs from a temporary or mobile structure or vehicle or in a similar temporary manner for 14 or fewer days in any 1-year period.

3. Seasonal Vendor

A business, other than a mobile vendor, exhibiting goods or services within the City of Driggs from a temporary or mobile structure or vehicle or in a similar temporary manner for more than fourteen (14) days in any year, but for less than one hundred eighty (180) days in any year.

B. Use Standards

All commercial or mixed-use projects, including temporary and seasonal vendors, within the Design Review Overlay must submit an application for Design Review. Applications for permanent construction and seasonal vendors must be evaluated in accordance with the Driggs Design Standards and Guidelines, adopted as Appendix A to this Title. Design Review applications for temporary vendors must be evaluated by the Planning & Zoning Administrator, who will approve, conditionally approve or deny the application based on the standards below. The City will not issue a building permit or business registration for such projects until the Design Review application has been approved.

1. Temporary Vendors

Temporary Vendors must:

a. Provide parking in quantity, location and design that meets the requirements in Article 11.1;

b. Provide trash receptacle(s), if vending food or beverages;

c. Provide a safe area for pedestrian circulation and queuing that is adequately separated from vehicular traffic; and

d. Conform to the lighting standards contained in Article 11.4.

2. Seasonal Vendors

Applications for design review of a seasonal vendor project must be guided by the standards and guidelines for the respective zone, however the Design Review Advisory Committee may recommend and the Planning and Zoning Commission may approve waivers for non-applicable or overly-burdensome requirements in situations where the proposed seasonal use will not conflict with guiding principles for the standard(s) or the values and objectives for the applicable district.

C. Penalty

A violation of any of the provisions of this Section will result in a citation being issued and the owner of the property in question being charged a civil fine as provided in City Code §1-4A.

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11.1.1. Applicability

A. New Construction

Any new building or site improvement must comply with this Article.

B. Additions

1. When an existing building, use or site is increased in gross floor area or outside use area by up to 50% cumulatively, this Article applies to the additional floor or use area only.

2. When an existing building, use or site is increased in gross floor area or outside use area by more than 50% cumulatively, both the existing building, use or site and the additional floor or use area must conform to this Article.

C. Change in Use

1. Where the number of existing parking spaces exceeds the maximum number of allowed parking spaces for the proposed use, the additional parking spaces may remain in place, at the applicants discretion.

2. When the use of the building or structure is changed and such change creates an increase of 15% or more in off-street parking space requirements, then this Article applies.

D. Maintenance and Repair

An existing building or site may be repaired, maintained or modernized without conforming to this Article, provided there is no increase in gross floor area or improved outside use area.

11.1.2. Pedestrian Access

A. General

All development must provide safe, direct and convenient pedestrian access connecting abutting public streets and parking lots to the primary entrance and to all other uses in the development that allow for public access. The following uses are exempt from this requirement:

1. Single-family detached, duplex, single-family attached;

2. Cemetery, conservation area;

3. Minor utilities; and

4. All agriculture uses.

B. Required Pedestrian Facilities

1. Pedestrian access must consist of an accessible, easily discernible, and ADA-compliant walkway a minimum of 5 feet in width.

2. The pedestrian access surface located on private property must be paved with fixed, non-slip semi-pervious or impervious materials.

3. Pedestrian access routes between buildings and parking must be physically separated from drive aisles, except where required to cross a drive aisle.

4. Where a pedestrian walkway crosses a drive aisle, the walkway must have a continuous surface treatment across the drive aisle.

5. Pedestrian walkways must be designed and installed to allow for cross-access between abutting properties.

11.1.3. Vehicle Parking and Access

A. Minimum Parking

The provision of off-street vehicle parking is required as set out in the table below.

B. Maximum Parking

Where a maximum parking standard applies according to the table below, the number of parking spaces must not be exceeded. The maximum parking requirements do not apply to off-street parking areas made of porous pavement material. Permitted materials include, brick, grass pavers, turf blocks, natural stone pavers, pervious concrete, and porous asphalt.

C. Calculation

1. Where a use is not listed or only a broad use category is shown, the Planning & Zoning Administrator is responsible for categorizing the use in accordance with Art. 10.1.

2. Unless otherwise noted, the parking requirement is based on the gross floor area of the building devoted to the particular use specified.

D. Parking Exemption Overlay

1. Except for new residential uses, additional off street parking will not be required for new uses within the parking exemption overlay.

E. On Street Parking Credit

For Commercial uses, the required minimum number of off street parking spaces for a particular building, development or land use may be reduced by 0.75 spaces for each existing on street parking space located in a right of way along the frontage of such building, development or land use subject to the requirement, and may be reduced by one space for each new on street parking space created by the developer.

Number of Off-Street Parking Spaces

Use	Required Spaces (min)	Allowed Spaces (max)
Residential Uses		
All household living:		
Single-family detached	2 per unit	No max
Backyard Cottage	1 per unit	No max
Two-family	2 per unit	No max
Single-family attached	2 per unit	No max
Multi-family	2 per unit	3 per unit
Mixed-Use/Shop Front	1.5 per unit	2 per unit
Manufactured housing Community	2 per unit	No max
Cottage Court	1 per unit	No max
Studio/Efficiency Apartment	1 per unit	2 max
Group home (up to 8 residents)	1 per unit	No max
All group living (9 or more residents)	0.5 per bed	1 per 2 beds
All social service	0.5 per bed	1 per bed
Public Uses		
All civic uses	1 per 1,000 SF	4 per 1,000 SF
All parks and open space, except as listed below:	No min	No max
Golf course	No min	3 per hole
All utilities	No min	No max
Commercial Uses		
All day care	2 per 1,000 SF	5 per 1,000 SF
All indoor recreation	1 per 1,000 SF	4 per 1,000 SF
All medical	2 per 1,000 SF	4 per 1,000 SF
All office	2 per 1,000 SF	4 per 1,000 SF
All outdoor recreation	No min	4 per 1,000 SF plus 3 per 1,000 SF of outdoor area

Use	Required Spaces (min)	Allowed Spaces (max)
All overnight lodging	0.5 per room	1.25 per room
Schools	1 per classroom	2 per classroom
Religious Facilities	1 per 4 seats or 8' of bench	2 per 4 seats or 8' of bench
All personal service	2 per 1,000 SF	4 per 1,000 SF
All restaurants	5 per 1,000 SF	10 per 1,000 SF
All retail sales	2 per 1,000 SF	4 per 1,000 SF
All vehicle sales/rental	2 per 1,000 SF	4 per 1,000 SF
Industrial Uses		
All light manufacturing	1 per 1,000 SF	3 per 1,000 SF
All research and development	1 per 1,000 SF	3 per 1,000 SF
All vehicle service and repair	1 per 1,000 SF	3 per 1,000 SF
All warehouse, storage and distribution	1.5 per 1000 SF	3 per 1,000 SF
All waste-related service	No min	No max
Open Uses		
All agriculture	No min	No max

F. Accessible Parking

1. If off-street vehicle parking is provided, accessible parking spaces must also be provided in accordance with the requirements of the Americans with Disabilities Act (ADA).

G. Common Parking Facilities for Joint and Mixed Uses

Joint or mixed use of parking facilities are permitted as follows:

1. Mixed Uses: Developments that contain a mix of uses may reduce the amount of required parking to the amount needed to satisfy the peak demand as calculated using the "Shared Parking Peak Demand Table" on the following page, where percentages are applied to the minimum parking requirements established in the "Number of Off-Street Parking Spaces" table found earlier in this Article. Columns are then summed to determine peak demand, as shown in the "Example Mixed Use Peak Parking" table on the following page.

2. Joint Uses: The joint use of off-street parking facilities is allowed provided:

    a. The applicant, utilizing the tables found in this Article, shows that the minimum parking requirements for all users of the joint parking facility will be met;

    b. The parking facility for joint use is not further than three hundred feet (300'), as measured by accessible pedestrian paths or walking distance, from the primary entrances of each use; and

    c. The parties concerned shall submit a written agreement for such joint use, approved by the city attorney as to form and content, and such agreement, when approved, shall be recorded in the county recorder's office.

Shared Parking Peak Demand Table					
Land Use	Weekday		Weekend		
	9:00AM - 4:00PM	6:00PM - Midnight	9:00AM - 4:00PM	6:00PM - Midnight	Midnight - 6:00AM
Office/ Industrial	100%	10%	19%	5%	5%
Retail	60%	90%	100%	70%	5%
Restaurant	50%	100%	100%	100%	10%
Entertainment	40%	100%	100%	100%	10%
Residential	25%'	75%	75%	75%	100%

Example Shared Parking Calculation (Mixed Use Project)					
Use:	General Office	Retail	Restaurant	Residential - Studio	Residential - 2 Bedrooms
Net Floor Area	7,738	4,697	800	4	4
Required Spaces:	19	14	6	4	6

The required spaces are multiplied by the percentage from the Shared Parking Peak Demand Table.

The columns are each totaled, with the largest total becoming the minimum spaces requirement.

Example Shared Parking Calculation (Mixed Use Project) Continued					
Land Use	Weekday		Weekend		
	9:00AM - 4:00PM	6:00PM - Midnight	9:00AM - 4:00PM	6:00PM - Midnight	Midnight - 6:00AM
Office	19	2	4	1	1
Retail	8	13	14	10	1
Restaurant	3	6	6	6	1
Residential	3	8	8	8	10
Totals:	33	29	32	25	12

The required parking in this example is reduced from 50 spaces to 33 spaces.

H. Parking Lot Layout and Design

1. Parking Access

a. All off-street vehicle parking must have direct access to a public right-of way through an alley, driveway, or permanent access easement. If an improved alley with a right-of-way of at least 18 feet in width is provided, all vehicle access must take place from the alley.

b. All off-street vehicle parking areas must be designed to allow vehicles to enter and exit in a forward motion, except for parking associated with a detached house, duplex or attached house. An improved alley may be used as maneuvering space for access to off-street parking areas.

c. All off-street vehicle parking must be designed so that vehicles enter or leave a parking space without having to move any other vehicle.

d. All off-street vehicle parking must be arranged so that no vehicle is forced onto any public street, not including an alley, to gain access from one parking aisle to another parking aisle.

2. Pedestrian Facilities

a. All off-street parking areas with at least 6 or more rows of parking must provide a separated pedestrian walkway.

b. The pedestrian walkway must consist of an accessible, easily discernible, and ADA-compliant walkway a minimum of 5 feet in width.

c. A landscape median island with a pedestrian walkway must be a minimum of 9 feet wide (see Sec. 11.2.3).

d. Pedestrian walkways must provide direct connections to building entrances from the spaces furthest from the entrance.

e. Where a pedestrian walkway crosses a drive aisle, the walkway must have a continuous surface treatment across the drive aisle.

3. Parking Lot Landscaping

All off-street vehicle parking areas designed to accommodate more than 20 spaces must be landscaped as specified in Sec. 11.2.3,.or per Appendix A if located in the Design Review Overlay.

I. Surfacing and Drainage

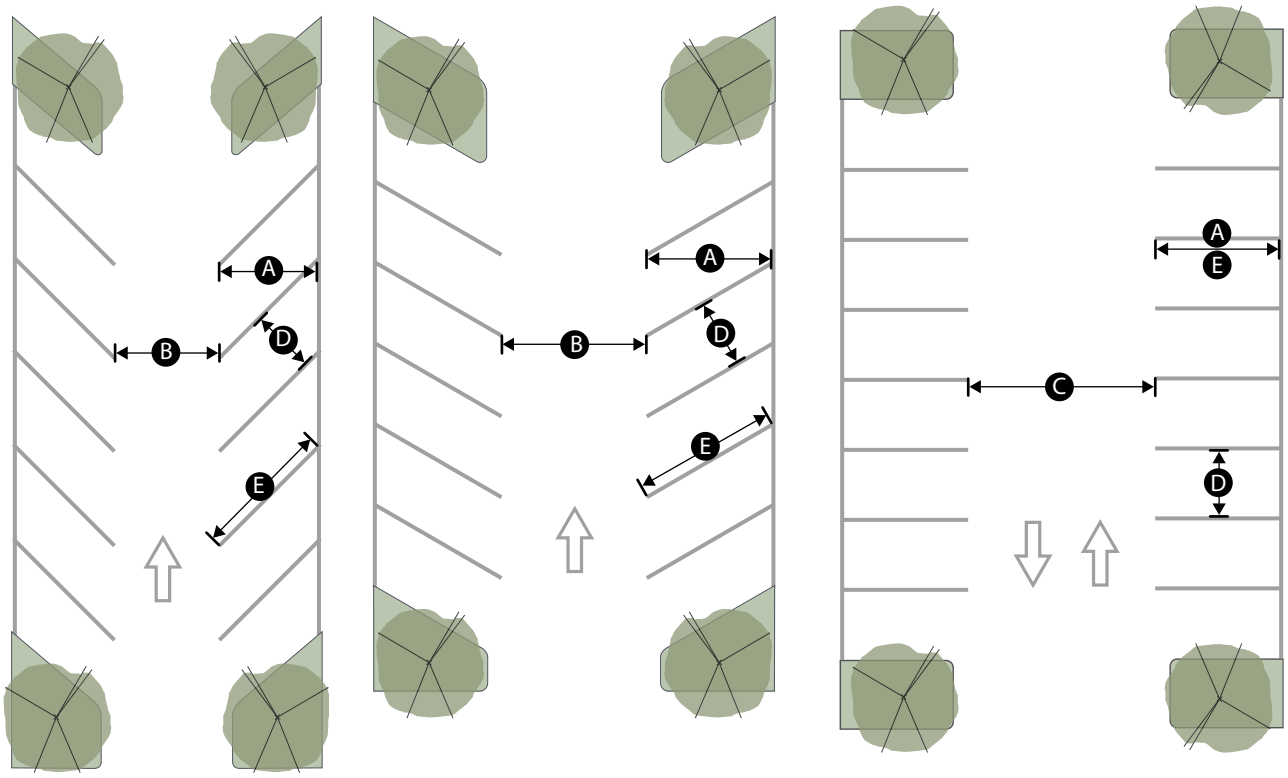
1. All off-street vehicle parking and loading areas must be graded and drained to collect, retain and infiltrate surface water on-site so as to prevent damage to abutting properties or public streets.

2. Curbing must have openings to allow drainage to enter and percolate through landscaped areas.

3. All off-street vehicle parking and loading areas with five or more parking stalls must be surfaced with concrete, asphaltic concrete, asphalt, or another dust-free surface. Porous pavement material may be substituted for standard dust-free pavements subject to the approval of the Planning & Zoning Administrator. Permitted materials may include, but are not limited to "grasscrete," ring and grid systems used in porous or grid pavers. When compact gravel surfacing is permitted, required ADA stalls and pedestrian routes shall be ADA compliant.

J. Parking Space and Aisle Specifications

Off-street vehicle parking areas must meet the following dimensions. Parking spaces and drive aisles using dimensions other than those specified may be approved if prepared and sealed by a Registered Engineer in the State of Idaho, with expertise in parking lot design, subject to approval of the Planning & Zoning Administrator.



Minimum Dimensional Requirements					
Angle	Parking Row Depth	Drive Aisle Width		Space Width	Space Length
		One-Way	Two-Way		
	A	B	C	D	E
Parallel	8'	12'	20'	8.5'	20'
45°	20'	13'	24'	9'	20'
60°	21'	18'	24'	9'	18'
90°	18'	24'	24'	9'	18'

1. Compact Parking

   a. Compact car parking spaces may be used in place of a standard size parking space. The total number of compact car parking spaces may not exceed 15% of the total number of required parking spaces.

   b. No more than 2 compact parking spaces may be placed side by side.

   c. Compact spaces may be reduced to 8 feet in width and 18 feet in depth.

   d. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only.

2. Bumper Overhangs

   In areas where vehicles will overhang a landscape area, any adjacent parking space may be reduced by up to 2 feet in length.

11.1.4. Curb Cuts and Driveways

A. Curb Cuts

1. Unless otherwise approved or required by the City, a platted lot is only allowed one driveway access to a public street, not including an alley.

2. Unless approved or required by the City, the driveway for a corner lot must connect to the street with the lower roadway classification.

3. Additional driveways may be considered by the City. The following table is intended to provide criteria that will be used in making a determination. In addition, a trip generation analysis must consider the minimum driveway spacing and location requirements are met as follows, or where analysis has determined the size and configuration of a single driveway cannot accommodate expected traffic.

Street Frontage	Driveways (max)
200' of frontage or less	1
201' to 400' of frontage	2
401' frontage or more	3

4. When allowed, driveways on the same property and same street frontage must be spaced 200 feet apart center line to center line.

5. Driveways may be no closer than 50 feet from the intersection of two street rights-of-way, not including an alley, measured from the center line of the driveway to the edge of the road surface.

B. Cross-Access

1. All developments that abut a street other than a local street must provide for future cross-access.

2. Where the abutting owner has not constructed a cross-access driveway, a stub for future cross-access must be provided to the subject property line.

3. A stub for future cross-access must also be provided to all abutting vacant land.

4. Any stub must extend to the boundary of the abutting property and be located at the most logical point where a future connection could be made.

5. Where a stub exists on an abutting property, the cross-access driveway must connect to the stub.

6. When cross-access is deemed impractical by the Planning & Zoning Administrator on the basis of topography, the presence of natural features, or safety factors, the requirement for cross-access may be waived.

7. Property owners who establish a cross-access driveway must:

a. Record an easement allowing cross-access to and from properties served by the cross-access easement; and

b. Record a joint maintenance agreement defining the maintenance responsibilities of each property owner.

8. The following uses are exempt from the cross-access requirement:

a. Single-family detached, duplex, single-family attached;

b. Cemetery, conservation area;

c. Minor utilities; and

d. All agriculture uses.

C. Driveway Dimensions

Driveway dimensions measured at the right-of-way must meet the following:

Driveway Type	Width (min)	Width (max)	Curb Radius (max)
Residential: one way	12'	18'	15'
Residential: two way	12'	24'	15'
Public/Commercial: one-way	12'	18'	15'
Public/Commercial: two-way	20'	32'	15'
Industrial	30'	40'	30'

D. Double-Track Driveways

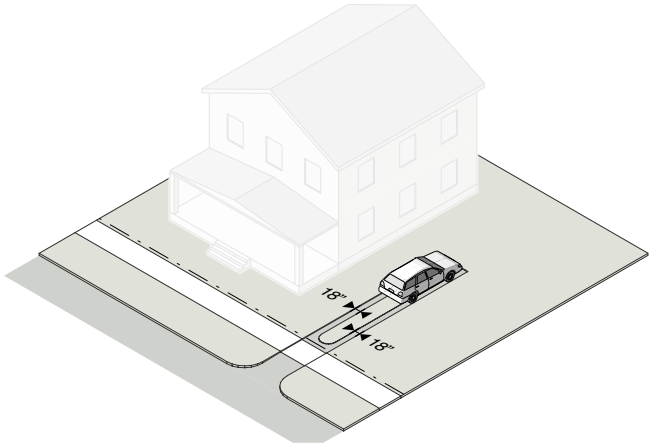
1. Double-track/wheel strip driveways are allowed with the following building types: detached house, backyard cottage, cottage court, duplex, attached house, four-plex and townhouse.

2. Each wheel strip must be at least 18 inches in width and the area between the wheel strips must be landscaped with living groundcover.

3. The area within the public right-of-way must be fully paved along its total width, from the property line to the curbline.

E. Shared Driveways

Shared driveways are allowed, so long as the width of the driveway meets the dimensional standards of Sec. 11.1.4.C. Shared driveway easements must be a minimum of 18' wide and must be recorded in the deed records of Teton County, Idaho.



F. Visibility at Intersections

Off-street vehicle parking and loading areas must adhere to the clear sight triangle.

11.1.5. Bicycle Access and Parking

A. Minimum Number of Bicycle Spaces

Non-residential and multi-family buildings must provide a minimum of two bicycle parking spots per building entrance with public access, unless exempted by the Planning & Zoning Administrator if found that there is sufficient bicycle parking within the vicinity or not feasible due to site constraints.

B. Access and Location

1. Required bicycle parking must be located in a convenient and visible area and be located at least as close as the closest non-accessible vehicle parking or within 100 feet, whichever is closest.

2. Each required bicycle parking space must be accessible without moving another bicycle and its placement must not result in a bicycle obstructing a required walkway.

3. Required bicycle parking may be placed within the public right-of-way, provided the encroachment is approved by the City.

11.1.6. Vehicle Queuing

Adequate off-street vehicle queuing space must be made available on-site for any use having a drive-thru, control gate or pick-up/drop-off area.

A. Restaurant

A restaurant (including a coffee shop) greater than 800SF with a drive-thru must provide a minimum of 6 spaces before the order board, with another 4 spaces provided between the order board and the transaction window. Restaurants with less than 800SF must provide a minimum of 2 spaces.

B. Bank

A bank with a drive-thru must provide a minimum of 3 spaces measured from the teller box.

C. Pharmacy

A pharmacy with a drive-thru must provide a minimum of 3 spaces measured from the order box.

D. Dry Cleaner

A dry cleaner with a drive-thru must provide a minimum of 3 spaces measured from the pick up door.

E. Control Gate

If a control gate is used to restrict entry for vehicles a minimum of one space must be provided.

F. All Other Uses

All other uses will be determined by the Planning & Zoning Administrator.

G. Dimensions

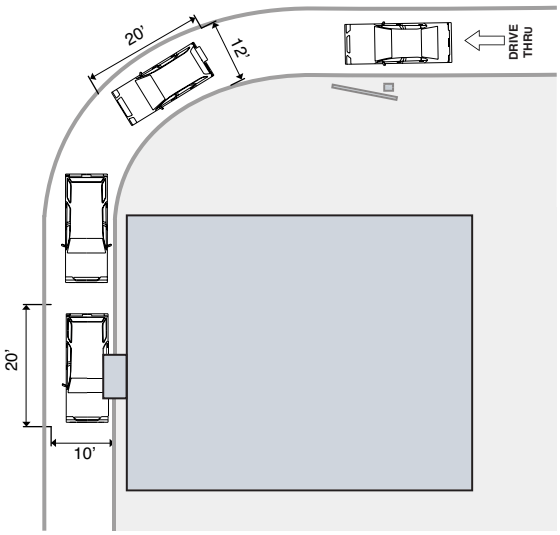
1. The number of required spaces includes the space at the window or communication/mechanical device (e.g., order board, pick up window).

2. If a drive-thru has multiple order boxes, teller boxes or pick up windows, the number of required spaces may be split between each order box, teller box or pick up window.

3. Each space must be a minimum of 20 feet in length and 10 feet in width along straight portions. Spaces must be a minimum of 12 feet in width along curved segments.

4. Vehicles may not encroach on or interfere with the use of public streets and sidewalks by vehicles, bicycles or pedestrians.

5. Drive-thru lanes must be separated by striping or curbing from other off-street parking areas. Drive-thru lanes must be striped, marked or otherwise distinctly delineated.

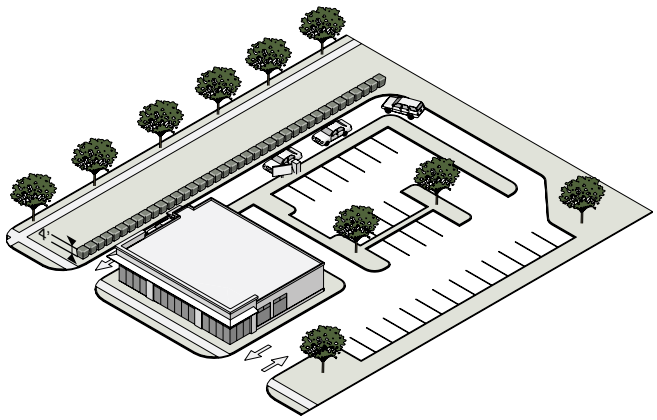


H. Screening

1. Where drive-thru windows and lanes are allowed to be placed between a public street and the associated building, the entire length of the drive-thru lane, including but not limited to menu boards, queuing lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru, must be screened.

2. Screening must consist of a 3-foot high continuous row of shrubs planted in a minimum 6-foot wide planting strip.

3. A 3-foot high wall in a minimum 4-foot planting strip may be installed in lieu of a hedge.



11.1.7. Vehicle Loading

A. Loading Not Required

1. Off-street vehicle loading space is not required unless determined necessary by the Planning & Zoning Administrator. Off-street vehicle loading and unloading for passengers must be considered by the Planning & Zoning Administrator for the following uses:

    a. Day care center;

    b. Group day care;

    c. Hotel or motel;

    d. Medical office;

    e. Place of worship;

    f. Schools; and

    g. Special event facility.

2. With the exception of areas specifically designated by the City, vehicle loading and unloading of goods, materials, items or stock for delivery and shipping is not permitted on a public street, not including an alley.

3. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas and parking areas.

4. If determined necessary by the Planning & Zoning Administrator, adequate off-street space must be made available for the unloading and loading of vehicles.

B. Location

If a off-street loading space is provided or required, it must meet the following.

1. In RX, NX, CX, DX, IX, and CC, off-street loading areas must be located to the rear of buildings. Loading

areas may not be placed between a public street (not including an alley) and the associated building.

2. No loading area is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the loading area).

C. Screening

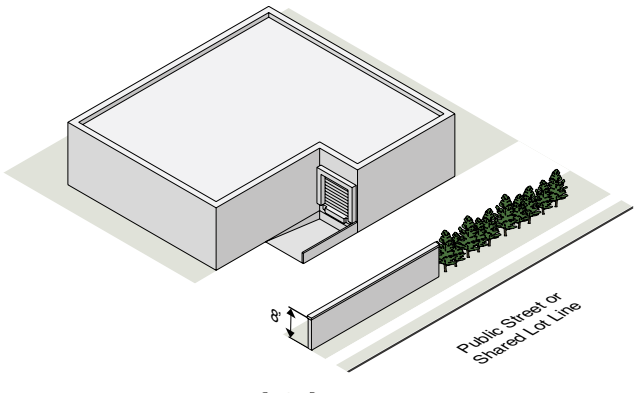
If a loading area is provided or required, it must meet the following:

1. Where a loading dock designed for tractor-trailers is placed between a public street (not including an alley) or a shared lot line and the associated building, the entire length of the loading area must be screened.

2. Screening must consist of either:

   a. An 8-foot high wall; or

   b. Plant material that under typical conditions may be expected to reach a height of 8 feet and a spread of 4 feet within 3 years of planting. Plant material must be a minimum of 2 feet tall when planted.



11.2.1. Applicability

A. New Construction

Any new building or site improvement must comply with this Article.

B. Additions

1. When an existing building, use or outside use area is increased in gross floor area or improved site area by up to 50% cumulatively, this Article applies to the additional floor or site area only.

2. When an existing building, use or site is increased in gross floor area or improved site area by more than 50% cumulatively, both the existing building, use or site and the additional floor or site area must conform to this Article.

C. Change in Use

A change in use does not trigger the application of these requirements except when there is a specific use standard requiring landscaping or screening for the new use.

D. Maintenance and Repair

An existing building or site may be repaired, maintained or modernized without conforming to this Article, provided there is no increase in gross floor area or improved site area.

11.2.2. Property Line Buffers

Property line buffers are intended to minimize conflicts between potentially incompatible, but otherwise permitted land uses on abutting property. A property line buffer may be located within a required setback.

A. District Boundary Buffer

A district boundary buffer is required as specified in the table below. Houses and any use in an RS district are exempt.

B. Use Boundary Buffers

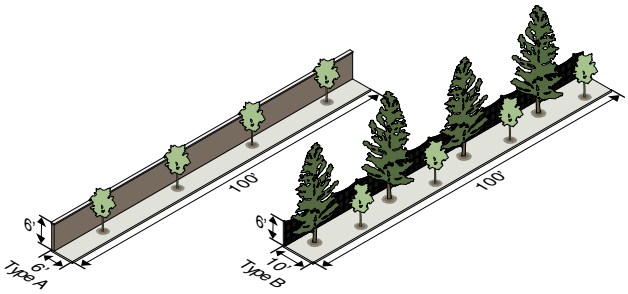
A use boundary buffer may also be required along perimeter lot lines for specific uses (see Chapter 10).

Proposed District	<-- EXISTING Abutting DISTRICT -->													
	RC-	RS-	RM-1	RM-2	RX	NX	CX / IX	DX	CC	CH	IL	CIV	REC	CON
RC-	--	--	--	--	--	--	--	--	--	--	--	--	--	--
RS-	--	--	--	--	--	--	--	--	--	--	--	--	--	--
RM-1	--	--	--	--	--	--	--	--	--	--	--	--	--	--
RM-2	A/B/ C/D	A/B/ C/D	--	--	--	--	--	--	--	--	--	--	--	--
RX	A/B/ C/D	A/B/ C/D	A/B/ C/D	--	--	--	--	--	--	--	--	--	--	--
NX	A/B/ C/D	A/B/ C/D	A/B/ C/D	--	--	--	--	--	--	--	--	--	--	--
CX and IX	A/B/ C/D	A/B/ C/D	A/B/ C/D	--	--	--	--	--	--	--	--	--	--	--
DX	A/B/ C/D	A/B/ C/D	A/B/ C/D	--	--	--	--	--	--	--	--	--	--	--
CC	A/B/ C/D	A/B/ C/D	A/B/ C/D	A/B/ C/D	--	--	--	--	--	--	--	C/D	C/D	C/D
CH	C/D	C/D	C/D	C/D	C/D	C/D	C/D	C/D	C/D	--	--	C/D	C/D	C/D
IL	C/D	C/D	C/D	C/D	C/D	C/D	C/D	C/D	C/D	A/B/ C/D	--	C/D	C/D	C/D
CIV	A/B/ C/D	A/B/ C/D	A/B/ C/D	--	--	--	--	--	--	--	--	--	--	--
REC	--	--	--	--	--	--	--	--	--	--	--	--	--	--
CON	--	--	--	--	--	--	--	--	--	--	--	--	--	--

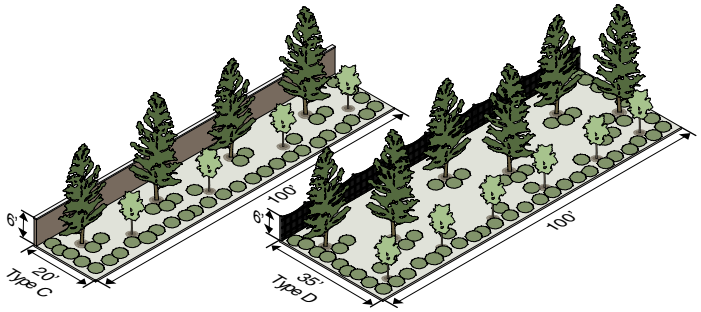
KEY:
A/B/C/D = Buffer A, B, C or D required; choice of A, B C or D at applicant's discretion
C/D = Buffer C or D required; choice of C or D at applicant's discretion

C. Buffer Installation Requirements

The tables below prescribe the minimum width, screening and landscaping requirements for each buffer type.



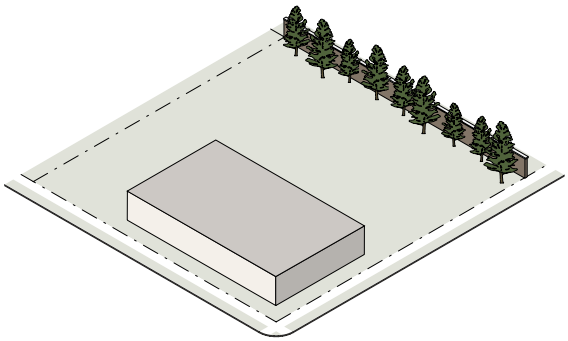
	Type A	Type B
Depth (min)	6'	10'
Fence height (min)	Not allowed	6'
Wall height (min)	6'	Not required
Shade Trees (min per 100')	--	4
Understory Trees (min per 100')	4	4
Shrubs (min per 100')	--	--



	Type C	Type D
Depth (min)	20'	35'
Fence height (min)	Not allowed	6'
Wall height (min)	6'	Not required
Shade Trees (min per 100')	4	6
Understory Trees (min per 100')	4	6
Shrubs (min per 100')	40	60

D. Location

1. A required buffer must be located within the outer perimeter of the lot, parallel to and extending to the property boundary line. A required buffer must be provided along the entire frontage immediately abutting the property line. Landscaping must be planted on the inside of the required buffer.



2. A required buffer may not be located on any portion of an existing, dedicated or reserved public right-of-way or utility easement.

3. Breaks for pedestrian, bicycle and vehicle access are allowed. Driveways or walkways must cross a buffer at as near a perpendicular angle as practical.

4. The width of a required buffer is calculated on the average width per 100 feet or portion of buffer. The minimum width of the buffer at any one point cannot be less than one-half the required width of the buffer.

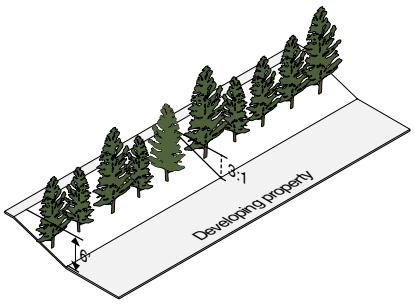
E. Encroachments

1. The parking of vehicles and the placement of buildings or structures, except for walls, fences and landscaping is not allowed in a required buffer.

2. No building or structure on the subject site may be located closer than 10 feet to a required buffer.

F. Grade Change

In lieu of a required wall or fence, a natural or man-made grade separation of at least 6 feet in elevation may be provided.



1. The developing property must be located at an elevation lower than the property to be screened.

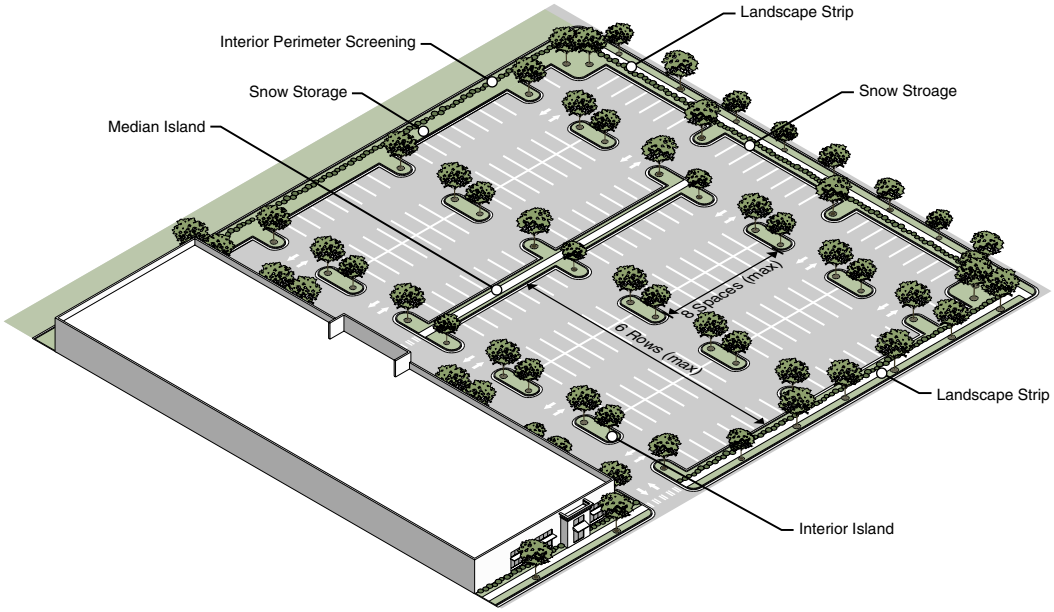
2. The stabilized side slopes of the grade change may be no greater than 3:1.

G. Alternative Compliance

The buffer requirements may be modified by the Planning & Zoning Commission. The Planning & Zoning Commission must consider the following criteria in determining the appropriateness of alternative compliance:

1. The existing topography or vegetation achieve the purpose and intent of this Article.

2. For topographic reasons, a fence or wall or other required screening device could not screen activities from an abutting property as required by this Article.



11.2.3. Parking Lot Landscaping

A. Applicability

Parking lot landscaping is required for all off-street vehicle parking areas with more than 20 spaces created after the effective date of this Land Development Code, unless otherwise required per Appendix A (if the area is located in the Design Overlay Zone). Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area. For parking lots with 20 spaces or less, the standards found in Appendix A Section VII shall apply.

B. Internal Perimeter Island

1. An internal perimeter island must be provided along primary internal access drives.
2. A internal perimeter island must be a minimum of 10 feet wide and be planted with a 3-foot high continuous row of shrubs and one (1) tree per 20 linear feet. A minimum fifty percent of the trees shall be shade trees.

C. Interior Islands

1. A landscaped interior island must be provided every 12 parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
2. An interior island abutting a single row of parking spaces must be a minimum of 9 feet in width and 200 square feet in area. Each island must include one shade tree.
3. An interior island abutting a double row of parking spaces must be a minimum of 9 feet in width and 400 square feet in area. Each island must include 2 shade trees.
4. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.
5. This requirement may be modified in order to enhance the efficiency of the parking lot, including efficiency of snow removal, at the discretion of the Administrator.

D. Median Islands

1. A landscape median island must be provided for every 4 rows of parking. Intervals may be expanded in order to preserve existing trees, or at the discretion of the Administrator.

2. A landscape median island may serve as the location for a required pedestrian walkway (see Sec. 11.1.3.H.2).

3. A landscape median island without pedestrian walkway must be a minimum of 10 feet wide. A landscape median island with a pedestrian walkway must be a minimum of 15 feet wide. A landscape median island shall be planted with a minimum one (1) tree per 20 linear feet. A minimum fifty percent of the trees shall be shade trees.

4. The portion of the median island not containing the pedestrian walkway must be installed below the level of the parking lot surface to allow for runoff capture, except for access to the landscape median from the parking area.

E. Landscape Strips

1. Applicability

All off-street vehicle parking areas (of any size) abutting a public street (not including an alley) must be screened as specified below.

2. Location

A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area abutting the street, excluding breaks for pedestrians, bicycles and driveways.

3. Landscape Strip with Shrubs

A minimum 10-foot wide landscape strip planted with 3-foot high continuous row of shrubs and one (1) tree per 20 linear feet. A minimum fifty percent of the trees shall be shade trees.



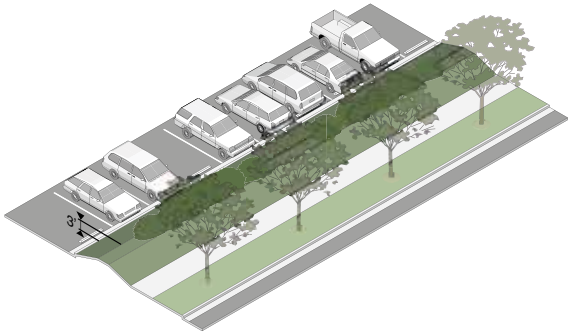
4. Landscape Strip with Wall

A minimum 6 foot wide landscape strip with a 3-foot high wall, planted with a minimum one (1) tree per 20 linear feet. A minimum fifty percent of the trees shall be shade trees.



5. Landscape Strip with Berm

A minimum 10-foot wide landscaping strip with a berm 3 feet higher than the finished elevation of the parking area, planted with a minimum one (1) tree per 20 linear feet. A minimum fifty percent of the trees shall be shade trees.



6. Landscape Strip with Grade Change

A minimum 6-foot wide landscaped strip with a minimum 3-foot grade drop from the public street to the parking area planted with a continuous row of shrubs and one (1) tree per 20 linear feet. A minimum fifty percent of the trees shall be shade trees.



F. Snow Storage

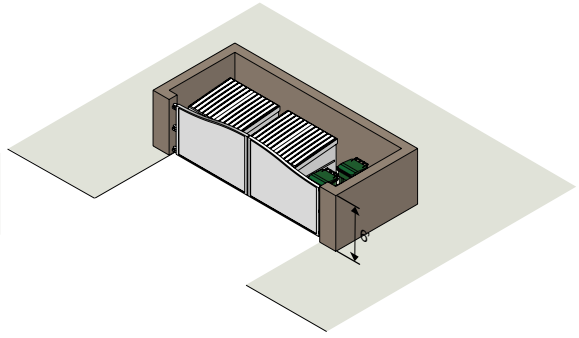
A designated area for snow storage must be included that is outside of the required landscaping area. The dimensional standards of this section may be increased by the Administrator where additional snow storage is needed on the site.

11.2.4. Screening

A. Service Areas

1. Trash and recycling collection and other similar service areas must be located to the side or rear of buildings. Trash and recycling collection areas must be located as far away from residential structures on neighboring properties as practical.

2. Service areas must be screened on 3 sides by a wall a minimum 6 feet in height and on the fourth side by a solid gate at a minimum of 6 feet in height.

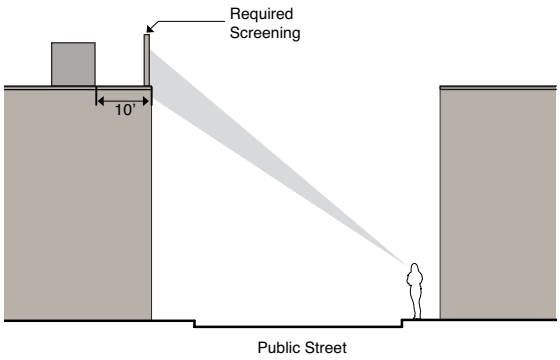


3. The gate and wall must be maintained in good working order and must remain closed except when trash pick-ups occur.

B. Roof-Mounted Equipment

1. Roof-mounted equipment must be set back at least 10 feet from the edge of the roof and screened from ground level view from abutting property or abutting public street (not including an alley).

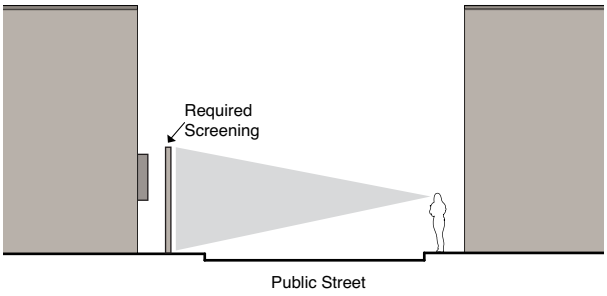
2. New buildings must provide a parapet wall or other architectural element that is compatible with the principal building in terms of texture, quality, material and color and fully screens roof-mounted equipment from ground level view.



3. If a building has no or low parapet walls, roof-mounted equipment must be screened on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material and color.

C. Wall-Mounted Equipment

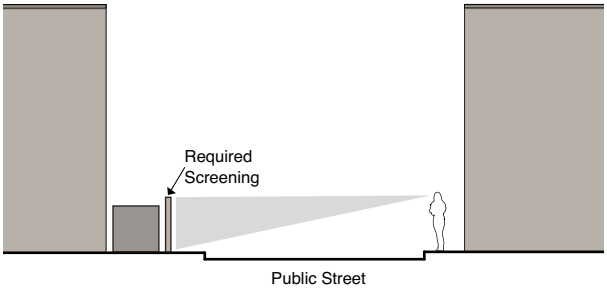
1. Wall-mounted equipment located on any surface that is visible from a public street (not including an alley) must be fully screened by landscaping or an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material and color.



2. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

D. Ground-Mounted Equipment

1. Ground-mounted mechanical equipment that is visible from a public street (not including an alley) must be fully screened by landscaping or an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material and color.



2. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

11.2.5. Walls and Fences

A. Materials

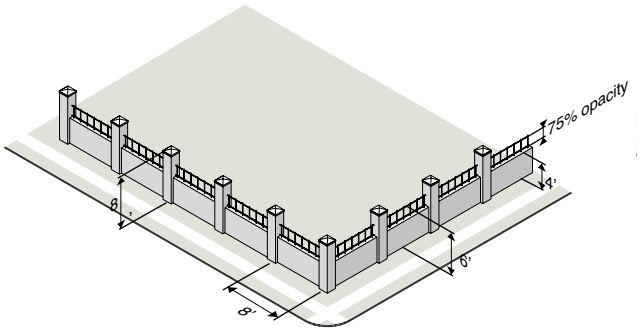
1. Walls must be constructed of high quality materials including decorative blocks, brick, stone, cast-stone, split-faced block, or other material approved by the Planning & Zoning Administrator.
2. Fences must be constructed of high-quality materials including wood, wrought iron, composite fencing, PVC, aluminum, metal, or other materials approved by the Planning & Zoning Administrator.
3. No wall or fence may be constructed of tires, junk, or other discarded materials.
4. Chain-link fence is allowed only in a rear or side setback.
5. In industrial districts (IL), chain link is allowed around the entire perimeter of a property to a height of 6ft.
6. Barbed wire is allowed only in rear or side setbacks except in the RS (Residential) Districts where it is not permitted. The Planning & Zoning Commission may approve the use of barbed wire in a RS District for agricultural uses or for use by a public agency.
7. Concertina wire is not permitted in any district for any use.
8. Walls and fences in a required buffer must be opaque.
9. Walls in a required landscape strip must be opaque.

B. Location

1. No wall or fence may be located within any required drainage or utility easement.
2. The finished face of all wall and fences must be located toward the abutting property.
3. For walls and fences located outside of a required buffer, the maximum length of a continuous, unbroken and uninterrupted fence or wall plane is 100 feet. Breaks must be provided through the use of columns, landscaped areas, transparent sections or a change in material.

C. Height

1. Wall or fence height is measured from the subject property grade to the highest point of the fence.
2. A wall or fence located in a side or rear setback may be no more than 8 feet in height.
3. Fences and walls may encroach into a required setback to a height of six feet, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over three feet in height.



D. Subdivision Entrances

A subdivision entrance wall or fence may not exceed 8 feet in height.

11.2.6. Landscaping Setbacks

A. Design Standards

1. For all industrial, commercial, and multi-family development, primary street and side street setback areas not utilized for driveways or pedestrian access shall be planted with either a minimum one (1) tree per 20 linear feet or one (1) tree per 200 square feet, whichever is greater, and one (1) shrub per 50 square feet. A minimum fifty percent of the trees shall be shade trees.

11.2.7. Street Trees

A. Street Tree Standards

1. Street trees along public and private streets as part of a development permit shall meet the established guidelines and shall be reviewed and approved by the Planning & Building Department. Street trees along public and private streets as part of a proposed development shall meet the guidelines below. Street trees shall be required in all zoning districts and overlays, and in accordance with all applicable city regulations, plans, and policies.

2. Street trees shall be planted along public and private streets in such a manner, type, quantity, and location as approved by the Planning & Building Department, based upon adopted or prevailing design standards in the City. Any existing street with undeveloped frontage shall also conform to these requirements at the time of the frontage development. Street trees shall always be required along collector and arterial roads.

3. Street trees shall be planted as per the following requirements:

    a. Street trees shall be deciduous large canopy shade trees found in the Driggs Tree Guide, unless approved otherwise by the Planning and Building Department or dictated by the code.

    b. The minimum trunk diameter for all street trees shall be no less than 2 inches measured at a point four and one-half feet above ground level.

    c. Street Trees shall have the following maximum frontage spacing requirements: Large Trees 40', Medium Trees 30', Small Trees 25'.

    d. The spacing between trees shall be adjusted to accommodate the location of driveways, fire hydrants, utility service lines, street lights, street signs, or any other permanent street fixtures.

    e. Tree locations shall be at least thirty-five (35) feet from all stop and yield signs and ten (10) feet from fire hydrants or utility poles and fifteen (15) feet from all other street signs unless a reduced distance is proposed and approved by the City Engineer.

    f. Street trees should be planted no closer to the street than half the distance between the sidewalk and the edge of the street. When no sidewalks or curbs exist, the location should be no closer to the street than half the distance between the edge of the street and the right-of-way. The City shall approve the final planting locations of all street trees.

    g. A small tree shall be used when planting within ten (10) feet horizontal distance of overhead utility wires. A small or medium tree shall be used when planting between ten (10) and twenty (20) feet horizontal distance of overhead utility wires.

    h. If the Planning & Building Department determines that the street trees along the public thoroughfare are not practical due to topographic conditions or physical site limitations, such trees may be planted in different locations on the site or reduced by size or number as approved by the Planning & Zoning Commission, City Council, or Planning & Building Department.

    i. For all tree installations within the right-of-way, the tree shall be replaced if less than 50% of the tree canopy remains healthy within 1 year of installation.

11.2.8. Installation and Maintenance

A. Replacement Bond

1. Prior to issuance of a Certificate of Occupancy, Certificate of Completion, or Final Plat a performance bond or cash escrow must be paid guaranteeing all landscaping, screening materials and work for a period of 2 years after issuance of the Certificate of Occupancy final approval.

2. The bond or escrow must be within the amount of 10% of the estimated cost of replacing all of the landscaping required by this Land Development Code.

3. At the end of 2 years, the Planning & Zoning Administrator will make an inspection and notify the owner and the bond company of any corrections to be made prior to releasing the bond.

B. Plant Material

1. General Provisions

a. Plant materials must be hardy to Zone 4b in accordance with the U.S. Department of Agriculture's Plant Hardiness Zone Map or included in the Driggs Tree Guide.

b. Plant materials must be able to survive on natural rainfall once established with no loss of health.

c. Tree height is measured from the top of the root ball to the tip of the main stem.

d. No artificial plants, trees, or other vegetation may be installed as required landscaping and screening.

e. All required landscaping shall be irrigated with water conserving drip irrigation.

f. Landscaping plans shall be produced by an Idaho licensed landscape architect. Single-family and Two-family homes shall be exempt from this requirement.

g. All required landscaping areas shall use amended soil suitable for plantings to survive, grow and thrive.

h. A maximum of 25% of any single tree species shall be used, unless approved by the Planning & Zoning Administrator.

2. Shade Trees

a. All shade trees planted to meet the landscaping requirements must be a locally adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of at least 30 feet or greater unless subject to an overhead power line in which case the mature height may be less.

b. All shade trees planted to meet the landscaping requirements must have a minimum caliper of 2 inches and be at least 10 feet tall at time of planting.

3. Understory Trees

a. Understory trees planted to meet the landscaping requirements must be a locally-adapted species with an expected mature height of at least 15 feet and an expected mature crown spread of at least 15 feet.

b. Single-stem understory trees planted to meet the landscaping requirements must have a minimum caliper of 1½ inches and be at least 6 feet tall at time of planting.

c. Multi-stem understory trees planted to meet the landscaping requirements must be at least 6 feet tall at time of planting.

4. Additional Requirements for Trees in a Buffer

a. In a required buffer, 50% of required trees must be locally-adapted evergreen species or included in the Driggs Tree Guide.

b. Trees must be distributed so that there are no horizontal gaps between trees greater than 30 feet, measured along the property line.

5. Shrubs

a. Buffer

i. All shrubs planted to meet the buffer requirements must be evergreen and be of a species that under typical conditions are expected to reach a height and spread of 4 feet within 3 years of planting. All shrubs must be a minimum of 5-gal size when planted.

ii. Shrubs cannot be planted within the critical root zone of any tree.

b. Parking Areas

i. All shrubs planted to meet the landscaping requirements must be of a species that under typical conditions are expected to reach a height and spread of 3 feet within 3 years of planting. All shrubs must be a minimum of 18 inches tall when planted.

ii. All shrubs planted to meet the landscape requirements, must form at least 1 continuous row of shrubs spaced five feet on center.

6. Berms

a. A berm cannot be built in a required buffer.

b. A berm must have a minimum average height of 3 feet, measured perpendicular to the center of the crown.

c. A berm must have a stabilized side slope of no greater than three-to-one. A steeper side slope may be used in exceptional cases when all of the following are met:

i. This steeper slope is sufficiently stabilized; and

ii. Physical constraints of the site prevent the use of a flatter slope.

d. Berms may be permitted to meander and may be discontinuous when approved by the Planning & Zoning Administrator.

C. Maintenance of Landscaping

1. Responsibility

The property owner is responsible for maintaining all required landscaping and screening in good health and condition and the removal of any litter that has accumulated in landscaped areas. Any dead, unhealthy, damaged or missing landscaping and screening must be replaced with landscaping and screening that conforms to this Land Development Code within 90 days (or within 180 days where weather concerns would jeopardize the health of plant materials).

2. Soil Erosion

a. All planting areas must be stabilized from soil erosion immediately upon planting and must be maintained for the duration of the use.

b. Grass areas must be sodded prior to the issuance of a Certificate of Occupancy. If grass seed must be used, it must be a variety suitable to the area that produces complete coverage.

3. Pruning and Trimming

a. All required landscaping must be allowed to reach its required size and must be maintained at no less than required size.

b. To prevent long-term harm to the health of required landscaping, all pruning of shrubs and trees must be done in accordance with the International Society of Arboriculture Standards entitled "'ANSI A300 Standards."

c. "Topping," defined as removal of more than one-third of the leaves and branches of a tree, as measured from the lowest branch on the trunk of the tree to the top of the tree, is prohibited, except where necessary to maintain public overhead utilities. Included in topping is also heading, shearing, and "rounding over."

d. Any private tree adjacent to a public Right of Way is also subject to the maintenance standards outlined in section 7-2-8(B) of the Driggs Tree Ordinance.

D. Modification to Design Standards

1. Site Limitations:

If due to site limitations such as easements, natural or man-made obstructions, or public infrastructure, planting requirements that cannot be fulfilled in their required landscaping and screening areas shall be fulfilled elsewhere on the property to the greatest extent possible. Any required tree plantings unable to be fulfilled onsite shall be planted offsite or mitigated by fee-in-lieu.

2. Substitution:

The landscaping and screening design standard substitution is a procedure that allows applicants to propose a unique landscaping and screening design standard as an alternative to a design standard that is otherwise required under this chapter. The grant of a landscape design standard substitution is not a variance, waiver, or weakening of regulations; rather, this procedure permits a site specific plan that is equal to or better than the strict application of the landscape design standard(s) specified under this chapter. Approval of a landscaping and screening design standard substitution shall apply only to the specific site for which it is requested and

does not establish a precedent for assured approval of other requests. The Planning & Zoning Administrator or Planning & Zoning Commission shall review proposed plans and consider whether the proposed landscaping and screening design standard substitution satisfies the following criteria:

a. That the proposed alternative achieves the intent of the applicable landscaping and screening design standard to the same or better degree than the subject standard;

b. That the proposed alternative achieves the goals and policies of the comprehensive plan;

c. That the proposed alternative results in benefits to the community that are equivalent to or better than compliance with the applicable landscaping and screening design standard; and

d. That the proposed alternative imposes no greater impact on adjacent properties than would occur through compliance with the applicable landscaping and screening design standard under this chapter.

11.3.1. General Provisions

A. Purpose

This chapter is intended to provide comprehensive regulations for signs within the City of Driggs to eliminate confusing, distracting and unsafe signs while assuring the reasonably efficient transfer of information and enhancing the visual environment of the City of Driggs. It is declared that the regulation of signs within the City of Driggs is necessary and in the public interest and also relates to the following goals:

1. To provide a pleasing overall environmental setting and community appearance which is deemed vital to tourism and the continued economic attractiveness of the city
2. To improve the legibility and effectiveness of signs
3. To allow signs appropriate to the planned character of each zoning district
4. To promote the public safety, welfare, convenience and enjoyment of the unique historic character of the city

B. Applicability

1. No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Land Development Code except in accordance with the requirements of this Article.
2. All digital changeable copy signs made nonconforming with the adoption of this Article shall come into full compliance within 10 years of the effective date of this Article.

C. Sign Permit Required

1. All sign types described in Sec. 11.3.6 require a sign permit before they may be installed, constructed, reconstructed, altered, or relocated. Signs described in Sec. 11.3.5 do not require a sign permit, but must follow applicable standards.
2. The following maintenance activities do not require a sign permit:
    a. Painting, cleaning, or other normal maintenance and repair of a sign, provided that no change is made to any structural or electronic component of the sign.
    b. Changing the message of an existing changeable copy sign, provided that no change is made to any structural or electronic component of the sign.

D. Permit Application Process

All sign applications must be submitted to and reviewed by the Planning and Zoning Administrator for compliance with this Article. A sign application must include the appropriate fee plus the following items:

1. A completed application using the form supplied by the City
2. For building signs: A building elevation drawn to scale which specifies the location of the proposed new sign, as well as the location and size of any other sign of the same type on the building
3. For freestanding signs, sidewalk signs, and entry feature signs: A site plan drawn to scale which specifies the location of the new sign with respect to adjacent structures, sidewalks, and property lines.
4. A scaled drawing of the sign including dimensions of all sign faces; descriptions and colors of materials to be used for sign faces and support structures, including detailed specifications for any footers, posts and hardware; and a detailed sign lighting plan which clearly indicates the location, type and illumination strength (lumens) of all sign lighting fixtures.
5. A sign plan is required for all multi-tenant buildings, multi-business complexes, and PUD-zoned property. The plan must indicate the size and location of all projecting, wall, freestanding, directory, and other signs. Individual tenants of a multi tenant building or multi-business complex must subsequently receive permits for their individual signs which must conform to the overall sign plan.
6. Tenants of buildings with multiple occupants must include a copy of the approved overall sign plan and indicate how their proposed sign(s) fit(s) into the approved plan. If the new sign does not conform with the approved sign plan, then the applicant must include an amended sign plan with the building owner's signature.
7. Any other information deemed necessary by the Planning and Zoning Administrator.

E. Nonconforming Signs

1. All nonconforming signs in existence before the effective date of this Land Development Code may continue to be used provided they are maintained in a safe manner and are kept in good repair. Maintenance of a nonconforming sign is allowed.

2. Nonconforming signs may stay in place until one of the following occurs (except to bring the sign out if its nonconforming condition and into compliance with the requirements of this Article):

    a. The sign has damage exceeding 50% of its value immediately prior to the event causing the damage or destruction;

    b. The deterioration of the sign makes it a hazard;

3. The Planning and Zoning Administrator will not approve a permit for a nonconforming sign to be modified as follows:

    a. The sign is relocated in any manner;

    b. The sign is structurally altered; or

    c. Have more than 50% of the sign face permanently altered

4. For the purpose of this Article, structural alteration of sign modifies the sign dimensions, height, or support structure.

5. If determined by the Planning & Zoning Administrator that a nonconforming sign meets the criteria of Sec. 11.3.1.E, the Planning & Zoning Administrator will give the owner 45 calendar days written notice to bring the sign into conformance or the sign will be removed at the owners expense. In the case where winter weather conditions hinder the removal of said sign, the Planning & Zoning Administrator may issue a follow up date for the sign to be removed by.

6. Temporary signs (including sidewalk signs) will not be considered nonconforming and are subject to the requirements of this Article on or after the effective date of this Land Development Code.

F. Location

1. Lots without a building are allowed a maximum of 4 sq ft of total sign area.

2. Lots with vacant buildings are allowed a maximum of 6 sq ft of total sign area.

3. No sign, other than signs placed by agencies of government or a sign whose placement is authorized by such agencies, may be erected or placed on public property including streets and the public right of way.

4. Signs must not be located so as to conflict with the clear and obvious appearance of public devices controlling traffic or so as to impede clear vision between a height of three feet and ten feet above the center line grades of intersecting streets through the area created by drawing an imaginary line between points 30 feet back from where the curb lines of the intersection meet nor may a sign obstruct the free use, of any public right-of-way, intersection, ingress or egress point, transit stop, parking space, drive aisle, driveway, sidewalk, building entrance, fire escape, or accessibility ramp.

5. No sign may be placed so as to obstruct any door.

6. Signs must be located so that they do not cover architectural features of a building or structure, including, but not limited to, transoms, insignias, or any other architectural feature.

7. Signs may not be painted on or attached to a telephone or utility pole, tree or traffic sign.

G. Construction

1. Signs must be constructed of permanent materials and be permanently affixed to the ground or a structure, except for allowed temporary signs (including sidewalk signs).

2. If a raceway is necessary, it must not extend in width or height beyond the area of the sign. A raceway must be finished to match the background surface to which it is attached, or integrated into the overall design of the sign.

3. Signs that have structural components exceeding 6ft in height must also obtain a Building Permit. The structure

will be subject to a plan review as well as any inspections required by the Building Official and appropriate fees applied.

H. Maintenance

1. Signs must be maintained in good condition at all times and must be kept free of cracked or peeling paint, or missing or damaged components.

2. The Planning & Zoning Administrator may cause to be removed after due notice any sign which shows gross neglect, or becomes dilapidated.

3. The Planning & Zoning Administrator will give the owner 45 calendar days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the Planning & Zoning Administrator may have the sign removed at the owner's expense.

11.3.2. Signs Not Allowed

A. All signs not expressly allowed by this Article are deemed not allowed. All non-conforming signs must be removed at such time as they become abandoned, as per this Code.

B. Signs not allowed include, but are not limited to, the following:

1. Rotating, moving, or animated signs involving motion or sound, except for clocks.

2. Any sign with audio speakers or any form of pyrotechnics.

3. Flashing, blinking, or varying light intensity signs.

4. Signs that contain or are an imitation of an official traffic sign or signal or other government sign..

5. Any reflective or mirrored sign.

6. Streamers and feather flag signs.

7. Inflatable signs, including but not limited to balloons, gas inflated signs or similar inflated devices.

8. Search lights and beacons.

9. Outdoor image projections (signs projected from an external light source onto a building or structure) or any other similar devices.

10. Any sign attached to the roof of a building.

11. Any abandoned signs.

C. The Planning & Zoning Administrator may cause to be removed after due notice, any sign which is expressly no allowed in this Code.

11.3.3. Heritage Signs

A. A sign having historical significance, and which advertises an establishment or product no longer in existence. A heritage sign may be maintained, repaired, or relocated, so long as no modifications are made to the sign.

B. In order for a sign to be designated a heritage sign, the Planning & Zoning Commission must make written findings that the sign is at least 50 years old, and meets at least one of the following criteria

1. The sign has historic character, interest, or value as part of the development, heritage, or cultural characteristics of the Driggs.

2. The sign is significant as evidence of the history of the product, business, or service advertised.

3. The sign embodies elements of design, detailing, materials, or craftsmanship that make it significant or innovative.

4. The sign has a unique location or contains singular physical characteristics that make it an established or familiar visual feature within the community.

11.3.4. Temporary Signs

The following temporary signs do not require a sign permit but must follow applicable standards.

A. Temporary signs must be located on private property with the property owner's consent. Temporary signs may not be located within the public right-of-way.

B. Temporary signs cannot be illuminated.

C. Specific requirements for temporary signs are listed below.

D. No premises may display more than 4 temporary signs per year.

E. Temporary signs must have the first date of display affixed to the sign (front or back) at the beginning of each 14 day period.

District	Duration	Size (max)
RC-, RS, RM-,-	Allowed 14 days	16 sf per allowed sign
NX, CX, DX, CC, CH, IX, IL, PUD-T	Allowed 14 days	20 sf per allowed sign
CIV, REC	Allowed 14 days	24 sf per allowed sign
CON	Not allowed	Not allowed

11.3.5. Signs Allowed Without a Permit

The following signs are allowed and are exempt from Sec. 11.3.6 but must follow applicable standards.

A. All signs erected in a public right of way by a public agency.

B. Official notices issued by any court, public agency, or officer.

C. Flags.

1. A maximum of 3 of the following flags are allowed per street frontage:

   a. The official flag of The United States of America;

   b. Any official flag of a state or territory of the United States of America;

   c. Any official flag adopted by a member state of the United Nations; and

   d. Any official flag adopted by a sovereign nation, including Switzerland.

2. An individual flag may not exceed 60 square feet in area.

3. The maximum height of a flagpole is 30 feet, measured from the highest point of the flagpole to the top of the abutting sidewalk or parking area.

D. Signs designated by the Planning & Zoning Commission as having historical significance.

E. A sign installed inside a window for the purposes of viewing from outside the premises.

F. Any government sign, meaning any sign put up by a government agency either required by law or in sponsorship of a government function.

1. Allowed government signs are limited to signs which are necessary for public safety, and include signs erected by public health agencies.

2. Allowed government signs that are proposed to be larger than what would typically be allowed in that zone, may be permitted, subject to review by the Planning & Zoning Administrator.

3. Building identification signs with the purpose of identifying a building that provides a public benefit or provides for public safety. Building identification signs should solely identify a building and should not be used with the intension of advertising a business.

G. Any directional sign. Parking lot directional signs may not project higher than 7 feet above the existing grade.

H. One Incidental sign per property frontage so long as the sign does not exceed 6 square feet,

I. Any sign that replaces an equivalent sign within a multi-tenant freestanding sign, so long as it complies with the overall multi-tenant sign plan.

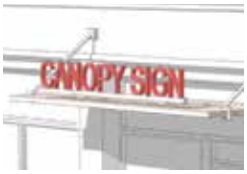
J. Real estate-related signs on a premises that is actively being marketed for sale.

11.3.6. Signs Requiring a Permit

A. Sign Types

The following signs are allowed following the issuance of a sign permit.

Sign Descriptions

Specific Sign Types	Illustration
Building Signs	
Wall Sign. A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.	
Awning Sign. A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.	
Canopy Sign. A building sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.	
Projecting Sign. A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.	
Hanging Sign. A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.	
Freestanding Signs	
Monument Sign. A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.	

Specific Sign Types	Illustration
Double Post Sign. A freestanding sign where the primary support is supplied by two posts positioned no more than 2 inches from the outer edge of the sign face.	
Single Post Sign. A freestanding sign where the primary support is supplied by a single post and where the sign hangs from a bracket or support.	
Other	
Entry Sign. A sign permanently affixed to the ground which is wholly independent of a building for support and is attached along its entire width to a continuous pedestal that is located at the entry to a development.	
Sidewalk Sign. A movable sign not secured or attached to the ground or surface upon which it is located.	

B. Sign Types Allowed by District

Signs are allowed by district. Specific requirements for each sign are shown on the following pages.

	RC-	RS-	RM-1	RM-2	RX	NX	CX	DX	CC	CH	IX	IL	CIV	REC
Building Signs														
Wall Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Awning Sign	--	--	--	--	P	P	P	P	P	P	P	P	P	P
Canopy Sign	--	--	--	--	P	P	P	P	P	P	P	P	P	P
Projecting Sign	--	--	--	--	P	P	P	P	P	P	P	P	P	P
Hanging Sign	--	--	--	--	P	P	P	P	P	P	P	P	P	P
Freestanding Signs														
Monument Sign	--	--	--	--	--	--	P	P	P	P	P	P	P	--
Double Post Sign	--	--	P	P	P	P	P	P	P	P	P	P	P	P
Single Post Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Other Signs														
Entry Sign	P	P	P	P	--	--	--	--	--	--	--	--	--	--
Sidewalk Sign	--	--	--	--	P	P	P	P	P	P	P	P	P	P

P = sign type allowed -- = sign type not allowed

1. No signs will be permitted for the Conservation District except for public agency and directional signs.
2. Signs in a PUD zone are subject to review through a multi-tenant sign plan.

C. Allocation of Sign Area

1. The maximum total sign area may be allocated among the permitted signs in each district, provided that each sign conforms to the applicable regulations of the district in which the sign is located and the applicable regulations for the sign type.
2. In no case will the total area of all building signs on a particular site exceed the maximum total sign area given for a site in a particular zoning district.
3. The maximum sign area for each sign type is determined by district and is established on the following page.
4. Lots without a building are allowed a maximum of 4sf of total sign area.
5. Lots with vacant buildings are allowed a maximum of 6sf of total sign area.

	Building Signs	Freestanding Signs	Sidewalk Signs
AG-, RC-, RS-, RM-	0.25 sf per linear ft of building frontage or 12 sf, whichever is greater.	See sign type	See section 11.3.16
RX	0.50 sf per linear ft of building frontage or 24 sf, whichever is greater	See sign type	
NX	0.75 sf per linear ft of building frontage, or 24 sf, whichever is greater	See sign type	
CX	1.00 sf per linear ft of building frontage, or 32 sf, whichever is greater	See sign type	
DX	1.00 sf per linear ft of building frontage, or 32 sf, whichever is greater	See sign type	
CC	1.00 sf per linear ft of building frontage, or 32 sf, whichever is greater	Monument: Based on # of tenants (see 11.3.12) Double/Sign Post: See sign type	
CH, IX, IL	1.50 sf per linear ft of building frontage	Monument: Based on # of tenants (see 11.3.12) Double/Sign Post: See sign type	
CIV, REC	0.75 sf per linear ft of building frontage	See sign type	
CON	Not allowed	Not allowed	

6. Heritage signs do not count toward the maximum total sign area or the maximum number of permitted signs.

7. Building frontage is determined by measuring the total length of each street-facing building facade that runs approximately parallel with the street the sign is intended to be viewed from. Non street-facing building facades are not allocated sign area, however, sign area allocated to a street-facing building facade may be used on a non street-facing building facade. Sign allocation from one street-facing building facade may not be transferred to another street-facing building facade.

8. Street frontage is that portion of a lot that abuts a public or private street. A lots that abuts one street has one street frontage, a lot that abuts 2 streets has 2 street frontages, a lot that abuts 3 streets has 3 street frontages, and a lot that abuts 4 streets has 4 street frontages.

D. Sign Design and Materials Standards for Non-Temporary Signs

1. All Districts

a. All signs must be made of durable materials such as wood and metal or others deemed similar in appearance which are corrosion resistant and treated to prevent reflective glare.

b. Materials must be in harmony and relate to the building and architecture

c. Support structures must be faced or covered with wood, stone, or metal which is corrosion resistant, painted, or anodized. Other materials may be approved by the Planning and Zoning Commission if deemed a reasonable substitute.

d. No fluorescent colors or reflective surfaces will be permitted.

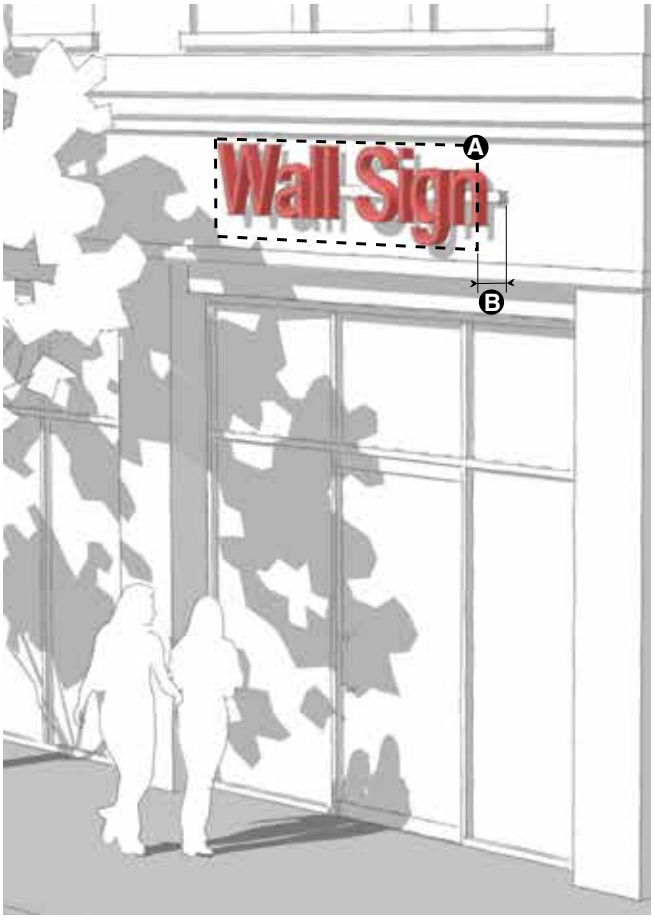
2. Residential Districts

Signs must feature muted colors consisting of warm earth tones

11.3.7. Wall Sign







Description

A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.

General Provisions

1. A wall sign must be placed no higher than the second story of a building.
2. No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
3. A wall sign may not cover windows or architectural details and shall fit within the frame of the facade design.
4. A wall sign may be externally or internally illuminated in accordance with Sec. 11.3.18.
5. If a mural incorporates a sign into its design, only the area of the sign will be considered a wall sign.

Dimensions

Allocation of sign area	see Sec. 11.3.6.C	
Size per individual sign		A
RC-, RS-, RM-	12 sf max	
RX, NX, CIV, REC	16 sf max	
DX	24 sf max	
CX, CC	32 sf max	
CH, IX, IL	40 sf max	
Projection - measured from building facade	1' max	B

Right-of-Way Encroachment

May encroach over the public sidewalk but not over any public street or alley.

11.3.8. Awning Sign







Description
A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.

General Provisions
1. An awning sign may not extend outside the awning. 2. Only awnings over ground story doors or windows may contain signs. 3. Signs are not allowed on the sloping face of an awning. 4. An awning sign may not be illuminated.

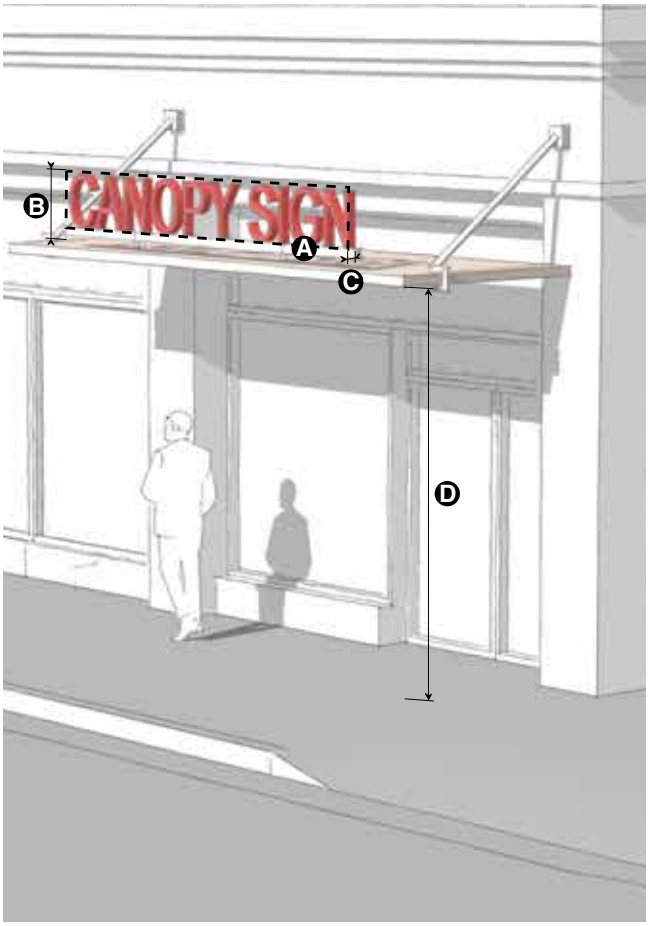
Dimensions	
Allocation of sign area	see Sec. 11.3.6.C
Size per individual sign	Ⓐ
RX, NX, CIV, REC	9 sf max
DX	12 sf max
CX, CC	16 sf max
CH, IX, IL	20 sf max

Right-of-Way Encroachment
May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater and subject to the applicable provisions of the International Building Code.

11.3.9. Canopy Sign







Description

A building sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.

General Provisions

1. A canopy sign may not extend outside the overall length or width of the canopy or below the canopy. However, a canopy sign may extend above the canopy.
2. A maximum of one sign is allowed per canopy.
3. A canopy sign may be externally or internally illuminated in accordance with Sec. 11.3.18.
4. No canopy sign may exceed a height of 20' over the established street grade.

Dimensions

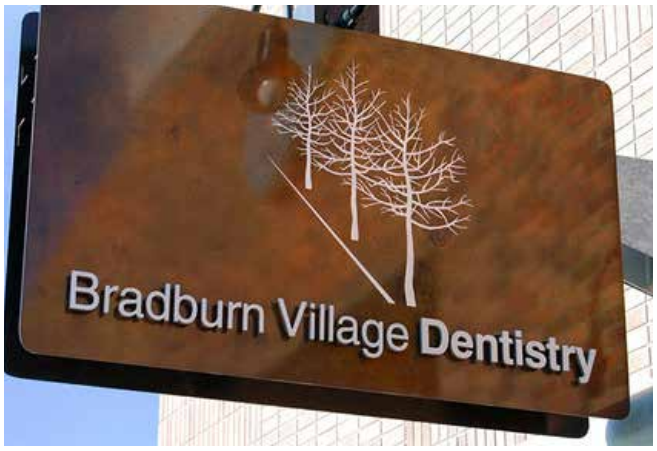
Allocation of sign area	see Sec. 11.3.6.C	
Size per individual sign		A
DX, RX, NX, CIV, REC	12 sf max	
CX, CC,	20 sf max	
CH, IX, IL	24 sf max	
Height	2' max	B
Width	1' max	C

Right-of-Way Encroachment

May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater and subject to the applicable provisions of the International Building Code.

11.3.10. Projecting Sign







Description

A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.

General Provisions

1. A projecting sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.
2. Only one projecting sign is allowed per building suite.
3. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both frontages may be used.
4. A projecting sign may only be externally illuminated in accordance with Sec. 11.3.18.
5. No projecting sign may exceed a height of 20' over the established street grade

Dimensions

Allocation of sign area	see Sec. 11.3.6.C	
Size per individual sign		A
DX, RX, NX, CIV, REC	12 sf max	
CX, CC	16 sf max	
CH, IX, IL	20 sf max	
Projection - measured from building facade	6' max	B
Width	1' max	C
Clear height		D
above sidewalk	8' min	
above parking area or driveway	15' min'	

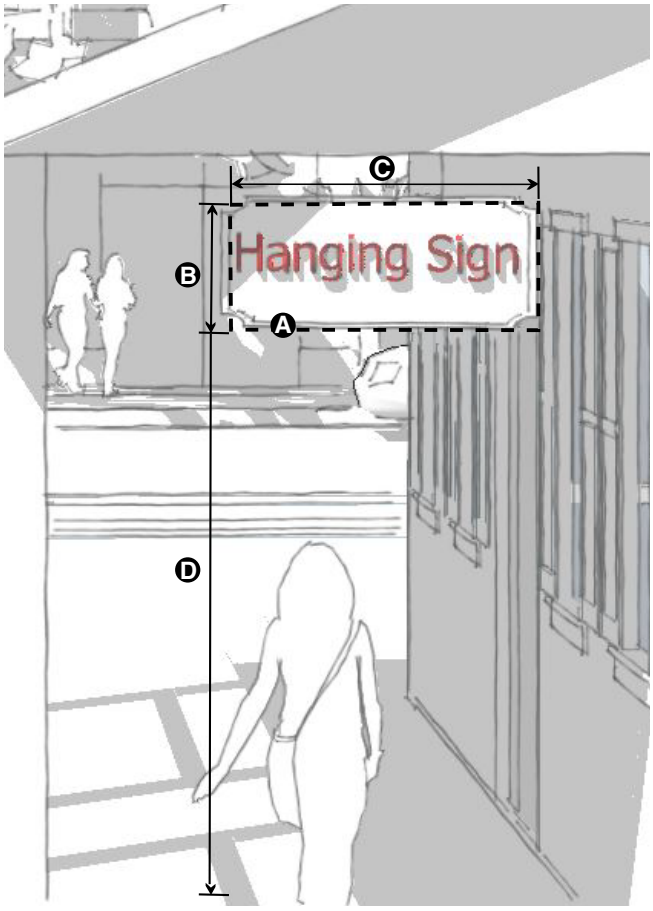
Right-of-Way Encroachment

May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater and subject to the applicable provisions of the International Building Code.

11.3.11. Hanging Sign







Description
A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.

General Provisions
1. A hanging sign must be located within 5 feet of an accessible building entrance.
2. A hanging sign may not be internally illuminated.

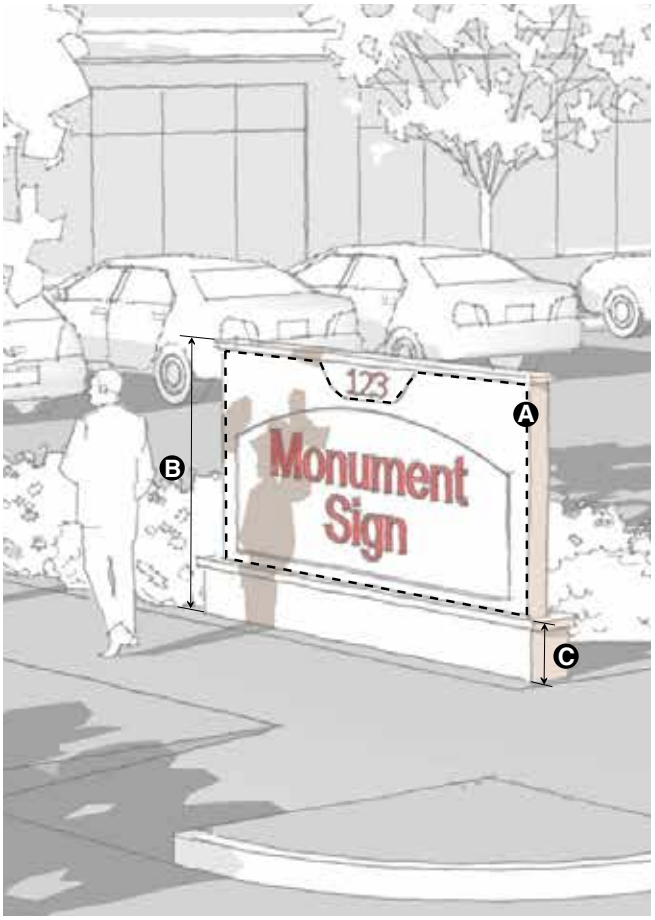
Dimensions		
Allocation of sign area	see Sec. 11.3.6.C	
Size per individual sign	3 sf max	A
Height	2' max	B
Projection	3' max	C
Clear height		D
above sidewalk	8' min	
above parking area or driveway	15' min'	

Right-of-Way Encroachment
May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater and subject to the applicable provisions of the International Building Code.

11.3.12. Monument Sign







Description
A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.

General Provisions
1. Only one freestanding sign is allowed per primary street frontage, except that one additional freestanding sign is allowed for properties with 400 feet or more of primary street frontage.
2. Monument signs must be located entirely on the subject property and no portion of the sign may encroach into the public right of way.
3. A monument sign may be externally or internally illuminated in accordance with Sec. 11.3.18.
4. For multi-tenant monument signs, a sign plan must be submitted.

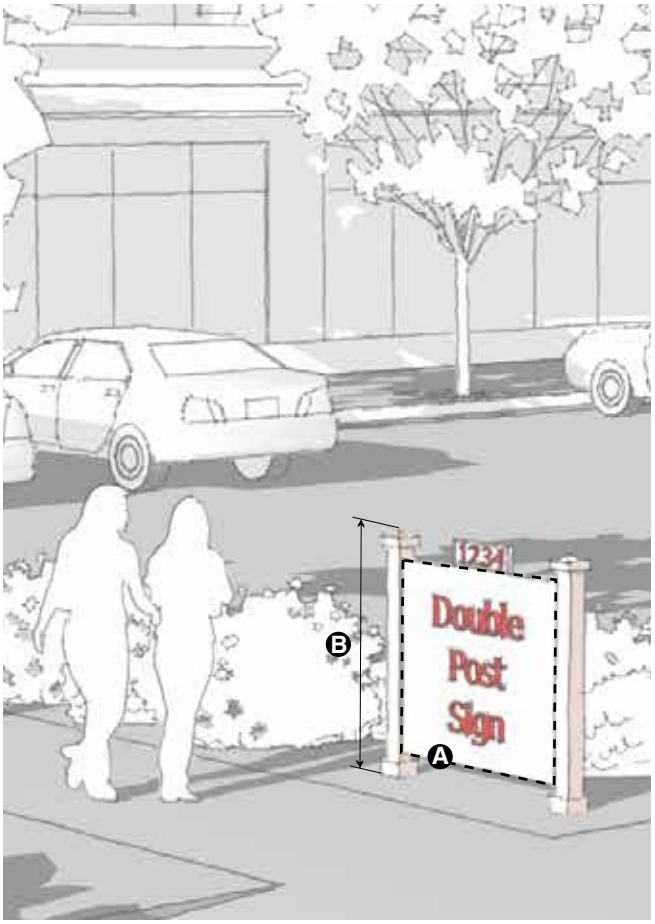
Dimensions		
Size (DX)	24sf max	
Size (CC, CH, IX, IL)		A
by number of tenants		
1 tenant	24 sf max	
2 to 4 tenants	32 sf max	
5 or more tenants	40 sf max	
Height		B
CC, DX, CX, CIV	6' max	
CH, IL, IX	10' max	
Base height		C
CC, DX, CX, CIV	1' min	
CH, IX, IL	2' min	

Right-of-Way Encroachment
Not allowed.

11.3.13. Double Post Sign







Description
A freestanding sign where the primary support is supplied by two posts positioned no more than 2 inches from the outer edge of the sign face.

General Provisions
1. Only one freestanding sign is allowed per primary street frontage, except that one additional freestanding sign is allowed for properties with 400 feet or more of primary street frontage.
2. Double post signs must be located entirely on the subject property and no portion of the sign may encroach into the public right of way.
3. A double post sign may only be externally illuminated in accordance with Sec. 11.3.18
4. A sign plan must be submitted for multi-tenant double-post signs.

Dimensions		
Size		A
RC, RS, RM, RX, NX, CIV, REC	12 sf max	
CX, DX, CC, CH, IX, IL	24 sf max	
Height		
RS, DX	6′ max	
All other zones	8′ max	B

Right-of-Way Encroachment
Not allowed.

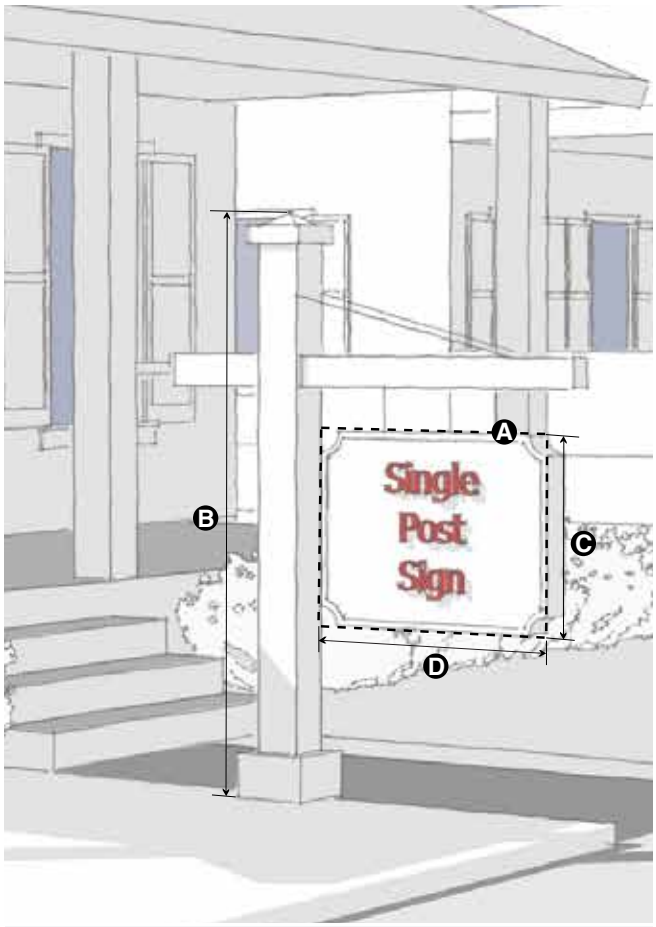
11.3.14. Single Post Sign





Description
A freestanding sign where the primary support is supplied by a single post and where the sign hangs from a bracket or support.

General Provisions
1. The hanging bracket must be an integral part of the sign design. 2. Only one freestanding sign is allowed per primary street frontage, except that one additional freestanding sign is allowed for properties with 400 feet or more of primary street frontage. 3. Single post signs must be located entirely on the subject property and no portion of the sign may encroach into the public right of way. 4. A single post sign may only be externally illuminated in accordance with Sec. 11.3.18.



Dimensions		
Size	16 sf max	A
Height		
RS, DX	6' max	
All other zones	8' max	B

Right-of-Way Encroachment
Not allowed.

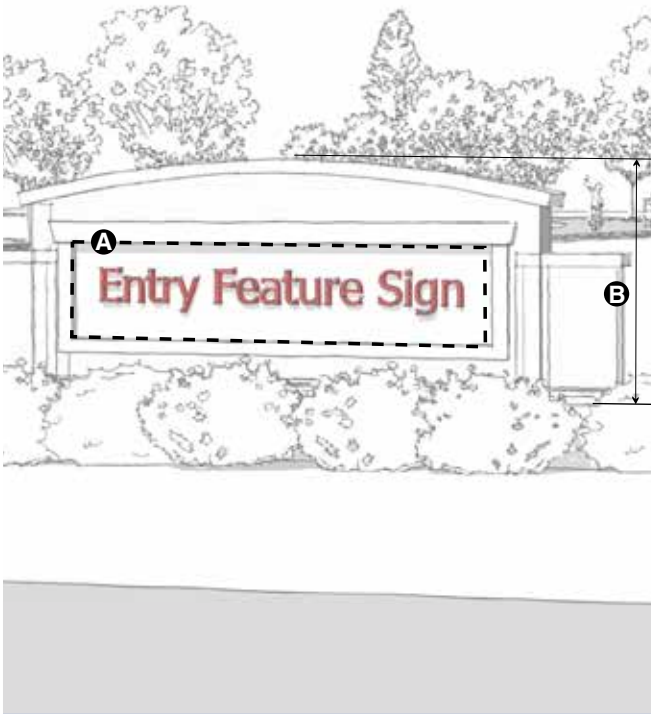
11.3.15. Entry Sign





Description
A freestanding sign wholly independent of a building for support that is placed at the primary entrance of a residential subdivision.

General Provisions
1. One entry feature sign is allowed per primary street frontage. 2. Entry feature signs must be located entirely on the subject property and no portion of the sign may encroach into the public right of way. 3. An entry feature sign may only be externally illuminated in accordance with Sec. 11.3.18.



Dimensions		
Size	24 sf max	A
Height	6' max	B

Right-of-Way Encroachment
Not allowed.

11.3.16. Sidewalk Sign





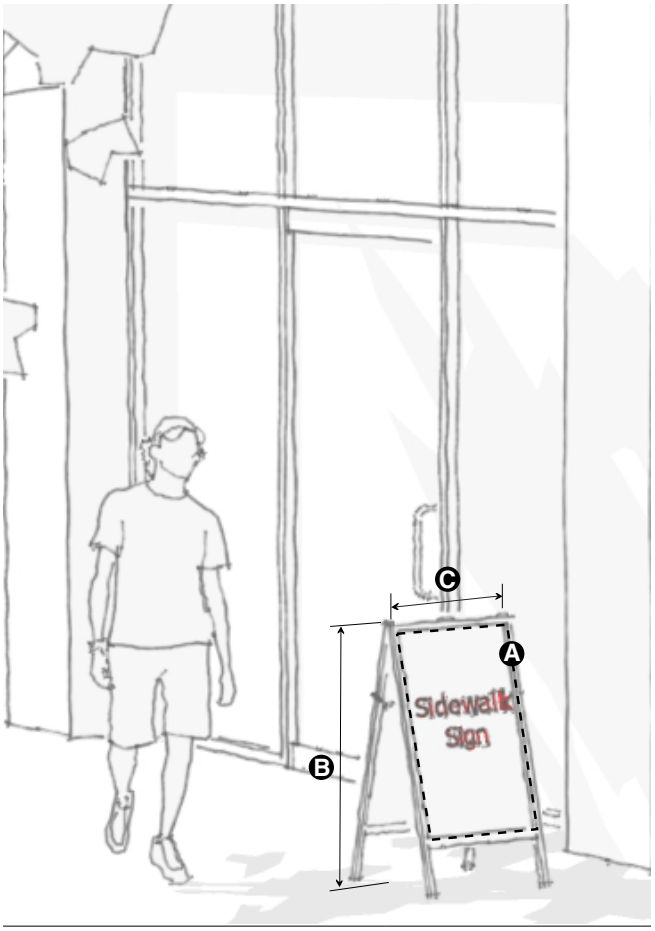
Description

A movable sign that is temporarily weighted to the ground or surface upon which it is located.

General Provisions

4. One sidewalk sign is allowed per property. A business may place their allocated sidewalk sign on another property with permission from that property owner.
5. A sidewalk sign must be removed and placed indoors at the close of business each day.
6. A sidewalk sign must have a locking arm or other device to stabilize the structure.
7. A sidewalk sign may not be illuminated.
8. A sidewalk sign may not obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility standards.

Dimensions



Allocation of sign area	see below	
Size	9 sf max	A
Height	4' max	B
Length	3' max	C

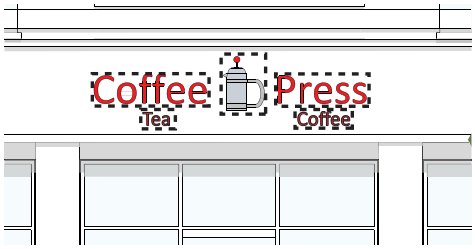
Right-of-Way Encroachment

May encroach on a public sidewalk so long as it does not interfere with snow removal or street cleaning. A minimum sidewalk clearance of 6 feet in width must be maintained, If the sidewalk is less than 10 feet in width then a minimum clearance of 4 feet is required. No sidewalk sign may be placed over or on a public street or alley.

11.3.17. Sign Measurements

A. Sign Area

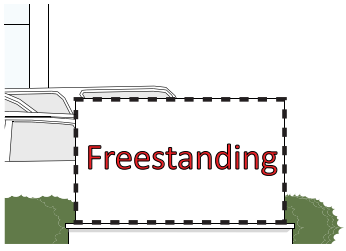
1. Sign area includes the area of the smallest enclosing circle, half-circle, parallelogram, or triangle that encloses all of the letters, figures or symbols that comprise the sign message.

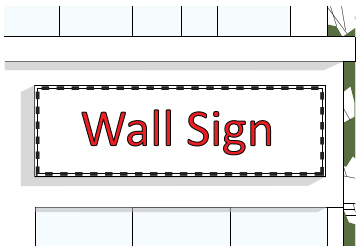


2. Irregular shapes are calculated by up to a maximum of 3 connected shapes.



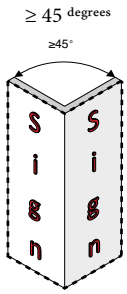
3. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign and the background used to differentiate the sign from the structure on which it is mounted.





4. Sign area does not include any structure supporting the sign unless the support structure forms a part of the message being displayed.

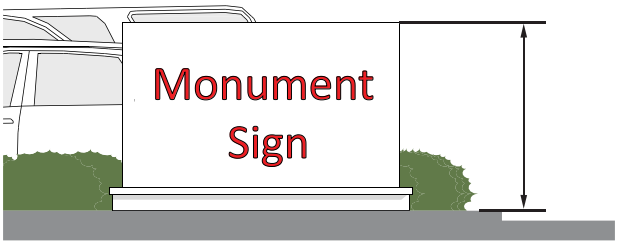
5. The area for a sign with more than one face is computed by adding together the area of all sign faces greater than 45 degrees from one another; if the sign face angle is less than 45 degrees, only the area of the largest sign face is computed as part of the sign area. For three sided signs, all sign faces are counted toward the total sign area. For a two sided sign, only one sign face will count towards the total sign area.

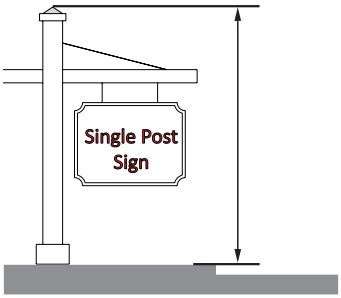


B. Sign Height

1. The total height of a ground sign is measured from the highest point of the sign or supporting structure to the finished grade directly below it.

2. The height may not be artificially increased by the use of mounding.





11.3.18. Sign Illumination

Illumination of signs must be in accordance with the following requirements.

A. Illumination Permitted by Sign Type

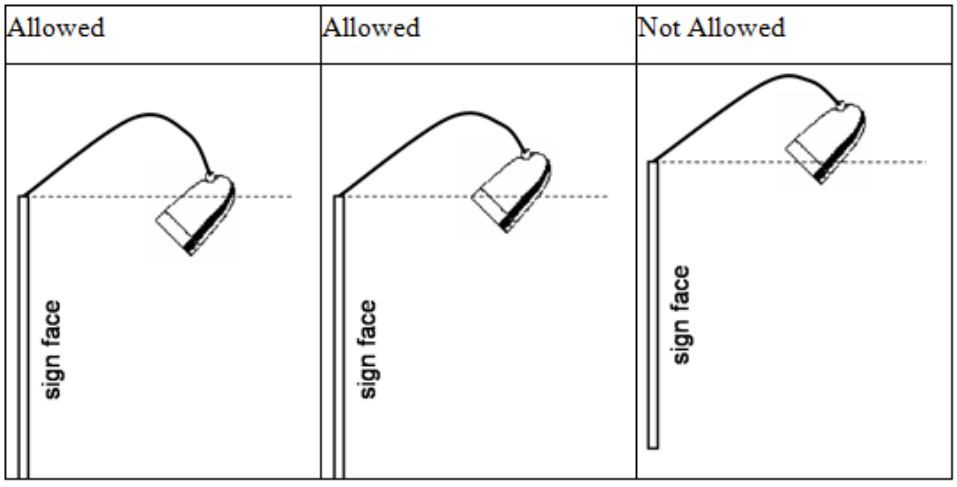
	Internal	External
Building Signs		
Wall Sign	Allowed	Allowed
Awning Sign	Not allowed	Not allowed
Canopy Sign	Not allowed	Allowed
Projecting Sign	Not allowed	Allowed
Hanging Sign	Not allowed	Allowed
Freestanding Signs		
Monument Sign	Allowed	Allowed
Double Post Sign	Allowed	Allowed
Single Post Sign	Not allowed	Allowed
Other Signs		
Entry Feature Sign	Not allowed	Allowed
Sidewalk Sign	Not allowed	Not allowed

B. Prohibited Types of Sign Illumination

1. Blinking, flashing and chasing lamps or fixtures.
2. Bare bulb illumination.
3. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
4. Light that creates a hazard to operators of motor vehicles.
5. Illumination lamps or LEDs that exceed a color temperature of 3000K
6. Liquid-crystal display (LCD) panels or other electronically modulated displays.

C. Externally Illuminated Signs

1. An externally illuminated sign is characterized by surface illumination supplied by an external lighting fixture and must comply with the following requirements:
2. Illumination must be by top-mounted fixtures aimed downward toward the sign face, where the uppermost portion of the fixture's opening is located no higher than the top of the sign face. Fixtures installed and aimed accordingly are thereby considered to conform to the horizontal-cutoff standard for Outdoor Lighting in Sec. 11.4.4.;
3. Illumination may not exceed 200 lamp lumens per square foot of sign face;



4. Illumination must be incorporated into the sign bracket when possible.

D. Internally Illuminated Signs

1. An internally illuminated sign is characterized by the use of translucent materials illuminated by a lamp source that is housed entirely within the sign structure. This does not include Digital Changeable Copy signs.

2. All lamps intended for internal illumination must be fully concealed from view.

3. Internal illumination may not exceed 300 lamp lumens per square foot of sign area.

4. The sign area of an internally illuminated sign may not exceed 60% of the maximum sign area allowed by this Article.

5. The coloration of the translucent faces of internally illuminated signs are subject to the following standard: no more than 50% of the sign area may be composed of lighter-colored surfaces (white, off-white, grey, cream, or pale shades of other colors), as opposed to opaque, darker- colored, or back-lit surfaces. Translucent sign faces whose lighter-colored surfaces exceed this standard are permitted but their maximum size must be reduced to 30% of the maximum face-area allowed by this Article.

6. Tube lighting and fiber-optic signs are internally illuminated signs.

E. Illumination Curfew

The illumination of signs is prohibited between the hours of 11 P.M. or the time of closing of the related business, whichever is later, and 30 minutes prior to the time of reopening,







External light sources





Internally lit channel letters









Back lit channel letters





Internally lit cabinet signs with darker background

11.3.19. Changeable Copy

A. Types of Changeable Copy

1. Manual Changeable Copy

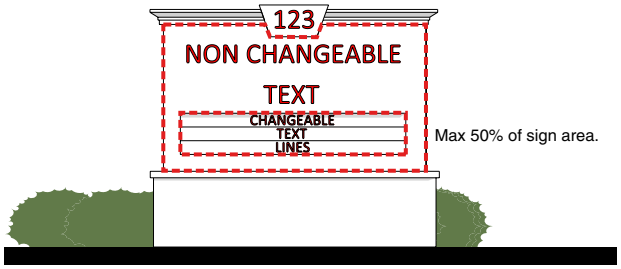
A sign or portion of a sign that has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and is changed or re-arranged manually or mechanically with characters, letters, or illustrations that may be changed or rearranged without altering the face or the surface of the sign, such as marquee signs.

2. Digital Changeable Copy

A sign or portion of a sign that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the sign.

B. Signs Allowing Manual Changeable Copy

C. Manual changeable copy is allowed in conjunction with an allowed wall or monument sign provided the changeable copy portion is no greater than 35% of the sign area.



D. Signs Allowing Digital Changeable Copy

1. Digital changeable copy is allowed in conjunction with an allowed wall, monument or double post sign.
2. Digital changeable copy is not allowed in any residential district, including the NX district.
3. Any image or message or portion of the image or message must have a static display for a minimum duration of 12 hours.
4. No portion of the image or message may flash, scroll, twirl, change color or in any manner imitate or indicate movement.
5. The sign must not exceed a maximum illumination of 300 lumens per square foot of the illuminated display area during daylight hours and a maximum illumination of 50 lumens per square foot between dusk to dawn as measured from the sign's face at maximum brightness.
6. The area of any changeable copy must not exceed 35% of the total area of the sign containing the changeable copy.

11.3.20. Penalty

A. Violations of provisions pursuant to this section shall be punishable as a Civil Infraction as provided in Title 1.4A of the Driggs City Code.

11.4.1. Purpose

A. The purpose of this Article is to establish performance standards for the design and application of efficient and effective outdoor-lighting sources and fixtures. Thereby, the intent is to provide for the nighttime use and enjoyment of property while serving the greater public interest; to benefit public health, safety, and security; to foster natural-resource protection; and to promote community aesthetics and destination tourism by enabling the designation of Driggs, Idaho as an International Dark Sky Community.

B. Furthermore, whereas this Article acknowledges and facilitates the considerable benefits of nighttime lighting, it recognizes also that particular lighting practices and applications can impair public safety, harm the natural environment, and adversely affect both nearby property owners and the general public. Therefore, the vigorous deterrence of wasteful, detrimental, and intrusive lighting practices is intended by means of practical and effective measures that:

1. mitigate the discomfort and visual impairment related to glare and excessive illumination;
2. encourage the conservation of natural resources by minimizing nonessential lighting;
3. mediate the nuisance of light trespass and spillage onto private and public property;
4. restore healthy, natural cycles of light and dark to the indigenous environment; and
5. moderate the night skyglow (luminous haze) that obscures astronomical observation, and diminishes access to our natural and cultural heritage of celestial awareness.

11.4.2. Applicability and Exemptions

A. Applicability

1. New Fixtures

All lighting fixtures installed after March 19, 2013, the effective date of the original Ordinance 333-12, including those approved by Design Review prior to the effective date, must conform to all applicable standards and requirements of this Article.

2. Existing Fixtures

a. Immediate compliance with particular standards is required. All lighting fixtures installed prior to the effective date of this Article must be immediately brought into conformance with the standards and requirements of the following sections:

i. 11.4.3 Prohibitions

ii. 11.4.4.E Lighting Curfew in Industrial and Commercial Zones

iii. 11.4.4.D Nonconforming Flood and Spotlight Fixtures

b. Events requiring full compliance. All lighting fixtures installed prior to the effective date of this Article must be brought into conformance with all standards and requirements contained herein upon the occurrence of any of the following events:

i. When the fixture is altered structurally or electrically, replaced or relocated;

ii. When a permit for new construction, conditional use or property subdivision is approved for the subject property.

iii. As of March 19, 2023, when a period of [10 years from the effective date of the original Ordinance 333-12] has elapsed. This conformance date does not apply to:

a. fixtures in use as occasional lighting in agricultural zones or

b. fixtures that are not fully amortized, as listed in an amortization schedule approved by the Planning and Zoning Administrator.

B. Exemptions

Applicable to fixtures and applications not prohibited by section 11.4.3

1. City Street lights are subject to Resolution #275-12 and are not subject to the outdoor lighting standards listed in this ordinance.

2. Fixture exemptions in commercial and industrial zones.

The following lighting fixtures are exempt from the provisions of this Article.

a. Fixtures whose lamp output does not exceed 600 lumens.

b. Lamp strings and bare lamps (not prohibited by section 11.4.3) that are energized only during the operating hours of an associated use or business, and in totality do not exceed 3000 lumens per property site.

3. Fixture and application exemptions in all zones

The following lighting fixtures and applications are exempt from the provisions of this Article.

a. Lighting to the extent reasonably necessary to conduct constitutionally protected forms of expression, including in particular the following applications:

i. Holiday lighting—for seasonal observances between Thanksgiving and January 15th or for other traditional celebrations not to exceed three consecutive days—that is extinguished between 11 p.m. and 8 a.m.

ii. Flags of the United States governed by the American Flag Code and the State of Idaho, provided they are illuminated by one nonconforming spotlight fixture not exceeding 1350 lumens and placed as close to the flag as reasonably possible. Otherwise, the illumination of all flags is allowed consistent with the general provisions of this Article.

b. Occasional lighting by means of fixtures whose lamp output does not exceed 600 lumens.

c. Temporary lighting of locations for infrequent or irregular private events or gatherings, allowed only during times of active use and for a period not to exceed 3 consecutive days.

d. Lighting of public athletic fields and sports facilities during times of active use or occupancy.

e. Safety and contingency lighting necessary for emergencies, temporary construction, or other activities authorized by a public agency.

11.4.3. Prohibitions

Except for uses essential for public safety and regardless of the date of fixture installation, the following actions, applications, and fixtures are prohibited and in violation of this Article.

A. Installation or replacement of lamps exceeding the color-temperature standard of Sec. 11.4.4.A.2.

B. Fixtures with lamp outputs exceeding 50 lumens and whose light is flashing, pulsing, flickering, rotating, chasing, or rapidly changing in color or intensity.

C. Searchlights, beacons, laser-source, or other high-intensity lighting fixtures.

D. Installation, repair, or lamp replacement of any mercury-vapor lighting fixture.

E. Bare lamps (not housed within a fixture) or lamp strings—except for holiday lighting— with outputs exceeding 25 lumens per lamp. All outdoor lighting must be fully cut-off and emit no direct uplight.

F. Fixtures that may be confused with or construed in context as a traffic-control or public-safety device.

G. Lighting found by reason of attraction, intensity, glare, or trespass to be a significant public-safety hazard in violation of Sections 49-805 or 49-221, Idaho Code, or that otherwise rises to the level of a public nuisance.

11.4.4. Area Illumination Standards

A. Glare and Directional-Control Standards

1. Fixture Cutoff

All fixtures must be horizontally cutoff or by other means comply with all glare, trespass, containment, and illumination provisions of this Article, except as otherwise specified herein. Any structural part providing directional shielding or alternatively enabling regulatory compliance must be permanently attached to the lighting fixture.

2. Lamp Color-Temperature Standard

The color-temperature rating of fixture lamps must not exceed 3000 kelvins (displayed as Light Appearance or CCT on packaging labels).

3. Pole-Mounted Fixture Height

The light-emitting surface of a pole-mounted fixture cannot exceed the following heights above grade: 20 feet in a Residential district, and 25 feet in all other districts.

B. Area Illumination Standards

Area illumination must conform to the following conditions, and not exceed the standards specified in the following table for specific districts and classes of primary application.

Table 1. For classes of outdoor-surface use or application, in footcandles, by zoning districts, referenced to initial-lumen-output rating of fixture lamps.

Maximum Allowable Illumination Standards		
Class of Primary Use or Application	RM-1, RM-2, RX, NX	DX, CX, CC, CH, IL, IH, IX, CIV, PUD-T
Building entries, retail sales and merchandise display areas, under-canopy or drive-through areas	10 fc hl	16 fc hl
Parking areas, parking structures, pedestrian walkways	2 fc hl	4 fc hl
Streets and roadways	1 fc hl	2 fc hl
Structural facades and monuments	6 fc vl	10 fc vl
Landscaping features	1 fc vl	2 fc vl
Yards, ordinary open space, excluding athletic fields	0.5 fc hl	1 fc hl

Abbreviations: Fc: footcandles;
hl: light striking horizontal surface;
vl: light striking vertical surface

1. Reflected light. Light reflected from any illuminated surface must not exceed 30% of the applicable illumination standard of Table 1, when measured by a light meter along a parallel plane one foot above the reflecting surface. An exception is snow-covered surfaces, that are not ordinarily cleared of seasonal snow, where the reflected proportion must not exceed 70% of the applicable area-illumination standard.

2. Compliance confirmation of illumination levels produced by installed fixtures will be measured by a light meter calibrated in footcandles with resolution no greater than 0.01 footcandle maximum, accuracy no greater than ±5%, and incorporating a standard CIE photopic spectral response weighted to the color sensitivity of the human eye. In use, the measurement position of the light meter will be proximate and parallel to the illuminated surface.

3. Maximum-illumination adjustments of no more than a 25% increase in the illumination standards of Table 1 may be authorized by the Planning Administrator consistent with the variance purposes and standards of Article 14.7, but not in addition to any variance relief approved pursuant to the procedure of said Code Art. 14.7.

C. Light-Trespass Standard

The intent of these trespass provisions is to contain on-site the direct light cast by outdoor fixtures, and to protect uses of neighboring properties from the adverse impacts of undesired, intrusive light.

1. Illumination containment may be achieved by means of fixture and lamp design, attached metal shielding, fixture location and mounting height, or natural and constructed barriers on the subject property; but not the use of trees, shrubs, or other transitory means.

2. Owners of adjacent properties, who prefer to benefit mutually from a common source of illumination, may be deemed exempt from this trespass provision by the Planning Administrator if a letter of consent is provided by the impacted property owner, and if all other provisions of this Article are met.

3. The light-trespass standard may be accomplished by satisfying either of the following options.

    a. Shielding option. The lighting fixture must be shielded or located such that the source of direct light is not visible from a vantage point 4 feet above the ground at the property

boundary of the site on which the fixture is located.

b. Height-Distance option. The fixture must be horizontally cutoff and its mounted height may not exceed H = 3 + 1/4D in residential and agricultural zones, or H = 3 + 1/3D in all other property zones, where H is the height above and D is the distance along the horizontal plane intersecting the nearest property boundary, measured in feet.

Equivalent expressions are D = 4H – 12 for residential and agricultural zones, and D = 3H – 9 for other zones. For example, a fixture mounted 20 feet high would comply (assuming a level surface plane) if set back from the nearest property boundary at least either 68 feet or 51 feet, depending upon the property zone.

D. Nonconforming Flood and Spotlight Fixtures: Directional Adjustment Standards

One of the following glare and trespass-abatement actions will be required of existing flood and spotlight fixtures as of the effective date of this Article.

1. Flood and spotlight fixtures that are hinged, adjustable or otherwise adaptable must be realigned, modified, or shielded so as to comply fully with all glare and trespass standards of this Article.

2. Alternatively, said adjustable fixtures must be redirected, repositioned, modified, or equivalently shielded in accordance with the following angles of illumination.

   a. Vertical adjustment. A fixture's directional axis of light must be downward below the horizontal plane at an inclination angle not less than 60 degrees for floodlights, or 45 degrees for spotlights.

   b. Horizontal adjustment adjacent to public roadways. Adaptable fixtures within 100 feet of a public right-of-way must also conform to either of the following glare-abatement standards:

      i. The light-trespass provisions of Sec.11.4.4.C; or

      ii. The fixture's directional axis of light must be away from the nearest public roadway and aimed at a horizontal angle from the roadway not less than 45 degrees, or 90 degrees minus the distance (in feet) between the fixture's location and the right-of-way, whichever is greater. Where multiple roadways are impacted by a fixture's glare, the Planning Administrator will determine the appropriate horizontal angle, shielding, or other remedies warranted by public safety.

      (For example, the horizontal directional axis of a fixture located at the edge of a right-of-way must be aimed at a 90-degree angle away from (i.e. perpendicular to) the public roadway; and a 25-foot set-back location would require at least a 65-degree directional angle with respect to the roadway.)

      iii. Alternatively, flood and spotlight fixtures without adjustment capability, or otherwise unable to meet either of the above adaption provisions, must be operated only as occasional lighting.

E. Lighting Curfew for Commercial and Industrial Uses

Nighttime illumination of buildings, parking lots, promotional displays, community landmarks, architectural or landscaping features associated with commercial and industrial uses of property, regardless of property zone or installation date, is prohibited between the hours of 10 p.m., or no later than one hour after the close of business or active use, whichever is later, and 30

minutes prior to the reopening of business or active use. This does not apply to the following applications:

1. Lighting fixtures located within 10 feet of a building facade, its entryway, or its associated products for sale or customer service; and

2. Lighting fixtures required for property security, as embodied in a business security plan detailing demonstrable security needs and options, including effective remedies relating to surveillance, detection, and intrusion-response mechanisms, subject to approval by the Driggs Planning and Zoning Commission.

3. Multi-Family Residential Developments may keep fixtures within 10 feet of a doorway and reasonable lighting along walkways illuminated at all time, so long as the fixtures comply with all other standards herein.

11.4.5. Compliance

A. Compliance as a Condition of Approval

1. An assessment of the conformance status of all existing and planned exterior-lighting fixtures on a property location will be a part of any application for a building-construction permit, any submitted plan subject to design review, or any request for a change of zoning, subdivision, or conditional use, and is to include an explicit provision for bringing all present and planned lighting fixtures into full compliance with this Article.

2. The submission of specific descriptions, specifications, photometric data, site-installation locations, lighting plans, studies, or other information may be required, as determined by the Planning and Zoning Administrator.

3. Confirmation of full compliance is required prior to issuance or approval of any corresponding change of zoning, final-plat recordation, final inspection, or certificate of occupancy.

B. Compliance Burden

The burden of compliance will rest with the fixture's owner or the contractual designee of the fixture's owner, even if installed on the property of the fixture owner's lessee.

C. Penalty

Violations of provisions pursuant to this section shall be punishable as a Civil Infraction as provided in Title 1.4A of the Driggs City Code.

D. Other Remedies

Nothing in this Article precludes pursuit of any protection provided by the Constitution of the United States or the State of Idaho, or of other remedies pursuant to other law or of any other relief from intrusive lighting deemed to be a nuisance.

Chapter 12 - Streets & Public Improvements

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12.1.1. Applicability

A. This Article applies to all development as set forth in Chapter 14 of this Title.

B. No building, structure, lot or site, in whole or in part, may be erected, constructed, moved, enlarged, developed or structurally altered until all required Improvement Plans, profiles and specifications have been reviewed and approved by the city or other applicable governmental approving agency.

C. No services or utilities may be extended or furnished to any development until the applicant has installed the improvements specified in this Land Development Code.

D. All streets and public improvements must conform with all adopted city plans, including the Comprehensive Plan, Transportation Plan and most current Public Works Standards and Technical Specifications Manual.

E. Per the Transportation Plan, street design standards are meant for new streets or streets undergoing significant upgrades. The street standards contained in the adopted Public Works Standards do not require that the City or a property owner upgrade a street to these design standards unless a new street is being constructed or a street is being improved/upgraded.

12.1.2. Phasing

A. Streets and public improvements may be constructed in phases, provided a phasing plan is approved as part of a Development Agreement.

B. Each phase must stand alone, meeting all the requirements of this Land Development Code without the need for improvements in later phases.

12.1.3. Improvement Plan and Guarantee

A. Streets and public improvements within a new subdivision shall be completed and accepted by the City of Driggs prior to a request to record the corresponding subdivision plat.

B. Where the city determines that landscaping in the public right- of- way cannot be installed due to inclement weather conditions, a performance bond in the amount of 125% of the value of the landscaping must be provided to the city in order to record the subdivision plat. The landscaping improvements must be installed within 12 months of issuance of the conditional letter of acceptance.

C. Upon approval of the improvement plans and where required, recording of the Development Agreement with the Teton County Recorder's Office, the Developer or his or her authorized representative or engineer must schedule a Pre-Construction Meeting with the City Engineer, appropriate City staff, and the Developer's contractor. No construction of public improvements can begin until after the Pre-Construction Meeting is held.

D. Upon completion of the Pre-Construction Meeting the Developer and contractor will receive a "Construction Permit" from the city.

   1. The applicant will be provided with a copy of the improvement plans stamped "Approved". The approved set of plans must be on site at all times that improvements are being installed or constructed.

E. The applicant must file with the City Clerk a surety bond in the form of a performance bond, letter of credit from a bank or other financial institution, cash or other guarantee acceptable to the City Council to ensure actual construction of such improvements and their completion according to plans as submitted to and approved by the city.

   1. The improvements, when covered by a surety bond, must be constructed within two (2) years from the date of the Preliminary Plat Approval Letter; provided, however, the city may extend the period 1 year upon a showing of just cause by the Developer, and resubmission of the surety bond in an adjusted amount approved by the city. The financial sureties

must be guaranteed for 6 months after the expiration date of the Preliminary Plat approval.

2. The surety bond or other guarantee shall be in the amount of 125% of the estimated cost of the improvements, as determined by a Professional Engineer and approved by the city.

3. Financial assurances will be returned upon satisfactory completion of work as determined by the city. This determination is made with an inspection and the recording of the Final Plat.

4. In the event construction is not completed or in the event construction is completed but not in substantial conformity with the approved plans for the project, the financial assurances will be forfeited to the city. Forfeiture of the financial assurances does not in any way require the city to complete the project nor does forfeiture preclude the city from seeking other redress or remedy for failure to comply with the approved plans or for failure to complete the project, including, but not limited to, refusal to record the final plat or any other remedy at law or in equity, through judicial action or through any other action as may be determined by the City Council.

F. The applicant shall provide to the city copies of approvals or permits for any activity of the installation of improvements issued by any governmental agency or utility that has authority over these improvements or will take ownership thereof upon completion. Work shall conform to the conditions and requirements of these approvals or permits, and shall be completed and accepted prior to the recording of a Final Subdivision Plat.

G. Should work in accordance with these approvals necessitate changes to the Final Plat, those changes shall be completed, and approved by the Council, prior to recording the Final Plat.

12.1.4. Acceptance

A. Streets and public improvements will not be officially accepted until the following conditions are satisfied:

1. Improvements have been inspected by the city (and other applicable political subdivisions) and utility providers including but not limited to the Teton County Fire District and Eastern Idaho Public Health District 7;

2. Any necessary corrections are made in the field and on the approved construction drawings;

3. Two print copies and one digital copy of the as-built drawings, certified, stamped and signed by the design professional are provided to the city; and

4. The warranty required in the following section is provided to the City of Driggs.

12.1.5. Warranty

A. All streets and public improvements must have a warranty guaranteeing the work against defects for a period of two (2) years from the date of final acceptance.

B. The warranty must list the City of Driggs as a beneficiary. If the improvements are constructed at different times, then the guarantee must continue until two (2) years from the date of final acceptance of the improvement last completed.

C. A warranty surety must be provided in an amount of 10% of the estimated value of the warranted improvements.

12.1.6. Easements

A. Easements must be provided in locations and dimensions required by the city in order to:

1. Allow for adequate storm drainage facilities;

2. Allow for proper installation of water and sewer lines, whether immediately proposed or necessary for adequate service in the future;

3. Allow for cross-access between properties;
4. Allow for adequate transit facilities and access;
5. Allow for adequate pedestrian and bicycle access;
6. Allow for adequate right-of way for street types;
7. Allow for adequate public access; and
8. Allow for adequate slope for roadway construction.

B. Easement widths will be specified by the city as necessary to accommodate existing and future needs as well as construction and repair of facilities.

12.1.7. Survey Monuments

Survey monuments must be installed in accordance with Idaho Code section 50-1303 at all corners, angle points, points of curve and street intersections.

12.1.8. Property Owners Association

In residential and commercial developments, common areas, private streets and stormwater management facilities associated with the development must be maintained by a property owners or homeowners association unless the facilities are dedicated to and accepted by the city. Documents of property owners or homeowners association creation (including articles of incorporation, by-laws, covenants and related documents) must be submitted to the Planning & Zoning Administrator with the Preliminary Plat submittal.

12.1.9. Postal Delivery System

One or more cluster box units (CBU), approved for use by the USPS, must be provided for residents in new residential developments with 5 units or more. No mailboxes may be located in a sidewalk or right-of-way as to impede pedestrian or vehicular traffic.

12.1.10. Intent

A. The intent of the block perimeter and connectivity regulations is to provide a well-connected street network.

B. Large blocks with limited connectivity discourage walking, contribute to street congestion and add driving distance that can negatively impact emergency services. New streets should be designed to consider future development.

C. The access regulations are intended to provide safe and convenient vehicular and pedestrian access between adjacent developments and to lessen traffic congestion. Pedestrian, bike and vehicular access should be safe, direct and convenient.

12.1.11. Blocks

The following table establishes the maximum block perimeter by district. In the event that a single block contains more than one zoning district, the most restrictive requirement applies.

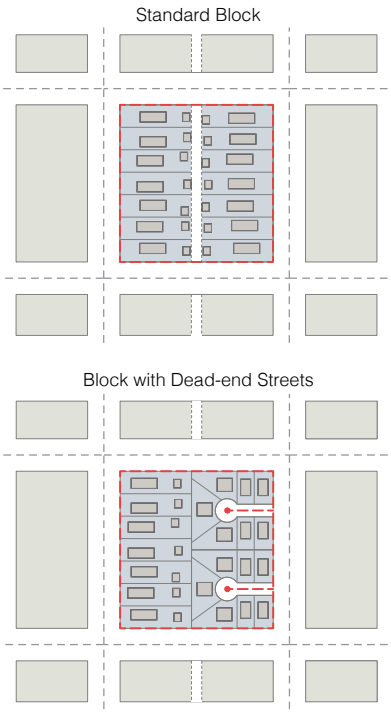
District	Block Perimeter (max)
Rural Districts	
RC-: By Average Lot Size on Block	
40,000+ SF	8,000 feet
20,000 - 39,999 SF	6,000 feet
9,000 - 19,999 SF	5,000 feet
Less than 9,000 SF	3,000 feet
Residential Districts	
RS-16	4,800 feet*
RS-7, RS-5, RS-3, RM-1, RM-2	1,600 feet
Mixed Use Districts	
RX, NX, DX, CC, CH, IX	3,000 feet
Industrial District	
IL	4,000 feet
Civic and Open Space Districts	
Not Applicable	

* RS-16 Zone - Block lengths up to 1,200 feet, measured center line to center line, are allowed so long as pedestrian walkway connections are created between blocks no more than 400 feet apart.

12.1.12. Block Measurement

A. A block is bounded by a public or private streets (not including an alley).

B. Block perimeter is measured along the edge of the property adjoining the public or street, except for the measurement of dead-end streets, which are measured from intersecting centerlines.



C. The Planning & Zoning Administrator may modify the block perimeter requirements when steep slopes in excess of 25%, waterways, preexisting development, conservation areas, open space or easements would make the provision of a complete block infeasible.

12.1.13. Street Layout

A. Blocks intended predominantly for single-family development must have sufficient depth to provide for 2 tiers of lots. Except for multi-family developments, double frontage lots are not allowed unless permitted by the Planning & Zoning Commission with a finding that no practical alternative exists.

B. Streets must be aligned to join with planned or existing streets.

C. Street jogs with center line offsets of less than 125 feet are not allowed.

D. All street intersections must approximate right angles but in no case at less than 70 degrees.

12.1.14. Gated Streets

Gated public streets are not allowed. Gates installed on private streets serving more than one lot must comply with the following:

A. No gate may be installed within the public right-of-way;

B. Plan approval must be obtained from the city prior to installing any gates. Gates must not prohibit public access to any areas dedicated to public use;

C. Each gate must provide for queuing according to Sec. 11.1.6 as well as emergency vehicle access;

D. Gates must be removed if private streets are to become public; and

E. Gates may be denied by the city based on traffic conditions and overall community-wide connectivity needs.

12.1.15. Lots

A. Lot Frontage

Every lot must abut or have adequate legal access to a public or private street, or a courtyard specifically for a cottage court building type (see Art. 8.4).

B. Lot Dimensions

Lots that are occupied or are intended to be occupied must conform with the lot size, lot width and lot depth requirements provided under Chapters 3 through 7.

C. Lot Access

Private property and individual lot access directly to collector roads shall be avoided to the greatest extent

possible. Where an alternative possible access exists, it should be utilized.

12.1.16. Subdivision Access

A. General

1. When land is subdivided, parcels must be arranged and designed so as to allow for the opening of future streets and pedestrian connections, and must provide access to those areas not presently served by streets.

2. No subdivision may be designed to completely eliminate street and pedestrian access to adjoining parcels of land without current street access.

3. All subdivisions must provide at least one entrance/exit to a public or private street. Where possible, new streets shall connect to at least two collector roads, per the Transportation Plan.

4. The subdivision must provide all necessary easements for ingress and egress for police, fire, emergency vehicles and all operating utilities.

5. Subdivisions shall be designed to decrease or eliminate individual lot access to collector roads to the greatest extent possible.

B. Stub Streets

1. Stub Required

a. Where a subdivision adjoins unsubdivided land, stub streets within the new subdivision must be installed to the meet the block standards of Sec. 12.1.11.

b. The stub street right-of-way, pavement and curbing must extend to the boundary of the abutting property to the point where the connection to the anticipated street is expected.

c. Where a stub street is provided, a barricade using a design approved by the city must be constructed at the end of the stub street, pending the extension of the street into abutting property. A sign noting the future street extension must be posted.

2. Connecting to an Existing Stub Street

If a stub street exists on an abutting property, the street system of any new subdivision must connect to the stub street to form a through street.

3. Exception

The Planning & Zoning Administrator may eliminate the requirement for a stub street or require pedestrian only access when:

a. Steep slopes in excess of 25%, waterways, preexisting development, conservation areas, open space or easements would make the provision of a stub street infeasible; or

b. An industrial use is located adjacent to a proposed residential subdivision.

12.1.17. Dead End Streets

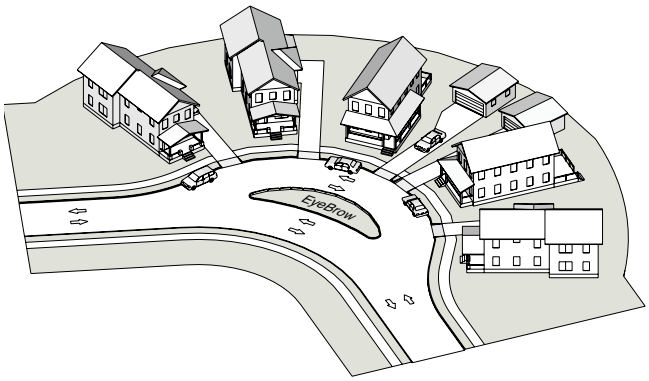
A. Dead-end streets over 150 feet in length shall have an approved fire department apparatus turn around in conformance with the International Fire Code and meet any other applicable adopted standards of the Teton County Fire Protection District. The maximum length is measured along the center line of the street from the center of the intersection to the center of the turnaround.

12.1.18. Alternative Streets

The following alternatives may be approved at the time of subdivision approval.

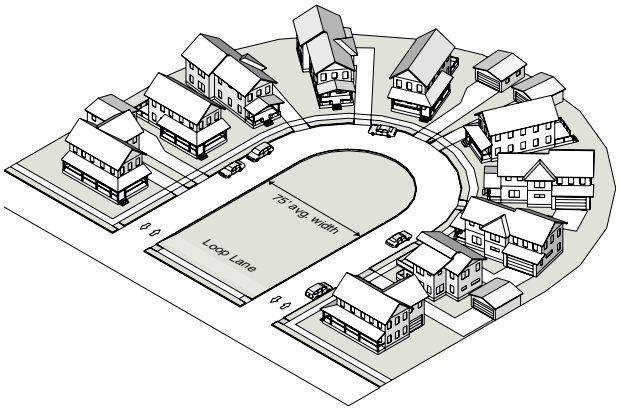
A. Eyebrow

An eyebrow is a rounded expansion of a street beyond the normal curb line. An eyebrow must have a landscaped island.



B. Loop Lane

A loop lane is a two-way street, no portion of which may be more than 250 feet in length. The interior landscaped area must have an average width of at least 75 feet.



1. The applicant must provide for perpetual maintenance of the landscaped area in the Eyebrow, or Loop Lane through a property owners association.

C. Other Alternative Street Types

Developers and applicants may propose alternative street types, specifications, and access solutions, which fit their specific proposed development. Alternative streets must be reviewed by the Fire Marshal, Driggs Public Works, and must be approved by the Planning & Zoning Administrator.

D. Cul-de-sacs

Cul-de-sacs are not permitted unless there is no other reasonable design due to the topography of the land or existing development, as determined by the Administrator.

12.2.1. Intent

A. The intent of this Article is to provide a palette of street types and design elements that reflect the character of different areas within the city.

B. The regulations herein provide adequate accommodations for vehicles, cyclists and pedestrians.

C. The city supports the use of context sensitive design solutions and complete streets and will review projects on a case-by-case basis for conformance with these concepts.

D. The street cross-sections in the Public Works Standards and Technical Specifications referred to in this Article provide a guide to balancing the needs of all modes of travel. Modifications to these cross-sections may be made by the city.

E. The appropriate street cross-section will be selected by the city based on both engineering and land use factors, including anticipated vehicle volumes.

12.2.2. Applicability

A. When constructing a public or private street or reconstructing an existing street, sidewalks, bike lanes, drainage and street trees must be installed and constructed in accordance with this Article.

B. The standards for the construction of drainage improvements, sidewalks, bike facilities and streets must be in accordance with the most current Public Works Standards and Technical Specifications Manual adopted by the city.

C. Existing streets may continue serving existing development in their current configuration; however, they must not be extended or substantially rebuilt except in conformance with this Article.

D. Development applications must dedicate sufficient right-of-way to the city for streets, drainage and sidewalks. Street right-of-way widths are specified in Public Works Standards and Technical Specifications Manual.

E. The city may require turn lanes and additional right- of-way beyond that shown in the applicable street typical cross-section to accommodate these lanes.

F. All streets and alleys must be dedicated for public use, except as provided in Sec. 12.2.4. Private Streets.

12.2.3. Street Tree Planting

A. Unless otherwise noted below, all trees planted in accordance with this Article must be shade trees.

B. Where overhead utilities exist, one understory tree planted every 20 feet on center, on average, must be substituted for each required shade tree.

C. All required street trees must meet the design, installation and maintenance requirements of Sec. 11.2 and all other adopted City standards, guidelines, and policies which apply.

12.2.4. Private Streets

A. Private streets are allowed at the sole discretion of the City Council and only for dead end roads or roads internal to a master planned development. No Arterial or Collector road may be private.

B. Private streets must be constructed to all other applicable street standards, including paving.

C. The area designated for a private street must be platted as a separate parcel, clearly labeled as a private street. The Owner's Dedication on the plat shall state that the street is privately owned and will be privately maintained by the property owner's association.

D. Alternative specifications and design of private streets may be proposed by the Developer and reviewed and possibly approved by the Fire Marshal, Driggs Public Works, and the Planning & Zoning Administrator. Private Streets must account for snow storage and drainage.

E. All private streets must be treated as public street rights-of-way for purposes of determining required development and dimensional standards (frontage, setbacks, etc).

12.2.5. Street Names

A. New streets must be named so as to provide continuity of name with existing streets and to prevent conflict with identical or similar names in other parts of Teton County.

B. Streets lying on approximately the same line must have the same name unless the intervening space between the separate parts is greater than 1,000 feet.

C. Street name signs and traffic control signs must be erected by the Developer in accordance with city Standard Specifications, and said street names and traffic control signs will be thereafter maintained by the city.

12.2.6. Streetlights

Streetlights must be installed in accordance with the city's adopted standards and specifications.

12.2.7. Sidewalks and Pathways

A. Sidewalks, as required in all street improvements, must be constructed in accordance with the most recent edition of the Public Works Technical Standards and Specifications Manual. The developer must install all non-vehicular pathways in accordance with city standards in all areas where said pathways are depicted upon the city's adopted pathways plan and to make any essential connections, as determined by the Planning and Zoning Commission, to schools, playgrounds, shopping centers, transportation and other community facilities.

B. Alternative Sidewalk and Pathway design: The developer may, at their option, propose alternatives to either the standard sidewalk configuration or the planned non-vehicular pathway required as part of this Title. The Council must ensure that said alternative configuration must not reduce the level of service or convenience to either residents of the development or the public at large.

12.2.8. Alleys

A. All alleys must be dedicated to the public.

B. Dead-end alleys are not allowed.

12.2.9. Street Types and Right of Way Widths

Proposed new or extended streets must meet the requirements of the street types and right of way widths as specified in the Public Works Technical Standards and Specifications Manual, except as modified by the city consistent with the intent above.

12.3.1. Connection to City Water and Sewer Systems Required

All developments within the city must be connected to city water and sewer systems in accordance with City Code Title 7, Chapter 3, and the most current adopted edition of the Driggs Public Works Standards and Technical Specifications.

12.3.2. Storm Water Disposal

The developer must provide for the movement and disposal of stormwater within the development in conformance with the most current adopted edition of the Driggs Public Works Standards and Technical Specifications, and must incorporate applicable best management practices from Idaho DEQ's published recommendations.

12.3.3. Electric and Telecommunications

A. From the point that electric and telecommunications utilities enter the development and within the development, all new utilities installed to serve the development must be placed underground.

B. Ground-mounted transformers must not be located in the public right of way.

C. The Developer must construct each and every individual service and all necessary trunk lines, and/or conduits for electricity, telephone, and cable television to the property line.

12.3.4. Fire Protection

A. The location and specifications of fire hydrants must be in accordance with the International Fire Code as adopted by the Teton County Fire Protection District and the Driggs Public Works Standards and Technical Specifications.

B. The Teton County Fire Marshal and Driggs Public Works Director have the authority to impose additional requirements of the developer as necessary to ensure adequate fire protection.

12.4.1. Applicability

For new subdivisions that would result in 10 or more dwelling units, without regard to the number of phases within the subdivision, the Developer must mitigate a development's impact on the city park system by setting aside or acquiring land within, adjacent to, or in the general vicinity of the subdivision for park space

12.4.2. Mitigation Acreage

A. Parks must be set aside in accordance with the following formula:

B. P = X multiplied by 0.028 where "P" is the parks contribution in acres and "X" is the number of dwelling units, including condominium units and backyard cottages, contained within the plat. Where multi-family lots are being platted with no fixed number of units, "x" is the maximum number of residential units possible within the subdivision based on current zoning regulations. And 0.028 is a minimum standard ratio of one acre of park per one hundred residents, assuming a household average of 2.8 persons (2010 Census data for Driggs).

12.4.3. Required Improvements

Improvements for parks are based on size and are considered either a Mini Park (between one- quarter acre and one acre), or a Neighborhood Park (between one and ten acres).

A. Mini Park: Minimum improvements: finished grading and ground cover, trees and shrubs, picnic table, trash container(s), park bench(es). All parks must provide an average of 15 trees per acre, of which at least 15% must be of 4" caliper or greater. A maximum of 20% of any single tree species may be used.

B. Neighborhood Park: Minimum improvements: finished grading and ground cover, large grassy areas, trees and shrubs, trash container(s), park bench(es) and at least one of the following features per acre of park: play structure, hard surface court (tennis or basketball), athletic field, picnic pavilion. All parks 2 acres or larger in size must provide restroom facilities adequate for the number of projected users. All parks must provide an average of 15 trees per acre, of which at least 15% must be of 4" caliper or greater. A maximum of 20% of any single tree species may be used.

12.4.4. Required Standards

Land proposed to be dedicated for recreation purposes must meet identified needs and standards contained within the adopted Recreation Master Plan. All parks must meet the following criteria for location and size (unless unusual conditions exist that prohibit meeting one or more of the criteria):

A. Must provide safe and convenient access, including ADA standards.

B. May not be gated so as to restrict access.

C. May not be configured in such a manner that will create a perception of intruding on private space.

D. Must be configured in size, shape, topography and improvements to be functional for the intended users.

E. May not create undue negative impact on adjacent properties, and must be buffered from conflicting land uses.

F. May not create undue demands on city services.

G. Must require low maintenance, or provide for maintenance or a maintenance endowment.

H. May not conflict with the use or planned use of parks recreation facilities.

I. Must be connected in a useful manner to other recreation opportunities. Preserved green space within proposed developments must be designed to be contiguous and interconnecting with adjacent green space (both existing and potential future space).

12.4.5. Dedication and Maintenance

A park may be privately owned and maintained by a property owners association or, if it is two (2) acres or more in area, deeded to and maintained by the city, subject to compliance

with other provisions of this Article. Any privately owned and maintained park or recreation space must meet the following standards:

A. Land area may not be occupied by non- recreational buildings and must be available for the use of all the residents or employees of the proposed subdivision.

B. The use of the private green space must be restricted for park, playground, trail, green space or recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract and which cannot be modified without the consent of the City Council.

C. The proposed private green space must be reasonably adaptable for use for such purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private green space land.

D. The facilities proposed for such purposes are in accordance with the provisions of the recreational element of the Comprehensive Plan.

E. The private ownership and maintenance of the green space must be adequately provided for by written agreement.

F. Public and private green space for park or recreation purposes must be complementary to one another, and the use of private facilities should not be exclusive to the homeowners, residents, and employees of the development only.

12.4.6. In-Lieu Contributions

Developers may propose to satisfy the park land dedication requirement with voluntary cash contributions in-lieu of park land dedication/park improvements. The Planning & zoning Administrator shall approve or deny a request for in-lieu contributions. The Administrator shall consider proximity to other parks, size of development, and any other factors that the Administrator deems relevant. Fee-in-lieu contributions must be segregated by the city and not used for any other purpose other than the acquisition of park land and/or park improvements. The fee structure for cash contributions for acquisition of park land is based upon the appraised value of the required land area at the time of the application. The appraisal must be submitted by a mutually agreed upon appraiser and paid for by the applicant. The fee structure for park improvements, including all costs of acquisition, construction and all related costs, is based upon the estimated costs of an approved improvement provided by a qualified contractor or vendor.

Chapter 13 - Resource Protection

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13.1.1. Intent

The intent of this Article is to create, protect and maintain riparian buffers throughout the City in order to maintain or enhance their water quality protection function. Buffers adjacent to rivers, streams, wetlands, lakes, ponds and canals provide multiple environmental protection and resource management benefits. Vegetated buffers enhance and protect the natural ecology of riparian systems, as well as water quality through bank stabilization, shading, and nutrient removal. Well-vegetated buffers also help minimize flood damage in flood prone areas, remove nitrogen, and prevent sediment and sediment-bound pollutants such as phosphorous from reaching water bodies.

13.1.2. Applicability

A. This Article does not apply to new building or site development permits in existing platted subdivisions, or uses or activities existing and ongoing as of the effective date of this code.

   1. Only the portion of the riparian buffer occupied by the footprint of the existing use or activity is exempt.

   2. Change of ownership through purchase or inheritance is not a change of use.

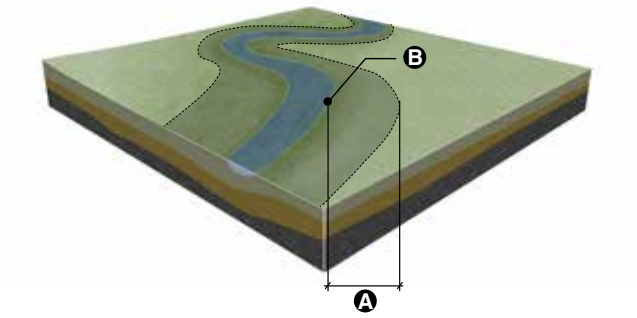
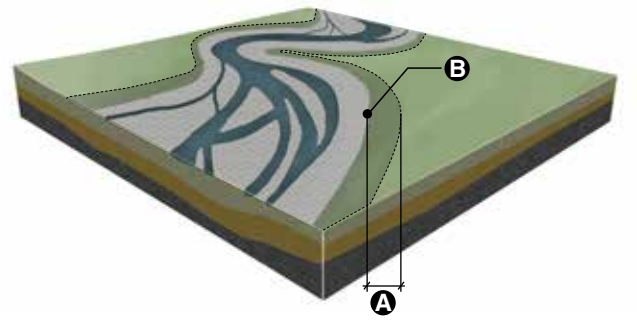
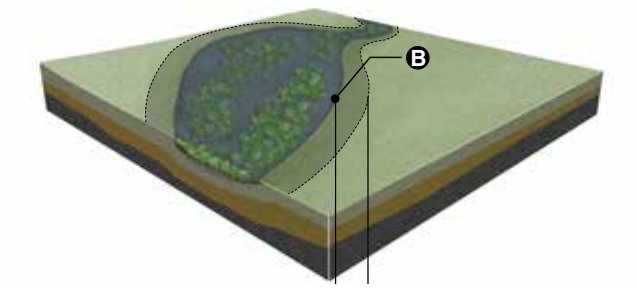
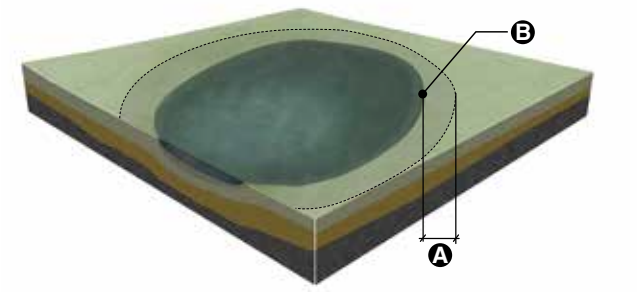
   3. Activities necessary to maintain uses are allowed, provided that the site remains similarly vegetated, no impervious surface is added where it did not previously exist as of the effective date of this code, and existing diffuse flow is maintained.

B. This Article applies at the time an existing and ongoing use or activity is changed. A change of use or activity involves the initiation of any project or proposed development that does not meet the following:

   1. Water bodies subject to this Article are subject to field verification by the Administrator. Where it is believed a map has inaccurately depicted a water body, the Administrator may be able to make an on-site determination upon written request by the property owner. Water bodies that appear on maps are not subject to these buffer requirements when an on-site determination reveals the absence on the ground of a corresponding water body.

13.1.3. Riparian Buffer Area

A protected riparian buffer extends as described below.

	Resource	Ⓐ Width	Ⓑ Measured From
	Teton Creek Navigable stream Irrigation canal	100' 100' 30'	Ordinary High Water Mark
	Floodplain	50'	Special Flood Hazard Area
	Wetland	100'	U.S. Fish & Wildlife National Wetland Inventory
		50'	Site delineation by U.S. Army Corps of Engineers
	Lake, pond	50'	Ordinary High Water Mark

13.1.4. Riparian Buffer Standards

A. Vegetation Required

A riparian buffer must consist of stable, undisturbed native vegetation.

B. Diffuse Flow Requirements

1. Diffuse flow of runoff must be maintained in the riparian buffer by:
    a. Dispersing concentrated flow prior to its entry into the buffer; and
    b. Reestablishing vegetation.
2. Concentrated runoff from new ditches or man-made conveyances must be converted to diffuse flow at non-erosive velocities before the runoff enters the riparian buffer.
3. Periodic corrective action to restore diffuse flow must be taken as necessary, and must be designed to impede the formation of erosion gullies in the riparian buffer.

C. Allowed Activity

The following activity is allowed in a riparian buffer:

1. Pedestrian access trails, docks, piers, boat ramps and other water-dependent activities; provided they do not exceed 4 feet in width of buffer disturbance, that installation does not result in removal of trees, and no impervious surface is added to the riparian buffer.
2. Drainage ditches, roadside ditches and stormwater conveyances through riparian buffers; provided that flows to existing or new drainage ditches, roadside ditches, and stormwater conveyances do not alter the conveyance and are managed to minimize the sediment, nutrients and other pollution conveyed to water bodies.
3. Single driveway crossings that disturb less than 20 linear feet and 2,500 square feet of riparian buffer.
4. Subdivision driveway crossings that cumulatively disturb less than 150 linear feet and 15,000 square feet of riparian buffer.
5. Greenways and hiking trails designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical.
6. Revegetation; provided that diffuse flow and the health of existing vegetation is not compromised and disturbed areas are stabilized until they are revegetated.
7. Wood slatted decks (or similar alternative material); provided that no trees are removed for installation.
8. Wet detention, bioretention and constructed wetlands.
9. Utility crossings; provided that they occur within 15 degrees of perpendicular to the riparian buffer.
10. Vegetation management, including emergency fire control measures; provided that topography is restored.
11. Mowing or harvesting of plant products.
12. Water wells.
13. Wildlife passage structures.

D. Prohibited Activity

The following activity is prohibited in a riparian buffer:

1. Fences.
2. Fertilizer and pesticide application, except as needed for approved restoration or revegetation.
3. Any grading that generates a negative impact on diffuse flow within the riparian buffer.
4. Addition of impervious surfaces.
5. Septic tank drain fields.

E. Construction in a Riparian Buffer

1. The following best practices must be employed during any allowed construction in a riparian buffer:
    a. Woody vegetation must be cleared by hand. Vegetative root systems must be left intact to maintain the integrity of the soil. Stumps must remain, except in any trench where trees are cut.
    b. Underground cables must be installed by vibratory plow or trenching.
    c. Any trench must be backfilled with the excavated soil material immediately following installation.
    d. No fertilizer may be used other than a one-time application to re-establish vegetation.
    e. In wetlands, mats must be utilized to minimize soil disturbance.
2. Measures must be taken upon completion of construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.

13.2.1. Design Standards

A. Grading is limited to that which is necessary to construct the structure, driveway, and a limited area for yard purposes.

B. No site alterations may exceed a 1-foot elevation change within 10 feet of any property line.

C. A grading permit is required prior to the commencement of grading activities.

D. The grading of slopes must be minimized by aligning streets to conform to existing grades as closely as is possible, and consistent with safe geometric design.

E. Streets must be designed to:

1. Minimize the alteration of the physical and visual character of the hillside (e.g., large notches in ridgelines must be avoided); and

2. Retain natural landforms by using gentle horizontal and vertical curves in alignments.

F. Lands disturbed by earth moving must be revegetated using native species already growing on or near the site. Top soil must be stockpiled and placed on disturbed areas.

13.3.1. Design Standards

A. Land owners and developers are required to control invasive and noxious weeds (see the Idaho Noxious Weed List) on their site. Where noxious or invasive weeds exist on the site, the developer must remove them prior to beginning construction, and revegetate the area with native species within 30 days.

B. Where an infestation affects more than 1 acre of land and immediate control is not feasible, a long-term management plan must be developed with and approved by the local weed district.

C. Development must avoid disturbance of natural vegetation to the maximum extent possible. Where disturbance must occur, the developer must revegetate the area with native species within 30 days.

Chapter 14 - Administration

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The following table summarizes the review and approval authority of the various review bodies and officials that implement and administer the Code.

		Review and Approval				Public Notice				
Review Process	Cross-reference	Planning & Zoning Administrator	Design Review Advisory Committee	Planning & Zoning Commission	City Council	Web	Posted (On-Site)	Mailed	Published	Posted Notice (City Hall)
Comprehensive Plan Amendment	14.4	R	N	R-PH	D-PH	Y	N	N	Y	Y
Land Use Code Text Amendment	14.4	R	N	R-PH	D-PH	Y	N	N	Y	Y
Lot Split	14.5.4	D	N	A	--	N	N	N	N	N
Short Plat	14.5.5	R	N	R-PH	D-PM	Y	Y	Y	Y	Y
Subdivision Concept Plan	14.5.6	D	N	P	--	N	N	N	N	N
Subdivision Preliminary Plat	14.5.6	R	N	R-PH	D-PM/PH	Y	Y	Y	Y	Y
Subdivision Final Plat	14.5.6	R	N	--	D-PM	Y	Y	Y	Y	Y
Site Plan Review	14.6	D	P	A	--	N	N	N	N	N
Temporary Use Permit	10.9	D	P	A	--	N	N	N	N	N
Sign Permit	11.3	D	P	A	--	N	N	N	N	N
Design Review	14.6.2	R	R-PM	D-PM	A	Y	N	N	N	Y
Conditional Use Permit	14.7	R	P	D-PH	A-PH	Y	Y	Y	Y	Y
Variance	14.8	R	P	D-PH	A	Y	Y	Y	Y	Y
Rezone Map Amendment (Project Specific)	14.9	R	N	R-PH	D-PM/ PH	Y	Y	Y	Y	Y
Annexation	14.10	R	N	R-PH	D-PH	Y	Y	Y	Y	Y
De-Annexation	14.11	R	N	R-PM	D-PM	Y	Y	Y	Y	Y
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Modification of a Parcel	14.13.4, 14.13.5	D	N	A	--	N	N	N	N	N
Modification to a Plat - Vacation	14.13.4	R	N	--	D-PH	Y	Y	Y	Y	Y
Modification to a Plat - Insignificant	14.13.4	R	N	--	D-PM	N	N	N	N	N
Modification to a Plat - Significant	14.13.5	R	N	R-PH	D-PM/ PH	Y	Y	Y	Y	Y
Modification of Undefined Approvals	--	D	P	P	--	N	N	N	N	N

KEY:

R = Review, Recommendation D = Decision A = Appeal PH = Public Hearing PM = Public Meeting

Y = Required N = Not Required P = Possible Depending on the Scope of Project

14.2.1. State Statutes

A. This Chapter is intended to comply with the provisions of:

1. Idaho Constitution Article 12, section 2;
2. Idaho Statutes Title 67, Chapter 65, Local Land Use Planning;
3. Idaho Statutes Title 50, Municipal Corporations, Chapter 13, Plats and Vacations; and

B. Where any provision of this Chapter is in conflict with any provision of State law, the State law controls. Where this Chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of State law, the provision of State law must be fully complied with.

14.2.2. Review Authority

A. City Council

Driggs City Council has those powers and duties expressly identified in Idaho Statutes and elsewhere in the Driggs Land Use Development Code, including, but not limited to:

1. Final action on all legislative decisions, including Comprehensive Plan amendments, Land Development Code text amendments, official zoning map amendments, Annexation applications, De-Annexation decisions and subdivision plats;
2. Final action and acceptance of improvements on all Final Plats; and
3. Final Appeal/Reconsideration authority.

B. Planning & Zoning Commission

The Planning and Zoning Commission has those powers and duties identified in Idaho Statutes Title 67, Chapter 65, Local Land Use Planning, including but not limited to:

1. Review and recommendation to the City Council on all legislative decisions, including Comprehensive Plan amendments, Land Development Code text amendments, official zoning map amendments, Annexation applications and De-Annexation decisions.
2. Review and recommendation to the City Council on Short Plats, Preliminary and Final Plats.
3. Final action on design review (unless appealed).
4. Final action on Conditional Use Permits (unless appealed).
5. Final Action on Variances (unless appealed).

C. Planning Administrator

The Planning & Zoning Administrator (known in this Land Development Code as the "Administrator") has those powers and duties identified in Idaho Statutes Title 67, Chapter 65, Local Land Use Planning, including, but not limited to:

1. Review and recommendation to the City Council on all legislative decisions, including Comprehensive Plan amendments, Land Development Code text amendments, official zoning map amendments, Annexation applications and De-Annexation decisions.
2. Review and recommendation to the City Council on Short Plats, Preliminary and Final Plats.
3. Review and recommendation to the Planning & Zoning Commission on all Conditional Use Permits, Design Review, and Preliminary Plats.
4. Final action on all sign permits and site plans (unless appealed).
5. Final action on Lot Splits and Boundary Line Adjustments (unless appealed).

D. Design Review Advisory Committee

Driggs Design Review Advisory Committee (DRAC) has those powers established in Appendix A: Design Standards and Guidelines including:

1. Review and recommendation to the Planning & Zoning Commission on all Design Review applications.

E. Neighborhood Meeting

1. The purpose of a neighborhood meeting is to allow the developer to present the proposal to neighbors and other members of the public prior to the formal public hearing so that the parties can discuss and consider neighborhood impacts, mitigation, design, and construction elements, and the like.

2. A neighborhood meeting shall be required for all Large Scale Subdivisions and shall be held after Concept Plan submittal and prior to Submittal of the Preliminary Plat application, unless another order of applications is appropriate.

3. A neighborhood meeting shall be required for all Zone Map Amendments which propose to change a residential zone to a commercial or industrial zone, or to a residential zone which would increase the allowed density.

4. A neighborhood meeting shall be required for all Annexation requests. The presentation shall cover both the annexation and the associated Zone Map Amendment.

5. Where a neighborhood meeting is required the applicant will work with City Staff on the following items: A. Date/Time/Location of the meeting; B. Sign-in sheet for the meeting; C. Summary of the discussion at the meeting; and D. Any findings and/or changes to the application that resulted from the meeting. City staff will be responsible for providing notice of the event to nearby properties owners. This information will be included in staff reports posted prior to public hearings.

14.3.1. Applicability

A. The following requirements apply to applications submitted under this Chapter and are common to all of these procedures.

14.3.2. Application Requirements

A. Application Submittal

1. All applications must be filed with the Driggs Planning Department and must be submitted on forms and in such numbers as required by the Administrator.

2. Application forms can be found on the City's website, or hard copies can be obtained at City Hall.

B. Fee Schedule

1. Filing fees have been established to defray the cost of processing applications. The current fee schedule is available online on the City's website and is updated and adopted by the City Council.

2. Before review of an application, all filing fees must be paid in full.

C. Completeness Determination

1. All applications must be complete before the City is required to review the application. An application is considered complete when it contains all of the information necessary to decide whether or not the application will comply with all applicable requirements of this Land Development Code. The Planning Administrator will determine if the application is complete within 14 calendar days after submittal. Studies may be required as identified in Chapter 9 and Chapter 13.

2. All of the information required for each application type is listed in the following Articles and referenced on the City's application forms and is presumed necessary to satisfy the requirements of this Chapter. However, it is recognized that each application is unique, and more or less information may be required according to the specifics of a particular case. The Administrator may determine whether more or less information is required to evaluate the project for conformance with applicable code criteria.

D. Revised Application Materials

1. All revised application materials must be submitted to the Administrator, who will route the materials to the appropriate review bodies. No plans may be sent directly to the Planning and Zoning Commission or City Council.

2. No revised application materials, either hard copy or electronic, may be submitted to the Administrator less than 15 calendar days prior to a scheduled public meeting or public hearing.

E. Withdrawal of an Application

1. Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Administrator.

2. No portion of a required application fee will be refunded on any application withdrawn.

3. For applications requiring a public hearing, if the public hearing has been advertised, the withdrawn application will be announced at the hearing.

F. Expiration

Following receipt of a completed application, the applicant shall be required to diligently pursue the application by providing revised plans, plat maps, etc. when requested by City Staff, or the Commission, in a timely fashion. Where the applicant fails to meet this requirement, and fails to take any further action on the application for a period of six (6) consecutive months, the application shall automatically expire. When such an

application has expired, the applicant must re-apply and pay all applicable fees.

14.3.3. Application Review Schedule

A. Administrator's Conformance Analysis

1. Upon determining that an application is complete, the Administrator shall promptly begin and diligently pursue an analysis of the application's conformance with applicable standards, requirements and policies, as stated under Articles 14.4 through 14.12.

2. In preparation of the conformance analysis, the Administrator shall submit requests for comments to all city departments, public service providers, schools and agencies believed to have an interest in the application. Any entity not responding within 45 days of a request for comment being submitted is deemed to not oppose the application.

3. The Administrator, upon completing the conformance analysis, shall provide a copy of the findings to the applicant. The findings shall state the specific provisions, if any, that have not been met and the applicant shall have the opportunity to make changes to the application prior to consideration by the review official or body.

B. Review and Meeting Scheduling

1. Once the Administrator has completed the conformance analysis and the applicant is satisfied with the content of the application, the Administrator will schedule the application for review by the applicable review official or body in accordance with the particular application procedures provided in Art. 14.4 through 14.12 and summarized in Art. 14.1.

2. Where an application review process involves a public hearing with the recommending body and decision making body, the application will be scheduled with the decision making body and hearing notices will be posted only after the hearing with the recommending body is complete.

14.3.4. Public Notice Requirements

A. Published Notice

Where published notice is required, a notice must be published by the Administrator at least twice in the official newspaper of the City at least 15 days, but not more than 45 days, prior to the date of the public hearing.

B. Web Notice

Where web notice is required, notice of the public hearing or public meeting must be posted on the City's website at least 15 days, but not more than 45 days, prior to the date of the public hearing or meeting.

C. Posted Notice (On Site)

Where posted notice is required, a sign must be posted on the property at a point visible from the nearest public street. In the case of multiple parcels, sufficient signs must be posted to provide reasonable notice to interested persons, as determined by the Administrator. Signs must be posted at least 15 days prior to the date of the public hearing.

D. Posted Notice (City Hall)

Where posted notice is required, a notice must be posted in a conspicuous location visible to the public upon entering City Hall. The notice must be posted at least 15 calendar days prior to the date of the public hearing.

E. Mailed Notice

1. Where mailed notice is required, the City will notify by mail all owners of property included in the proposed application and all owners of property within 300 feet on all sides, as shown in the County

tax records. Notice must be mailed at least 15 days, but not more than 45 days, prior to the date of the public hearing.

2. When notice is required to 200 or more property owners or purchasers of record, sufficient notice is provided if the City provides a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the City at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.

F. Content of Notice

Required notice of public hearing must provide at least the following:

1. The address of the subject property (if available);
2. The general location of the land that is the subject of the application, which may include a location map;
3. A description of the action requested;
4. Where a map amendment is proposed, the current and proposed zoning districts;
5. The time, date and location of the public hearing or meeting;
6. A phone number and e-mail address to contact the Administrator;
7. The web address for the City;
8. Information on how written and oral comment will be accepted, including any deadlines; and
9. For Mailed, Posted and Web notices: the list of criteria the approving body will use to make the decision on the action.

14.3.5. Application Review

A. General Process

The applicable reviewing body or official shall perform the application review and provide its recommendation or decision in accordance with this Land Use Development Code, Idaho Statutes in Title 67, Chapter 65, Idaho's Open Meeting Law, the Idaho Secretary of State's Code of Ethics, and procedural resolutions adopted by the City. The decision criteria for each application type are provided individually in Art. 14.4 through 14.12.

B. Review Duration

1. For Administrative Reviews, the Administrator shall issue a decision, and any associated approved permit, within thirty (30) days following the applicant's final response to the Administrator's conformance analysis.
2. A reviewing body may table the review of an application no more than two (2) times unless the applicant agrees to additional postponement of the recommendation or decision.

14.3.6. Written Decision

A. Conformance with Idaho Local Land Use Planning Act

1. In Accordance with Idaho Statute 67-6535, the approval or denial of any application required or authorized pursuant to this title shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

2. Within 65 days from a decision on any application required or authorized by this title, the Administrator shall issue the written decision. In the case of permit issuance, the permit constitutes written notice of the decision.

14.3.7. Appeals

A. Eligibility

An applicant or any person affected by an application decision may appeal that decision. An affected person shall be those defined as such by Idaho Statute Title 67-6521.

B. Overview

1. Appeal: An appeal of an application decision by an affected person results in a review of the decision by the next highest level of authority, ordered as follows: Administrator > Planning & Zoning Commission > City Council. Appeals may be requested until the matter rises to the level of the City Council and it issues a final decision on the application.

2. Reconsideration and Judicial Review: Any applicant or affected person seeking judicial review of a final decision must first request reconsideration of the final decision.

C. Deadlines

1. Appeal: An appeal of an application decision must be submitted to the Administrator no later than the 14th calendar day following the date the written decision being appealed was issued.

2. Reconsideration: A request for Reconsideration of the City Council's final decision must be submitted to the Administrator no later than the 14th calendar day following the date the written final decision was issued.

3. Judicial Review: A request for judicial review must be filed with the District Court within twenty-eight (28) days of the decision regarding reconsideration being issued.

D. Appeal Process and Requirements

1. Upon receiving a completed appeal form and applicable fee, in accordance with Sec. 14.3.2, the Administrator shall schedule a review of the appeal by the Planning & Zoning Commission (in the case of an Administrative decision) or the City Council (in the case of a Commission decision) at the next available meeting.

2. The reviewing body may affirm, reverse or modify the original decision after verification of compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the completed appeal application.

E. Reconsideration Process and Requirements

1. Upon receiving a completed request for reconsideration of a final decision by the City Council and the applicable fee, in accordance with Sec. 14.3.2, the Administrator shall schedule the request with the City Council at the next available meeting.

2. The City Council may affirm, reverse or modify its decision after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied.

14.4.1. Applicability

A. Comprehensive Plan Amendment

A request to amend the text of the Comprehensive Plan, where such amendment would not result in a site-specific land use decision (constituting a quasi-judicial decision).

B. Land Development Code Text Amendment

A request to amend the text of this Title of the City's Code.

14.4.2. Application Requirements

The following information is required to be submitted:

1. Written description and explanation of need for the proposed amendment;
2. Written explanation of how the proposed amendment is in accordance with the Comprehensive Plan; and
3. Any other information necessary to assure the fullest consideration of facts concerning the application.

14.4.3. Review Process

The City Council approves applications for text amendments to the Land Use Development Code or Comprehensive Plan at a public hearing, following a public hearing and review and recommendation by the Planning and Zoning Commission.

A. The City Council, Planning & Zoning Commission, Administrator, or any affected person as outlined in Idaho Statute Title 67-6509(d) may initiate an application.

B. Notice of intent to amend the Land Development Code or Comprehensive Plan shall be mailed to all political subdivisions providing services within city limits, including the school district.

14.4.4. Approval Criteria

A. For a Comprehensive Plan Amendment

1. The Comprehensive Plan Amendment corrects an error or meets the challenge of some changing condition, trend or fact.
2. The Comprehensive Plan Amendment is in response to changes in State law, as established through amendments to the Idaho Statutes or by court decision.
3. The Comprehensive Plan Amendment constitutes a benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
4. The Comprehensive Plan Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

B. For a Land Use Development Code Text Amendment

1. The Text Amendment corrects an error or meets the challenge of some changing condition, trend or fact.
2. The Text Amendment is in response to changes in State law, as established through amendments to the Idaho Statutes or by court decision.
3. The Text Amendment substantially conforms to the Comprehensive Plan.
4. The Text Amendment substantially conforms to the stated purpose and intent of this Land Use Development Code.
5. The Text Amendment constitutes a benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

6. The Text Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

7. The Text Amendment will not significantly impact existing conforming development patterns, standards or zoning regulations.

14.5.1. Purpose

Subdivision Review ensures that all subdivision and sale of land complies with the applicable requirements of this Land Development Code and Idaho Statutes.

14.5.2. Applicability

Subdivision Review is required for any:

1. Subdivision of land into 2 or more parcels.
2. The dedication of any street or alley through or along any tract of land except where the dedication is initiated at the request of a public body.
3. Condominium or townhouse projects as permitted by Idaho Statutes.
4. Amendments of a previously-divided parcel if it is considered a significant amendment as defined in Sec. 14.13.5.

14.5.3. Activities Not Considered A Subdivision

A. Modification of a Plat

A readjustment of lot lines in a recorded plat that does not reduce the area, frontage, width, depth, or building setback lines below the minimums required in the zoning district. See 14.13.4.

B. Modification of a Non-Subdivision Parcel

The exchange of land for the purpose of straightening property boundaries or adding land to existing parcels by trade or sale that does not result in a change of the present land use or in any way result in land parcels which do not meet existing zoning and other regulations. See 14.13.3.

C. Allocation of Land for Settlement

An allocation of land in the settlement of an estate or a court decree for the distribution of property with the stipulation that the land may not be divided, only the interest in the land may be divided.

D. Agricultural Split

A bona fide division or partition of agricultural land for agricultural purposes, which is the division of land into lots/parcels, all of which are twenty (20) acres or larger and maintained as agricultural lands. These parcels are not eligible for any building rights through this division process.

E. Unwilling Sale of Land

The unwilling sale of land as a result of legal condemnation as defined and allowed in Idaho Statute and when the dedication of a right-of-way for public purposes is initiated by a public body.

14.5.4. Lot Split

A. Eligibility

A Lot Split is an alternative to the Subdivision process that allows divisions of lots (platted and unplatted lots) that were created prior to December 1, 1992 to be processed administratively when it complies with all of the review criteria described in this section.

B. Application Requirements

The following information is required to be submitted:

1. Unrecorded deeds with the legal description for the proposed lots;
2. Survey prepared by a land surveyor licensed in the State of Idaho, that is not more than a year old, that includes the following information:
    a. Property lines, dimensions, and acreage;
    b. Legal description;
    c. Proof of adequate access to each parcel;
    d. Existing structures, fences, parking/ driveway areas, easements, ditches, and waterways;

e. Signature blocks for the owner(s), Planning & Zoning Administrator, Mayor, City Clerk attest, and County Surveyor, Public Works Director; and

f. Signature and stamp by the land surveyor.

C. Review Process

1. The Planning & Zoning Administrator will review and determine approval or denial based on compliance with the zoning provisions in this Title and compliance with the approval criteria.

2. The survey will be reviewed by the Teton County Surveyor or an approved agent for accuracy and compliance with the standards set forth in Idaho State Statute.

3. If approved, a signed paper and Mylar copy of the survey and deeds will need to be submitted for signature by the city prior to recording at the Teton County Recorder's Office.

4. An application that is approved, but not recorded within six (6) months from the date of approval is considered expired and a new application is required.

D. Approval Criteria

1. The number of resulting lots does not exceed 2 lots.

2. The lot is a Lot of Record and has not been divided since December 1, 1992.

3. Each proposed lot meets all applicable requirements of this Land Development Code and applicable adopted plans and policies.

4. The division does not require the extension of public utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;

5. The division does not require new public streets and each proposed lot has either approved access from an existing public street or recorded easement that contains the necessary right-of-way width.

14.5.5. Short Plat

A. Process

The purpose of the short plat procedure is to provide an alternative subdivision process that allows a simple subdivision application to be processed as both a preliminary plat and a final plat in a single process. Following a public hearing, the Planning and Zoning Commission submits a recommendation to the City Council, which then makes a decision without holding its own public hearing.

No short plat application shall be approved for residential densities above those referenced in the Future Land Use Map and described in residential base densities (See Art 14.5.6.B), except by approval of a Residential Density Bonus in exchange for Qualified Workforce Housing Incentive Program.

B. Application Requirements

All of the information required for a Preliminary Plat and Final Plat as referenced in 14.5.6 is required to be submitted.

C. Approval Criteria

1. The number of resulting lots shall not exceed 5 lots;

2. Each proposed lot meets all applicable requirements of this Land Development Code and applicable adopted plans and policies;

3. The subdivision does not require the extension of public utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;

4. No new street dedication or street widening is involved;

5. The subdivision does not lie wholly or in part within the Conservation District, Floodplain Overlay, or a resource protection area identified by the Land Development Code; and

6. All required information for both preliminary and final plats is complete and in an acceptable form.

D. A subdivision that does not meet the criteria above is considered a Full Plat. Condominiums and townhouse developments use the Full Plat procedure; additional requirements for Condominiums and townhouses are found in Sec. 14.5.7 and 14.5.8.

E. Expiration of Short Plat Approval

A mylar copy of the plat, signed by the owner and any lien holder on the property, must be received within six (6) months of the City Council's approval or the approval shall expire. Following receipt of the signed mylar plat, a Short Plat application that is approved and not recorded within five (5) years of the date of approval shall be considered expired and a new application shall be required.

F. Final Plat Recording

G. Once all required improvements are completed, the City will authorize recording the final plat in the office of the Teton County Recorder.

14.5.6. Full Plat

A. Process Overview

Full Plat approval is a three-step process. The first step is a Concept Plan Review by the Planning and Zoning Administrator. Preliminary Plat approval comes from the City Council, after recommendation from the Planning and Zoning Commission. Finally, Final Plat approval is granted from the City Council after all improvements have been installed and inspected. All recommendations and approvals require public hearings except for the Final Plat. See Article 14.1, Summary of Review Authority. For phased development, the Master Plan of future phases must be submitted with the first phase. Each phase must obtain Preliminary Plat and Final Plat approval independently.

B. Residential Base Densities

1. Residential Base Densities Established

   a. No subdivision, short plat subdivision, amendment to a subdivision, or site development application shall be approved for residential densities above those referenced in the Future Land Use Map and described below as the residential base densities, except by approval of a Residential Density Bonus in exchange for Qualified Workforce Housing Incentive Program. The following base densities are associated with each zoning district:

      i. Low Density Residential Zones:

         a. RC-2.5; 1 unit per 2.5 acres

         b. RC-1.0; 1 unit per acre

         c. RC-0.5; 2 units per acre

      ii. Medium Density - Single & Two-Family Residential Zones:

         a. RS-16; 3 units per acre

         b. RS-7; 4 units per acre

         c. RS-5; 4 units per acre

         d. RS-3; 8 units per acre

      iii. High Density Residential Zones:

         a. RM-1; 12 units per acre

         b. RM-2; 12 units per acre

      iv. Mixed Use & Commercial Zone Districts:

         a. Neighborhood Mixed Use: NX; 12 units per acre

b. Residential Mixed Use: RX; 12 units per acre

c. Downtown Mixed Use: DX; 20 units per acre

d. Commercial Mixed Use: CM; 20 units per acre

e. Industrial Mixed Use: IX; 8 units per acre

f. Commercial Corridor: CC; 20 units per acre

g. Civic: CIV; (Requires Conditional Use Permitting)

Zones not listed above do not allow for residential uses: Commercial Heavy (CH), Industrial Heavy (IH); Industrial Light (IL); Recreation (REC); Conservation (CON)

C. Concept Plan

Prior to submitting an application for a Preliminary Plat, a Concept Plan must be reviewed by the Administrator.

1. Application Requirements: Information submitted must contain plans and data required for the Preliminary Plat, but may be generalized in content. The information may be in graphic form, by notes on plans, or by letter, and may comprise several sheets showing various elements of the required data.

    a. Proposed Conditions Data:

        i. The proposed name of the Development. The proposed name must not duplicate or too closely approximate, phonetically, the name of any other development, and must be approved by Teton County.

        ii. Street layout, including location, width and proposed names of public streets, alleys, pedestrian ways, and easements; connections to adjoining platted tract.

        iii. Typical lot dimensions to scale; dimensions of all corner lots and lots of curvilinear sections of streets; each lot number individually; total number of lots.

        iv. Location, width, and use of easements.

        v. Designation of all land to be dedicated or reserved for public use, with use indicated.

        vi. If the plat includes land for which multi-family, commercial, or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification and status of zoning change if any.

        vii. If the proposed subdivision is part of a larger area intended for development, a Development Master Plan of the entire area.

        viii. Appropriate information that sufficiently details the proposed development within any special development area, such as planned unit development, floodplain, large scale development, hazardous and unique areas of development as described in sections 14.5.10-13.

    b. Request and proposal for a density bonus, if applicable, addressing standards in Art. 14.5.6.B

    c. Proposed Utility Methods:

        i. Location of proposed sewer and water lines.

            a. It is the responsibility of the subdivider to furnish the City such evidence as may be required relative to the design, operation, volume and quality of water supply

of the sanitary sewage and water facilities proposed.

ii. Locations and types of stormwater collection systems.

a. Evidence may be required relative to the design and operation of any storm water system proposed.

iii. Information required in items i and ii above must consider and include Health District and Natural Resources Conservation Service data and requirements. Utility Plans must be made in accordance with the Idaho Rules for Public Drinking Water Systems, the Recommended Standards for Wastewater Facilities (available from Idaho DEQ), DEQ Storm Water Best Management Practices for Idaho Cities and Counties, and the City of Driggs Public Works Standards and Technical Specifications (latest edition).

2. Review Process: The Administrator will review the material within 30 calendar days and advise the subdivider in writing as to the general conformance or non-conformance with this Code. The review may include official and unofficial comments on policies and guidelines followed by the P&Z Commission in the implementation of various development ordinances such as the Comprehensive Plan, Land Development Code, and similar plans or programs. For large or complex proposals the Administrator may, at their discretion, present the Concept Plan to the P&Z Commission for their review and comment.

3. Expiration: If a Preliminary Plat application has not been submitted within 9 months after the Concept Plan Review has been issued, then a Concept Plan Review must be resubmitted.

D. Preliminary Plat Application

Upon completion of the Concept Plan Review, the subdivider may proceed by submitting a Preliminary Plat application for review by the P&Z Commission and City Council.

1. Application Requirements: All mapped data must be drawn at the same standard engineering scale, having no more than one hundred feet to an inch (1″=100′). Scales must be adjusted to produce an overall drawing measuring 18″x27″.

a. Plat created by a licensed land surveyor in the State of Idaho (All plats must include the minimum requirements set out in Idaho Statutes Title 50-1304, Essentials of Plats. All plats must not be more than a year old.

i. Identification and Descriptive Data:

a. Subdivision name and location by section, township, and range; reference by dimension and bearing to a section corner or quarter section corner.

b. Name, address, and phone number of subdivider, owner, and engineer or land surveyor.

c. Scale, north arrow, and date of preparation.

d. Vicinity map drawn to a scale of 1″=800′ clearly showing the proposed subdivision configuration in relationship to adjacent subdivisions, main arterial routes, collector streets, etc.

e. Documents showing proof of ownership or proof of legally cognizable interest in the property to be subdivided.

f. Name and recording instrument numbers of any recorded adjacent subdivision having common boundary with the tract.

g. By note, the existing zoning classification of the tract.

h. By note, the acreage of the tract.

i. Boundaries of the tract to be subdivided must show dimensions.

b. Existing Conditions:

i. Topography by contours shown on the same map as the proposed subdivision layout. Contour intervals must not exceed one foot (1′) when inside a floodplain. Topography must be determined by an actual field survey, and elevations must be referenced to an established U.S. government or city bench mark, unless waived by the P&Z Commission.

ii. Location of water wells, streams, creeks, rivers, flood hazard zones as mapped on the effective FIRM, drainages, wetlands, canals, irrigation laterals, private ditches, ponds, or other water features; direction of flow, location and extent of known areas subject to inundation, as determined by field survey.

a. If located in a floodplain, then the plan must also specify the base flood elevation and any planned re-routing of waterways.

b. Location, widths, and names of all platted streets, railroads, utility rights-of-way of public record, public areas, permanent structures to remain (including water wells), and municipal corporation lines within or adjacent to the tract.

c. The Master Plan (if there will be multiple phases). The master plan of the subdivision, with necessary attachments, in accordance with the definition and requirements, shall be recorded and shall be binding on the applicant and subsequent owners of the property.

d. Workforce or Affordable Housing Mitigation Plan, if Density Bonus is requested, satisfying the requirements of Art. 14.5.6.B

i. Where Workforce or Affordable Housing is proposed, the dedicated units in the development shall be mixed with, and not clustered together or segregated in any way from market-rate units.

ii. The Workforce or Affordable Housing units provided as part of the density bonus shall be made available concurrent with the availability of the market-rate units.

e. The Improvement Plans (Construction Drawings), with proposed phasing, for public improvements in final and complete form, stamped by a licensed engineer in the State of Idaho in conformance with Article 12.

f. A Landscaping Plan must be included if any provisions of Article 11.2 are required.

g. A draft of any private restrictions proposed to be recorded for the purpose of providing regulations governing the use, building lines, open spaces or any aspect of the development, use and maintenance, if such restrictions are being proposed.

h. A Draft Development Agreement in the format adopted by the city including phasing timelines.

E. Preliminary Plat Review

1. The Administrator will perform a Completeness Determination. If complete, then the application will be distributed for comment to the following applicable agencies and departments:
    a. Department of Environmental Quality
    b. Fire Department
    c. City Public Works Department
    d. City Engineer
    e. Parks and Recreation Committee
    f. Health Department
    g. State Highway Department
    h. Utility Companies
    i. Natural Resources Conservation Service
    j. Irrigation District
    k. Teton County, Idaho Planning & Zoning Commission, if subdivision is outside incorporated City limits.
    l. Driggs/Reed Memorial Airport Board, if subdivision is within the Airport Overlay or proposes airport related uses.
    m. Teton County Joint Housing Authority (TCJHA), if a Density Bonus, per Art. 14.5.6.B, is proposed. If the TCJHA is unable to review and/or act on an application, this review and possible acceptance shall be the responsibility of the Planning Administrator.
    n. Other departments or agencies as necessary
2. When reviewing or approving a Preliminary Plat, the Planning and Zoning Commission will consider the following.
    a. Recommendations of the Administrator, including recommendations from internal City departments and external agencies.
    b. The conformance of the plan with the comprehensive plan.
    c. The availability of public services to accommodate the proposed development.
    d. The conformity of the proposed development with the capital improvements plan.

F. Preliminary Plat Approval Criteria

1. The plat has been created and stamped by a licensed land surveyor in the State of Idaho and includes the minimum requirements set out in Idaho Statutes Title 50-1304.
2. The plat contains an Owner's Certificate specifying ownership and maintenance responsibilities acceptable to the city for roads, parks, open space and other public or common facilities or areas.
3. The Improvement Plans have been approved by City Public Works, City Engineer, Teton County Fire Protection District, Idaho DEQ and any other agency or department having jurisdiction over the improvements or land thereon.
4. Any proposed phasing is clearly shown on a development master plan and provides for orderly development of the land conforming at all times to this Land Development Code.
5. The Development Agreement and subdivision design satisfactorily mitigate for the effects from the development and phasing timelines on the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision. Services include, but are not limited to transportation systems, public utilities, highway

jurisdictions, law enforcement and emergency services, solid waste, health care, affordable housing, education, economic development, and environmental protection. Subdivision and off-site improvements may be required for any of the above, in proportion to the impact made by the development.

6. The plat and development plans substantially conform with the underlying zoning and applicable provisions of this Title and conform with the City's Comprehensive Plan and other applicable plans and policies, such as the Transportation Plan ~~and~~ Recreation Master Plan, and established maximum residential densities.

G. Phasing Development

The Master Plan of future phases must be submitted with the first phase. Each phase must obtain Preliminary Plat and Final Plat approval independently. A Master Plan must include the proposed residential densities for phased residential subdivisions.

H. Preliminary Plat Approval Letter

Following approval of a Preliminary Plat from the City Council, the applicant will work with staff to ensure the following items are resolved prior to receiving a letter of Preliminary Plat Approval, which allows construction to start.

1. Recordation of the Development Agreement.
2. Approval of Improvement Plans and financial guarantee received per section 12.1.3.

I. Expiration of Preliminary Plat

An approved Preliminary Plat expires 2 years after the approval date, unless the applicant has filed a complete application for a Final Plat.

J. Final Plat Application

Upon approval of a Preliminary Plat and construction of public improvements, the subdivider may proceed by submitting a Final Plat application for review by the City Council.

1. Application Requirements: Plat created by a licensed land surveyor in the State of Idaho. All plats must include the minimum requirements set out in Idaho Statutes Section 50-1304, Essentials of Plats and described as follows:

a. Method and Medium of Presentation:

i. All plats to be offered for recording must meet standards of Idaho Code, Title 50, Chapter 13, and show all information that was approved on the Preliminary Plat, and in such form as may be required by the recording clerk.

ii. Copies of the record plat must be reproduced in the form of blueline or blackline prints on a white background.

iii. The plat shall be drawn to an accurate scale having not more than one hundred (100) feet to an inch unless otherwise approved as to scale. Drawings shall measure 18"x27".

iv. A digital copy of the plat, referenced to Idaho Coordinate System of 1983, East Zone (as defined by Idaho Code - Title 55, Chapter 17) and tied to at least two PLSS corners (1/4, 1/16, or section corners), must be submitted, unless the applicant can demonstrate that considerable practical difficulty or financial hardship would result. The digital plat must be in either an AutoCAD compatible format or ESRI shapefile format. The development boundary, the individual lot or unit boundary lines, easement lines, and line annotation shall be provided on separate working layers.

b. Identification Data Required:

i. A title which includes the name of the subdivision and its location by number of section, township, range and county.

ii. Name, address, and official seal of the registered land surveyor preparing the plat.

iii. Scale, north arrow, and date of the plat preparation.

c. Survey Data Required:

i. Boundaries of the tract to be subdivided, fully balanced and closed, showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.

ii. Any excepted parcel(s) within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.

iii. Location and description of at least two cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced. Cardinal points must be public land survey corners, or in lieu of public land survey corners, monuments recognized by the city engineer or surveyor.

iv. The basis of bearing for the plat.

d. Descriptive Data Required:

i. Name, right-of-way lines, courses, lengths, width of all public streets, alleys, pedestrian ways, and utility easements; radii, points of tangency, and central angles of all curvilinear streets and alleys, and radii of all street line intersections.

ii. All drainage ways to be dedicated to the public shall be shown on the plat.

iii. All easements for rights-of-way provided for public services or utilities and any limitations of the easements.

iv. All lots and blocks, numbered throughout the plat in accordance with the Idaho Code. "Exception, Land" "tracts,", "Open Space" and "parks" shall be so designated, lettered, or named and clearly dimensioned.

v. Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public will be clearly indicated and intended use specified.

e. Dedication and Acknowledgment:

i. Dedication: A statement of dedication of all parks, open space, streets, alleys, drain ways, pedestrian ways, and other lands and easements for public use by the person holding title of record and by persons holding title as vendees under land contract. If lands dedicated are mortgaged, the mortgagee shall also sign the plat.

ii. Acknowledgment of Dedication: Execution of dedication shall be acknowledged and certified by a notary public.

f. Required Certifications:

i. Certification by the registered professional land surveyor stating on the plat that the plat is correct and accurate, and that the monuments described in it have been located and described.

ii. Certification of plat approval by the City Public Works Director (or County Public Works Director if in Area of Impact).

iii. Certification by the County Surveyor stating that the plat has been reviewed for accuracy and is acceptable to be recorded per Idaho Statute Title 50-1305.

iv. Certification of plat approval by the District 7 Health Department; or sanitary restriction.

v. Certification of plat approval by the City Planning and Zoning Chair.

vi. Certification of plat approval by the County Assessor.

vii. Certification of plat approval by the County Fire Chief.

viii. Certification of plat approval by the Mayor and attest by the City Clerk.

ix. Certification of plat approval by the County Treasurer.

x. Certification of recordation by the County Recorder.

xi. Owner's certification as specified in Idaho Statute Title 50-1309.

xii. Certification of plat approval by the Teton County Board of Commissioners, if subdivision is in the Area of Impact.

xiii. The Conditions, Covenants and Restrictions Document(s) and, if applicable, a Design Standards Document.

K. Final Plat Approval Criteria

1. The plat and development plans substantially conform with the approved preliminary plat.
2. The final plat and development plans meet all of the approval criteria for a preliminary plat.
3. The public improvements have been constructed per the approved Improvement Plans.
4. The Improvements have been approved by City Public Works, Teton County Fire Protection District, Idaho DEQ and any other agency or department having jurisdiction over the improvements.
5. Any other document, such as CC&Rs, to be recorded with the plat has been signed by the Owner and received by the City.

L. Final Plat Approval

Final Plat approval shall be contingent in part upon completion and acceptance by the City of all public improvements. Streets and public improvements will not be officially accepted until the following conditions are satisfied:

1. Improvements have been inspected by the City, any other applicable political subdivisions, and utility providers including but not limited to the Teton County Fire District and Eastern Idaho Public Health District 7;
2. Any necessary corrections are made in the field and on the approved construction drawings;
3. Three reproducible copies of the as-built drawings, certified, stamped and signed by the design professional are provided to the City Engineer; and
4. The warranty required in Sec. 12.1.5 is provided to the City of Driggs.

M. Final Plat Recording

In accordance with Sec. 12.1.3, streets and public improvements within a new subdivision shall be completed and accepted by the City of Driggs prior to a request to record the corresponding subdivision plat. Once all required improvements are completed and public improvements have been accepted

by the City, the City will authorize the applicant to record the final plat in the office of the Teton County Recorder.

N. Expiration of Final Plat Approval

A mylar copy of the plat, signed by the owner and any lien holder on the property, must be received within six (6) months of City Council's Final approval or the Final Plat approval shall expire.

14.5.7. Condominiums

The purpose of this section is to set forth special provisions for property created or converted pursuant to the Condominium Property Act, Title 55, Chapter 15, Idaho Statute.

A. By-Laws

The developer of a condominium project shall submit with the preliminary plat application as required by this Ordinance a copy of the proposed by- laws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, common area, recreational facilities, and open space. Prior to final plat approval, the developer shall submit to the City a copy of the final by-laws and condominium declarations which shall be approved by the Council and filed with the Teton County Recorder, including the instruments number(s) under which each document was recorded.

B. Garages

All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is tied to specific condominium units on the condominium plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the condominium project.

C. Plat Recordation

All structures proposed on an approved condominium final plat must be completed and receive occupancy certificates before the City will record the final plat. The final plat shall be updated as needed with as built unit descriptions.

14.5.8. Townhouses

A. Agreements

The developer of the townhouse development shall submit with the preliminary or short plat application and all other information required therein a copy of the proposed party wall agreement as well as the proposed document(s) creating an association of owners of the proposed townhouse sub-lots, which shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the developer shall submit to the City a final copy of said party wall agreement and any other such documents and shall record said documents prior to recordation of the plat, which plat shall reflect the recording instrument numbers thereupon.

B. Lot Size

A Townhouse subdivision shall be exempt from the minimum lot size requirement if the following standards are met.

1. Common Element Interest Required. A lot of record may be subdivided into lots of less than the minimum lot size for the zone if each resultant lot retains an undivided interest in common elements of the lot of record.

2. Maximum Lot Size. A townhouse lot shall not exceed 125% of the area of footprint of the approved unit.

C. Garage

All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

D. Plat Recordation

All structures proposed on an approved townhouse final plat must be completed and receive occupancy certificates before the City will record the final plat. The final plat shall be updated as needed with as built unit descriptions.

14.5.9. Planned Unit Developments

A. Purpose and Objectives

Planned unit developments are created to allow an applicant maximum flexibility in designing quality residential, commercial, industrial,or mixed use developments which could not be achieved by the strict adherence to the terms of this title or the city zoning ordinance and may be approved by the commission to achieve the following objectives of development:

1. To provide necessary commercial, recreational and educational facilities conveniently located to housing.
2. To provide for well located, clean, safe and pleasant industrial sites involving a minimum of strain on transportation facilities;
3. To encourage residential, commercial and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;
4. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economics may inure to the benefit of those who need homes;
5. To lessen the burden of vehicular traffic on streets and to promote safe and efficient pedestrian and bicycle traffic;
6. To conserve the value of the land;
7. To provide a procedure which can relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics; and
8. To encourage integrated planning in order to achieve the above purposes and objectives of development.

B. General Regulations

1. Scope

Applications for planned unit development zoning may be made for land located in any zoning district.

2. Compliance with Other Laws

a. Comprehensive Plan: No PUD shall be approved unless it is found by the commission to be in general conformity with the comprehensive plan.

b. Zoning And Subdivision Regulations; Conflicting Provisions: Sections pertaining to zoning and the regulations in this Title shall be applicable to planned unit developments insofar as such applicability is consistent with this Chapter. To the extent that specific zoning or subdivision regulations conflict with standards contained in this Article, such regulations shall not be applicable.

3. Approval Conditions

The commission may approve a proposed PUD upon a finding that it will implement the purposes of this Article and will meet the standards and requirements set forth in this Article.

4. Minimum Land Area

The minimum size of a parcel of land that may comprise a PUD is any lot or parcel of record of five (5) acres or more.

C. Use Exceptions

Upon recommendation of the commission, the council may authorize specific uses not normally permitted by the use regulations of the district in which the development is located. In granting such authorization, the commission and council shall make the following findings:

1. The uses permitted by the exception are strongly related to the principal use of the development and have the purpose of providing services or facilities useful or complementary to the primary use.

2. No more than five percent (5%) of the total area of the project shall be devoted to the uses permitted by the exception.

3. The uses permitted by the exception are integrated into the overall project by:

   a. Being located in proximity to and within convenient walking distance of the primary uses.

   b. Utilizing one or more of the main vehicular accesses to the primary use site as the main access to the exception site or interconnection through a system of private roadways and/or pathways.

   c. Providing pedestrian and bicycle pathway connections with the primary use site.

   d. Orienting buildings on the exception site to facilitate vehicular and/or pedestrian access from the primary use site.

   e. Continuing architecture, landscaping, and building bulk concepts from the primary use into the use of the exception site so they are consistent and harmonious throughout the development.

4. The use(s) permitted by the exception is neighborhood or community serving in size and character and not regional, and is not detrimental to adjacent neighborhoods in location and character.

D. Residential Density

Densities may be transferred between zoning districts within a PUD, provided the aggregate overall allowable density of units shall be no greater than that allowed by the established maximum residential densities, identified in Art. 14.5.6.B, unless compliance with the Density Bonus provisions is met.

E. Common Open Space Area Required

1. Twenty five percent (25%) of the total area within the boundary of any PUD shall be devoted to usable and accessible common open space; provided, however, that the commission may reduce such requirement if it finds that such decrease is warranted by the design of, and the amenities and features incorporated into, the plan and that the needs of the occupants of the PUD for common open space can be met in the proposed PUD and the surrounding area. Nonresidential PUDs shall justify, during the review process, any reduction in the open space dedication. During the review process, the PUD applicant shall justify any reduction in the open space dedication.

2. Dedication of parks and open space shall conform with Art. 12.4 and any adopted plans for open space, parks, trails or corridors. The commission

shall determine the suitability of open space to be dedicated. Dedication of open space prone to frequent flooding, or part of a watercourse, or consisting of steep slopes may not be considered as meeting all or part of the twenty-five percent (25%) open space requirement. The commission may give partial credit for dedication of land such as that listed above.

F. Development Standards

1. Modification of Zoning And Subdivision Development Standards

a. Street standards shall conform to the regulations of this title, except where, in the event of extraordinary circumstances, a need for relief is demonstrated by the applicant.

b. For single-family homes and duplexes, the averaging of lot areas shall be permitted to provide flexibility in design and relate lot size to topography, but each lot shall contain an acceptable building site. Setbacks, accessory buildings and building height shall be governed by the existing district regulations where the proposed PUD is to be located.

c. The clustering of development with usable common open areas shall be permitted to encourage provisions for and access to common open areas and to save street and utility construction and maintenance costs. Such clustering is also intended to accommodate contemporary building types which are not spaced individually on their own lots but share common side walls, combined service facilities or similar architectural innovations, whether or not providing for separate ownership of land and buildings.

2. Site Plan Criteria and General Requirements

The PUD shall meet the following site plan criteria unless the applicant can demonstrate that one or more of them is not applicable or that another practical solution has been otherwise achieved:

a. The PUD shall have an appropriate relationship to the surrounding area, with unreasonable adverse effects on the surrounding area being minimized.

b. The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire protection is maintained and provisions for using and maintaining such streets are imposed upon the private users and approved by the commission. Bicycle traffic shall be provided in any area designated for commercial or residential use. Wherever possible, bicycle paths shall be provided to link with other existing or proposed pathways.

c. The PUD shall provide parking areas in conformance with the minimum site development standards of this title in terms of number of spaces for each use, location, dimensions, circulation, landscaping, safety, convenience, separation and screening.

d. The PUD shall provide common open space adequate in terms of location, area and type of the common open space, and in terms of the uses permitted in the PUD. The PUD shall strive for optimum preservation of the natural features of the terrain.

e. The PUD shall provide for variety in housing types and densities, other facilities, and common open space.

f. The PUD shall provide adequate privacy between dwelling units.

g. The PUD shall provide pedestrian ways adequate in terms of safety, separation, convenience, access to points of destination and attractiveness.

G. Supplementary Regulations

1. Common Open Space Maintenance Requirements

a. The common open space of a PUD may be owned and maintained by the property owners within the PUD, or by an organization chosen therefrom. In the event that the organization established to own and maintain common open space, or any successor organizations, shall at any time fail to maintain the common open space in reasonable order and condition, the administrator may serve written notice upon such organization or upon the residents of the PUD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing which shall be held within fourteen (14) days of the notice. At the hearing, the commission may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within thirty (30) days or any extension granted, the commission, in order to preserve the taxable values of the properties and to prevent the common open space from becoming a public nuisance, may enter the common open space and maintain said space for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same has been voluntarily dedicated to the public by the owners.

b. Before the expiration of the year, the commission shall, upon their initiative or upon the written request of the organization responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PUD, to be held by the commission, at which hearing, such organization or the residents of the PUD shall show cause why maintenance by the commission shall not, at the election of the commission, continue for a succeeding year.

c. If the commission determines that such organization is ready and able to maintain the common open space in reasonable condition, the commission shall cease maintenance of such common open space at the end of said year.

d. If the commission determines such organization is not able to maintain the common open space in a reasonable condition, the commission may, in their discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

e. The cost of maintenance by the commission shall include actual cost, plus overhead, plus twenty five percent (25%), and shall be paid by the owners of properties within the PUD that have a right of enjoyment of the common open space, and any unpaid assessments shall become a tax lien on the properties.

f. The commission shall file a notice of such lien in the office of the county clerk and

recorder upon the properties affected and shall certify such unpaid assessments to the county commissioners and the county treasurer for collection, enforcement and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes.

2. Development Schedule; Completion in Stages; Time Limits:

   a. The applicant must begin development of the PUD within one year from the time of its final approval; provided, however, that the PUD may be developed in stages and/or with specific time requirements as approved by the commission. The applicant must complete the development of each stage and of the PUD as a whole in substantial compliance with the development schedule approved by the council.

   b. If the applicant does not comply with the time limits imposed by the above subsection of this section, the commission shall review the PUD and may revoke approval for the uncompleted portion of the PUD, or require that the PUD be amended, or extend the time for completion of the PUD.

   c. Each stage within a PUD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to a subsequent stage will not have a substantial adverse impact on the PUD or its surroundings.

   d. If a PUD contains nonresidential uses, they may be constructed in advance of residential uses if the commission finds that such phasing is consistent with orderly development and will have no substantial adverse effect on the quality or character of the PUD.

3. Enforcement Of and Modifications to Plan

   a. The provisions of the plan relating to the use of land and the location of the common open space shall run in favor of the city and shall be enforceable at law or in equity by the city without limitation on any powers or regulation otherwise granted by law.

   b. All provisions of the plan shall run in favor of the residents, occupants and owners of the PUD but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent, said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by such residents, occupants or owners acting individually, jointly or through an organization designated in the plan to act on their behalf.

   c. All those provisions of the plan authorized to be enforced by the city may be modified, removed or released by the city subject to the following:

      i. No modification, removal, or release of the provisions of the plan by the city shall affect the rights of the residents, occupants and owners of the PUD to maintain and enforce those provisions at law or in equity; and

      ii. No substantial modification, removal or release of the provisions of a PUD plan by the city shall be permitted except upon a finding by the commission, following a hearing upon notice as required, that the modification, removal or release is consistent with the efficient development and preservation of the entire PUD, does not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across the street from the PUD or the public interest, and is not

granted solely to confer a special benefit upon any person.

d. Residents and owners of the PUD may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the city to enforce the provisions of the plan.

4. State Taking Analysis

Denial of a planned unit development or approval of a planned unit development with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided by Idaho Statute Title 67-8003, consistent with requirements established thereby.

14.5.10. Subdivision within a Floodplain

A. Justification for Development

Upon determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will alter the flow of water, the subdivider shall demonstrate conclusively that such development will not present a hazard to life or limb, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel and not have an adverse impact on the natural environment.

B. Factors for Determining Appropriateness of Subdivision

1. In determining the appropriateness of subdivision for land located within a floodplain, the commission and council shall consider the objectives of this title, and at least the following:

    a. The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads and intended uses;

    b. The danger that intended uses may be dislodged and swept into others within the subdivision downstream to the injury of others;

    c. The adequacy of proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions;

    d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

    e. The importance of the services provided by the proposed facility to the community;

    f. The requirements of the subdivision for a waterfront location;

    g. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses;

    h. The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future;

    i. The relationship of the proposed subdivision to the comprehensive plan and any floodplain management program for the area;

    j. The safety of access to the property for emergency vehicles in time of flood;

    k. The expected height, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site during a 100-year flood; and

    l. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

2. No subdivision or part thereof shall be approved if levees, fills, structures, or other features within the proposed subdivision will, individually or collectively, significantly increase flood flows, heights, or damages. If only part of a proposed subdivision can be safely developed, development shall be limited to that part, and the city shall require development to proceed consistent with that determination.

C. Floodproofing Plans

Floodproofing plans must be individually approved by the council upon recommendation from the commission before such uses are constructed. Floodproofing may include, but not be limited to, the following:

1. Anchorage to resist flotation and lateral movement;
2. Installation of water tight doors, bulkheads and shutters, or similar methods of closure;
3. Reinforcement of walls to resist water pressure;
4. Use of paints, membranes, or mortars to reduce seepage of water through walls;
5. Addition of mass or weight to structures to resist flotation;
6. Installation of pumps to lower water levels in structures;
7. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwater;
8. Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures;
9. Building design and construction to resist rupture or collapse caused by water pressure or floating debris;
10. Installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and stormwater into buildings or structures;
11. Location and installation of all electrical equipment, circuits and electrical appliances so that they are protected for inundation by the regulatory flood; and

12. Location of storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare at elevations above the height associated with the regulatory protection elevation; or design of such facilities to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.

14.5.11. Large Scale Development Subdivision

A. Required Information

Due to the impact that a large scale development would have on public utilities and services, the developer shall submit the following information along with the preliminary plat:

1. A quantified analysis of impacts on public services that would be provided to the development, including a traffic impact analysis.
2. Estimate public service costs to provide adequate service to the development.
3. Estimate the tax revenue that will be generated from the development.
4. Suggested means of financing the services for the development if the cost for the public services would not be offset by tax revenue received from the development.

14.5.12. Subdivision for a Cemetery

A. Function

The developer shall provide the commission with written documentation that will sufficiently explain if the proposed cemetery will be used for either human or animal remains and the functions that are anticipated on the property.

B. Compliance with State Law

The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural platting requirements and management requirements that are outlined in Idaho Statute Title 27.

14.5.13. Subdivision in a Critical Area

A. Designation of Areas of Critical Concern

The development of any hazardous or unique areas that have previously been designated as areas of critical concern by the council, as provided by Idaho Statute, shall demand that special consideration be given by the subdivider to assure that the development is necessary and desirable in the public interest, in view of the existing unique conditions. Areas that have or may be designated by the council, through due process, as hazardous or unique are as follows:

1. Unstable soils - no designations;
2. Unique animal and wildlife habitat - designations include the Big Game Migration Corridors and Seasonal Range identified in the Teton County Idaho Natural Resources Overlay;
3. Unique plant life habitat - designations include the Songbird/Raptor Breeding and Wintering Habitat and the Priority Wetlands identified in the Teton County Idaho Natural Resource Overlay;
4. Scenic areas - no designations;
5. Historical significance areas - no designations
6. Floodplains and wetlands - designations include the 100-year floodplain shown on approved FEMA floodplain maps, and priority wetlands identified by the Teton County Idaho Natural Resources Overlay, as modified by the US Army Corps approved wetland delineation; and
7. Other areas of critical concern - no designations.

B. Environmental Impact Statement

1. Submission

The subdivider shall prepare and submit an environmental impact statement and/or Natural Resources analysis for those areas as noted and designated in Sec. 14.5.13.A along with the preliminary plat application.

2. Content

The content of the environmental impact statement shall usually be prepared by a team of professionals that will provide answers to the following questions:

a. What environmental impacts will probably occur (i.e., wildlife, plant life, social, economic, physical, etc.) as a result of the proposed development?

b. What corrective action or alternative plans could be developed so as not to significantly cause detrimental environmental impact?

c. What adverse effects of the proposed development cannot be avoided?

14.6.1. Applicability

Development shall not occur on a site without the issuance of a Site Development Permit. In accordance with and in conjunction with a business registration and prior to issuance of the Site Development Permit, a Site Plan Review is required. When a property is located within the Design Review Overlay, the Site Plan and proposed vertical development will be reviewed against the Driggs Design Standards and Guidelines (Appendix A), except single and two-family homes.

No site development application shall be approved for residential densities above those referenced in the Future Land Use Map and described in residential base densities (See Art 14.5.6.B), except by approval of a Residential Density Bonus in exchange for Qualified Workforce Housing Incentive Program.

14.6.2. Review Process

A. Site Plan Review

For Site Plan Review the Administrator is the review authority except when, at the Administrator's discretion, Site Plans for projects over 5,000 square feet or that disturb more than 5,000 square feet of ground are forwarded to the Planning and Zoning Commission for review during a public meeting in accordance with Article 14.3.

B. Design Review

The Planning and Zoning Commission approves a Design Review application after a recommendation from the Design Review Committee in accordance with Article 14.6. Design Review applications submitted by Seasonal and Temporary Vendors will be reviewed and approved by the Administrator.

14.6.3. Approval Criteria

A. The proposed use is allowed in the respective zoning district.

B. The design complies with all applicable standards of the Land Development Code, including setbacks, parking, landscaping, specific use standards listed in Chapter 10, 11, and 12 and any conditions listed in Chapter 9.

C. For a design review application, the proposed development also complies with the requirements of Appendix A Commercial Design Standards and Guidelines.

D. For Site Development Permit Applications on properties identified in the Teton County Idaho Natural Resources Overlay map, an Environmental Impact Statement and/or Natural Resources Analysis may be required.

E. The site plan has been approved by Teton County Fire Protection District, Driggs Public Works Department, Idaho Transportation Department, and other agencies or departments having jurisdiction when applicable.

F. Any adverse impacts resulting from the proposed design will be effectively mitigated or offset. A Development Agreement may be required.

14.6.4. Modification of Standards

A. Applicability

The Administrator may modify the following standards during Site Plan Review. Any other modification beyond those listed below must be considered by the Planning & Zoning Commission as a variance subject to Art. 14.8.

1. Setbacks

A reduction of up to 20% of the numeric standard for a minimum building setback.

2. Build-to

a. An increase or reduction of up to 10% of the numeric standard for the minimum or maximum primary street or side street setback.

b. A reduction of up to 5% of the minimum build-to percentage.

3. Ground and Upper Story Floor Heights

   A reduction of the minimum ground-story and upper-story floor heights by up to 10%.

4. Transparency

   A reduction of the minimum transparency requirements by up to 5%.

5. Blank Wall Area

   An increase of the maximum allowed blank wall area by up to 15%.

6. Street-Facing Entrances

   An increase in the minimum distance between street-facing entrances by up to 10%.

B. Criteria for Approval

The Administrator must consider the following when approving a request for a modification:

1. There are clear and compelling reasons that are not purely financial why the required standard cannot be met; and

2. The approved modification is the minimum amount necessary to meet the objectives identified above.

14.6.5. Revisions

A. Revisions to an approved Site Plan may be allowed by the Administrator for the following:

1. Up to a 10% increase or any decrease in gross floor area of a single building;

2. Relocation of parking areas, internal driveways or structures where such relocation occurs more than 100 feet from exterior property lines.

B. Any other changes must be resubmitted as a new application.

14.6.6. Site Plan and Design Review Expiration

Site Plan and Design Review approvals expire one (1) year after the approval date unless the applicant has filed a complete application for a Building Permit or made substantial progress towards development that does not require a building permit.

14.7.1. Applicability

Only for the uses identified in Chapter 10 as requiring a Conditional Use Permit can a permit be applied for. The intent is to provide standards and oversight to mitigate the effects these uses may have on the public and surrounding land owners.

14.7.2. Application Requirements

The following information is required to be submitted:

A. Vicinity Map

B. Site Plan showing the location of all structures, access points, parking, and landscaping.

C. Narrative describing the project and responding to the following:

   1. Describe the effects of such elements as noise, glare, odor, fumes, and vibration on adjoining property.

   2. The general compatibility with adjacent and other properties in the district.

   3. The relationship of the proposed use to the Comprehensive Plan.

D. For Conditional Use Permit Applications on properties identified in the Teton County Idaho Natural Resources Overlay map, an Environmental Impact Statement and/or Natural Resources Analysis is required.

14.7.3. Review Process

The Planning and Zoning Commission reviews and issues a decision on Conditional Use applications following a public hearing in accordance with Article 14.3. In performing its review, the Commission may require studies of the social, economic, fiscal, and/or environmental effects of the proposed use and any aviation hazard as defined in §21-501(2) of Idaho Statute. (§67-2512)

14.7.4. Approval Criteria

A. The use is in compliance with the requirements of Chapters 3-13.

B. The use is allowed as a conditional use in the respective zoning district (Chapter 10).

C. The use complies with the specific use standards listed in Chapter 10 and conditions listed in Chapter 13, if any, without the granting of any variance.

D. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.

E. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.

F. The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

14.7.5. Approval Conditions

Conditions may be attached to a Conditional Use approval and such conditions may take the form of a Development Agreement, as specified in Sec. 67-6511A, Idaho Statute. Conditions include, but are not limited to those which:

A. Minimize adverse impact on other development;

B. Control the sequence and timing of development;

C. Control the duration of development;

D. Assure that development is maintained properly;

E. Designate the exact location and nature of development;

F. Require the provision of on-site or off-site public facilities or services;

G. Require more restrictive standards than those generally required in this Land Development Code;

H. Require mitigation of effects of the proposed development upon service delivery by any governmental agency/district, including school districts, providing services within the planning jurisdiction.

14.7.6. Expiration of Approval

An approved Conditional Use Permit expires one (1) year after the approval date unless the applicant has established the use or made substantial progress towards establishing the use.

14.8.1. Applicability

Variances are intended to provide relief for landowners who, due to some unique physical characteristic of their property that is beyond their control, would have no beneficial use of the property if this Land Development Code is strictly enforced. Variances can only be approved if they are related to the zoning requirements of the Land Development Code, more specifically - relating to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots as outlined in Idaho State Statute 67-6516.

14.8.2. Application Requirements

The following information is required to be submitted:

A. Vicinity Map

B. Site Plan showing the property that is under consideration, location of all improvements and the specific information concerning the variance.

C. Narrative describing the project and demonstrating that the requested variance conforms to the approval criteria.

14.8.3. Review Process

The Planning and Zoning Commission reviews and issues a decision on a Variance application following a public hearing in accordance with Article 14.3.

14.8.4. Approval Criteria

A. The need for a variance results from physical limitations unique to the lot on which the variance is requested.

B. Failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot is possible without a variance;

C. The alleged hardship has not been created by action of the lot's owner or occupants;

D. Granting the requested variance will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the property is located;

E. The requested variance will be in harmony with the purpose and intent of this Land Development Code and will not be injurious to the neighborhood or to the general welfare;

F. The variance requested is the minimum variance that will make possible the proposed use of the land, building or structure;

G. The variance does not permit a use of land, buildings or structures, which is not permitted by right in the zoning district; and

H. The variance does not reduce the lot size below the minimum lot size allowed in the zoning district.

I. If applicable, all variances requested in the Floodplain Overlay conform with the requirements of Article 9.1: Flood Damage Prevention.

14.8.5. Expiration of Approval

An approved variance expires three (3) years after the approval date unless the applicant has received a building permit subject to the variance approval or made substantial progress towards development subject to the variance approval that does not require a building permit.

14.9.1. Applicability

A Zoning Map Amendment is used to change the zoning designation of a property. This review is intended to provide standards and oversight to mitigate negative effects a change in zoning may have on the public, neighborhood, or surrounding property owners.

14.9.2. Application Requirements

The following information is required to be submitted:

A. Vicinity Map showing the locations of the property under consideration.

B. Narrative describing the project and responding to the following:

   1. How the land uses in the requested zone are related to the Comprehensive Plan.

   2. Estimate the tax revenue that will be generated from a proposed developed compared to development that is allowed in the current zone.

   3. Availability of public facilities such as streets, sewer, water, etc. to support the allowable uses, and/or suggested means of financing the services for the development if the cost for the public services would not be offset by tax revenue received from the development.

   4. Compatibility of the allowable uses with the surrounding area.

C. For Zoning Map Amendment Applications on properties identified in the Teton County Idaho Natural Resources Overlay map, an Environmental Impact Statement and/or Natural Resources Analysis is required.

14.9.3. Review Process

The City Council makes a decision on a Zoning Map Amendment application following a recommendation from the Planning and Zoning Commission, in accordance with Article 14.3. The Planning & Zoning Commission must hold a public hearing. City Council may hold a public hearing depending on scope, in accordance with Art. 14.1. In performing a Zoning Map Amendment review, the commission or council may require studies of the social, economic, fiscal, and/or environmental effects of the proposed amendment. A Neighborhood Meeting is required for certain Zone Map Amendments, per Art. 14.2.2, prior to the public hearings.

14.9.4. Density Bonus (As It Applies to Rezones)

Zoning Map Amendment applications which would result in an increase in the number of allowed residential units, as defined by the Planning & Zoning Administrator, shall commit to one of the following options:

Zoning Map Amendment applications will establish the property's base density with the original zone district in the development agreement and establish future compliance of any land use application with the Qualified Workforce Housing Incentive Program as a condition of approval.

Any Density Bonus shall result in at least one unit, or equivalent, being designated as Workforce or Affordable Housing, as stated above. This section shall not be applicable to a density increase of only 1 unit.

14.9.5. Approval Criteria

A. The Zoning Map Amendment substantially conforms to the Comprehensive Plan.

B. The Zoning Map Amendment substantially conforms to the stated purpose and intent of this Land Development Code.

C. The Zoning Map Amendment will reinforce the existing or planned character of the area.

D. The subject property is appropriate for development allowed in the proposed district.

E. There are substantial reasons why the property cannot be used according to the existing zoning.

F. There is a need for the proposed use at the proposed location.

G. The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

H. The Zoning Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

I. The Zoning Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.

J. The Zone Map Amendment has satisfied the requirements for a Density Bonus, as outlined in Art. 14.9.4.

14.9.6. Conditions of Approval

Conditions may be attached to a Zoning Map Amendment approval and such conditions may take the form of a Development Agreement, as specified in Sec. 67-6511A, Idaho Statute. Conditions include, but are not limited to those which:

A. Minimize adverse impact on other development;

B. Control the sequence and timing of development;

C. Control the duration of development;

D. Assure that development is maintained properly;

E. Designate the exact location and nature of development;

F. Require the provision of on-site or off-site public facilities or services;

G. Require more restrictive standards than those generally required in this Land Development Code;

H. Require mitigation of effects of the proposed development upon service delivery by any governmental agency/district, including school districts, providing services within the planning jurisdiction.

14.10.1. Applicability

An application for the annexation of a parcel of land into the city may be made by the parcel owner if the parcel lies within the city's Area of Impact and is contiguous with the current city limits. Land will not be annexed if it will be connected to the city only by a shoestring or strip of land that comprises a railroad or highway right-of-way. Approval for connection to city water service within the city's Area of Impact may be conditioned on a consent to the property's annexation.

14.10.2. Application Requirements

The following information is required to be submitted:

A. Vicinity Map showing the location of the property under consideration.

B. Legal description of land to be annexed.

C. A Record of Survey, prepared by a land surveyor, licensed in the State of Idaho and dated not more than one year from the date of application, which shall plainly and clearly designate the boundaries of land to be annexed and the adjoining existing city boundary.

D. Narrative describing the project and responding to the following:

1. A description of the proposed project, including the approximate: 1) number and size of proposed lots; 2) length and location of the proposed water and sewer mains; 3) length and location of proposed streets and alleys; 4) length and location of the proposed sidewalks; 5) a schematic design of the entire project showing the proposed uses, density, streets, alleys, easements, and proposed size and location of open spaces and parks.

2. How are the existing and proposed land uses in the requested annexation area related to the Comprehensive Plan?

3. Estimate the tax revenue that will be generated from a proposed developed compared to development that is allowed in the current zone.

4. Describe the availability of public facilities, such as streets, sewer, water, etc., needed to support the allowable uses in the area, and/or suggested means of financing the services for the development if the cost for the public services would not be offset by tax revenue received from the development.

5. Describe the compatibility of the proposed zone's allowable uses with the surrounding area.

6. Describe any natural resources or notable natural features on the site, and how they are considered in the proposed development. A Natural Resource Analysis is required for land within the Natural Resources Overlay.

7. Describe all water rights, including all surface and ground water rights, appurtenant to the real property subject of the annexation. The description of all water rights shall include a description of all the elements of the water rights, including, but not limited to, the source, quantity, priority date, point of diversion, purpose and period of use, place of use, and any provisions or conditions attached to the water right. The applicant shall attach all decrees, licenses, and permits describing the water rights.

8. Proposed means of satisfying Art. 14.10.4 Density Bonus

E. A complete Traffic Impact Study if the proposed Annexation and associated Zone Map Amendment could result in a total of 25 residential units and/or 5 or more acres of commercial development.

F. A Draft Annexation Agreement.

G. For Annexation Applications on properties identified in the Teton County Idaho Natural Resources Overlay map, an Environmental Impact Statement and/or Natural Resources Analysis is required.

14.10.3. Review Process

The decision to annex property lies with the City Council; however the process necessarily encompasses a Zoning Map Amendment process. Subsequently, the City Council makes a decision on the annexation application following a recommendation on zoning designation from the Planning and Zoning Commission, in accordance with Article 14.3. Both the City Council and Planning and Zoning Commission must hold public hearings before acting on the application. In performing an annexation application review, the commission or council may require studies of the social, economic, fiscal, and/or environmental effects of the proposed annexation. A Neighborhood Meeting is required for Annexations, per Art. 14.2.2, prior to the public hearings.

14.10.4. Qualified Workforce Housing

Annexation and related Zone Map Amendment applications which would result in an increase in the number of allowed residential units, as defined by the Planning & Zoning Administrator, shall commit to permanently deed-restricting a minimum of 15% of all residential units as Qualified Workforce Housing pursuant to Chapter 14, Driggs Qualified Workforce Housing Incentive Program.

14.10.5. Approval Criteria

The decision to annex property is a legislative decision and is approved at the sole discretion of the City Council, which generally will seek to determine whether there is a compelling public benefit from the proposed annexation. If the City Council elects to annex the property, then the subsequent act of designating the appropriate zoning district for the property will be subject to the approval criteria of Article 14.9 Zoning Map Amendment.

14.10.6. Annexation Agreement

Typically, the City Council will require an Annexation Agreement between the City and owner of property being annexed, specifying conditions of the annexation that are required to meet approval criteria. The annexation agreement will be recorded with the Teton County Recorder.

14.10.7. Expiration of Approval

Notwithstanding the conditions of the annexation agreement, an approved Annexation expires 1 year after the approval date unless the Annexation plat has been recorded.

14.10.8. Annexation Approval

A. Upon approval, an Ordinance with the annexation boundary map and legal description will be recorded in the Teton County Recorder's office. Per State Statute 50-223, within ten (10) days from the effective date of the Ordinance, the City Clerk will file a certified copy of the Ordinance and map with the County Auditor, County Treasurer, County Assessor, and State Tax Commission.

14.11.1. Applicability

An application for the de-annexation of a parcel of land out of the city may be made by the parcel owner.

14.11.2. Application Requirements

The following information is required to be submitted:

A. Vicinity Map showing the location of the property under consideration.

B. De-Annexation Boundary Map prepared in draftsman-like manner which shall plainly and clearly designate the boundaries of the land to be de-annexed, and the adjoining existing city boundary and Area of Impact boundary.

C. Narrative describing the project and responding to the following:

   1. How are the existing and proposed land uses in the requested annexation area related to the Comprehensive Plan?

   2. Describe the compatibility of the proposed zone's allowable uses with the surrounding area.

14.11.3. Review Process

The decision to de-annex property lies with the City Council; however the process necessarily encompasses a Zoning Map Amendment process with the final zoning decision by the Board of County Commissioners. Subsequently, the City Council makes a decision on the de-annexation application following a recommendation on zoning designation from the Planning and Zoning Commission, in accordance with Article 14.3. Both the City Council and Planning and Zoning Commission must hold public hearings before acting on the application. In performing a de-annexation application review, the Commission or Council may require studies of the social, economic, fiscal, and/or environmental effects of the proposed de-annexation.

14.11.4. Approval Criteria

The decision to de-annex property is a legislative decision and is approved at the sole discretion of the City Council, which generally will seek to determine whether there is a compelling public benefit from the proposed de-annexation. If the City Council elects to de-annex the property, then the subsequent act of designating the appropriate zoning district for the property will be subject to the Teton County Zoning Map Amendment process.

14.11.5. Expiration of Approval

An approved De-annexation expires 1 year after the approval date unless the De-annexation plat has been recorded.

14.11.6. De-Annexation Approval

Upon approval, an Ordinance along with the de-annexation boundary map and legal description will be recorded in the Teton County Recorder's office. Per State Statute 50-223, within ten (10) days from the effective date of the Ordinance, the City Clerk will file a certified copy of the Ordinance and map with the County Auditor, County Treasurer, County Assessor, and State Tax Commission.

14.12.1. Nonconforming Building or Structure

A. Defined

A principal or accessory building or structure that does not meet the current adopted requirements for the applicable zoning district.

B. Expansion

Any expansion, enlargement or extension of a nonconforming building or structure must meet the dimensional requirements for the applicable zoning district and all other requirements of this Land Use Development Code.

C. Maintenance

Maintenance and minor repair of a nonconforming building or structure necessary to keep it in sound condition is allowed.

D. Damage or Destruction

1. In the event that a nonconforming structure devoted to a conforming residential or civic use is damaged or partially destroyed by exercise of eminent domain, riot, fire, accident, explosion, flood, lightning, wind or other calamity or natural cause, such structure may be restored within the existing footprint and to the condition existing immediately before the damage or destruction.

2. In the event that a nonconforming structure devoted to a conforming non-residential use is damaged or partially destroyed by exercise of eminent domain, riot, fire, accident, explosion, flood, lightning, wind or other calamity or natural cause to the extent of 50% of the value of the structure prior to the damage or destruction, such structure may only be restored in conformance with this Land Development Code.

14.12.2. Nonconforming Use

A. Defined

Any use of land, building or structure that does not conform to the use regulations of this Land Development Code, but which was lawfully existing (conforming) on or before the effective date of this Land Development Code or its amendment.

B. Continuance

A nonconforming use may be continued, subject to the requirements of this section. The right to continue a non-conforming use is tied to the land and not with the owner.

C. Proof of Lawful Establishment

It is the responsibility of the owner of a nonconforming use to prove to the Administrator that the use was lawfully established and existed on the effective date of adoption or amendment of this Land Development Code.

D. Change in Use

A nonconforming use may not be changed to another nonconforming use. A change in tenancy or ownership is not considered a change to another nonconforming use, provided that the use itself is not expanded.

E. Discontinuance

A nonconforming use may not be re-established after discontinuance for one (1) year. Vacancy of the building, regardless of the intent of the owner or tenant, constitutes discontinuance under this provision.

F. Expansion

A nonconforming use may not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure.

14.12.3. Nonconforming Lot of Record

A. Defined

A lot that does not conform to the lot dimensional standards of the applicable zoning district, but which was a lot of record prior to the date of adoption of this Land Development Code.

B. Use as Building Site

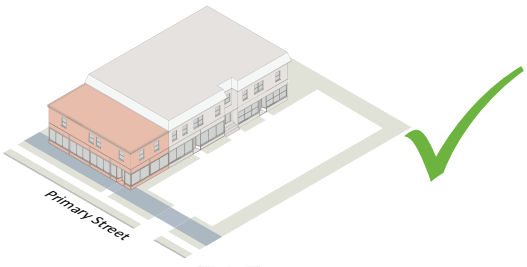
A nonconforming lot of record may be used as a building site, provided that the building setbacks of the applicable zoning district are met or a variance is obtained from the city. Where applicable, the nonconforming lot of record must meet all current requirements of the Public Health District 7 and other agencies of jurisdiction.

14.12.4. Nonconforming Build-To Requirement

A. Additions

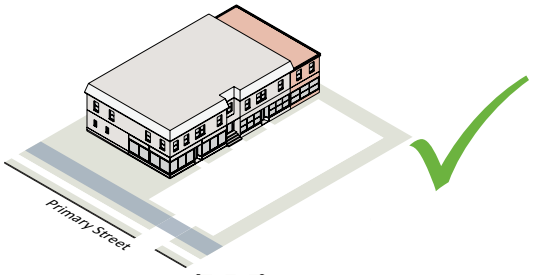
1. When an existing building is being expanded and the building doesn't meet the build-to requirement, the following provisions apply.

2. Front: Addition. Any addition to the front must be placed in the build-to zone. The addition does not have to meet the build-to percentage for the lot.

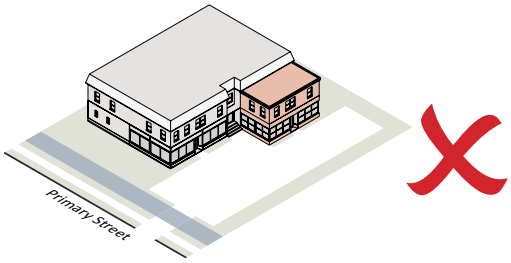


3.

4. Rear: Addition. Rear additions are allowed because the addition does not increase the degree of the nonconformity.



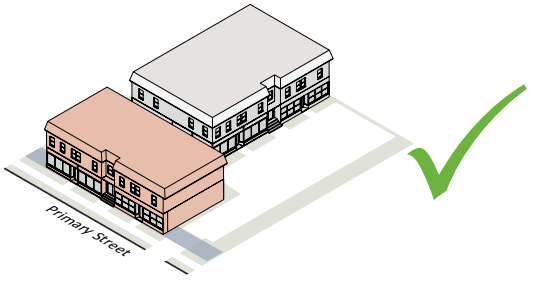
5. Side: Addition. Side additions are not allowed because the extension increases the width of the building not located in the build-to zone.



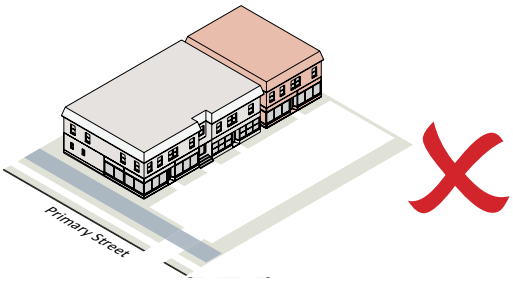
B. New Buildings

1. Where a new building is being constructed on a lot or site with an existing building on it that doesn't meet the build-to requirement, the following provisions apply.

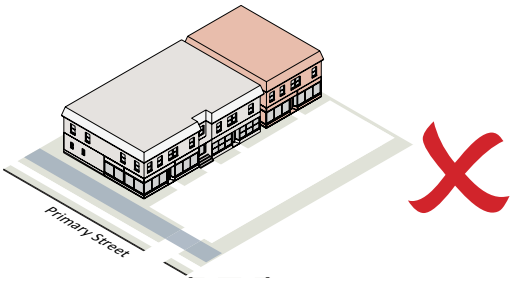
2. Front: New Building. All new buildings must be placed in the build-to zone until the build-to percentage for the lot has been met.



3. Rear: New Building. New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.



4. Side: New Building. New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.



C. Replacement Buildings

1. New buildings located outside of the build-to zone are allowed to replace an existing building. Where the replacement building footprint is increased, it must be approved by the Planning & Zoning Commission.

14.13.1. Applicability

Modification of any use, development or recorded document previously approved by the city under the Land Development Code shall not occur without review and approval of the proposed modification by the City.

14.13.2. Approval Authority

The Administrator may, after receiving sufficient description and other necessary information pertaining to the requested modification, grant approval of insignificant modifications that do not increase the scope or impact of the land use or development or conflict directly with any approval condition or applicable standards of the Land Development Code. In making this determination, the Administrator may seek input from parties affected by the original approval or their heirs and assigns. If the Administrator determines that the requested modification is significant, the applicant will be required to repeat the process that was utilized for the original approval and pay any associated fees.

14.13.3. Property Boundary Line Adjustment

A. Applicability

A property boundary line adjustment may be applied for to adjust or remove common property lines or boundaries between adjacent tracts, or parcels for the purpose of accommodating a transfer of land, combining existing parcels or rectifying a disputed property line location.

B. Application Requirements

The following information is required to be submitted:

1. Surveyed site plan, that is not more than a year old, with the following information:
    a. Vicinity Map, Legal description, Original and proposed property lines.
    b. Property boundaries with required setbacks and acreage shown.
    c. Existing buildings, parking areas, vehicular access points, fences, waterways, and easements.
    d. Adequate access easements for each parcel.
    e. Stamp, date, and signature from a licensed land surveyor.
    f. Signature blocks for the City Planning & Zoning Administrator, Mayor, City Clerk (attest), County Surveyor, and all affected property owners.
2. Unrecorded deeds with the proposed legal descriptions.
3. Narrative describing the project and any other information necessary to assure the fullest consideration of facts concerning the application.

C. Review Process

A boundary adjustment application is reviewed and approved or denied by the Administrator.

D. Approval Criteria

1. The resulting adjustment shall not create any additional tracts or parcels and all reconfigured tracts or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes
2. The resulting boundaries shall not create any non-conformance with the standards of the Land Development Code.

E. Recording of Boundary Adjustment Survey

After a Boundary Adjustment is approved by the Administrator, and all fees paid, a Mylar copy of the Map of Survey and all other required materials outlined above for a Boundary Adjustment shall be submitted to the Planning Department prior to recording with the County Clerk.

F. Approval Expiration

An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.

14.13.4. Plat Amendment or Vacation - Insignificant

A. Applicability

A Subdivision Plat Amendment is required for changes or proposed vacations to previously recorded rights-of way, easements, recorded plats of subdivisions or Planned Unit Developments, or to the associated recorded Development Agreements and improvement plans. To qualify as an insignificant amendment, the proposed changes have minimal direct impact on the immediate neighborhood, general vicinity of the subdivision or overall community and conform to the approval criteria of this Section.

B. Application Requirements

The following information is required to be submitted:

1. Surveyed amended plat, if applicable, that is not more than a year old, with the following information:
    a. Subdivision name, including "Amended" and its location by section, township, and range; reference by dimension and bearing to a section corner or quarter section corner.
    b. Vicinity Map, legal description, original and proposed property lines.
    c. All information from existing plat to be included on amended plat, including plat notes.
    d. Location, dimensions, and areas of all proposed changes to the plat.
    e. Adjacent lot/property description illustrated on the plat to indicate the location of the plat amendment within the overall subdivision plat and surrounding areas (these illustrations not within the proposed plat amendment shall be indicated with less line weight).
    f. Stamp, date, and signature from a licensed land surveyor.
    g. Signature blocks for the following:
        i. Owner's Dedication and Acknowledgment block and Consent to Record for any lien holders as specified in Idaho Statute 50-1309
        ii. Certification by the County Surveyor stating that the plat has been reviewed for accuracy and is acceptable to be recorded per Idaho Statute 50-1305.
        iii. City Public Works Director, if applicable
        iv. District 7 Health Department, if applicable
        v. Fire Chief, if applicable
        vi. City Attorney, if applicable
        vii. Planning Administrator, if applicable
        viii. Mayor and City Clerk attest
        ix. County Assessor
        x. County Treasurer
2. Unrecorded deeds with the proposed legal descriptions, if applicable.
3. Amended Development Agreement, if applicable.
4. Amended Improvement Plans, if applicable.
5. Narrative describing the project and any other information necessary to assure the fullest consideration of facts concerning the application.

C. Review Process

1. Plat Amendments involving only a boundary line adjustment: The Planning Administrator shall review the application in accordance with section 14.3 and make a final decision based on the approval criteria in this Article.

2. Plat Vacations and all other amendments: The Planning Administrator shall review the application in accordance with section 14.3 and make a recommendation to the City Council, which shall review at a public meeting and make a final decision based on the criteria in this Article.

D. Approval Criteria

To approve an Insignificant Plat Amendment or Vacation, the City Council must find that the amendment or vacation:

1. Complies with all applicable criteria and standards of the City regulations, conditions of approval established in the previous approval, and the development agreement approved as part of the previous approval.

2. Does not reduce the area of designated open space or increase the number of lots.

3. Does not significantly affect block layout, roads, connectivity, utilities or other facilities.

4. Does not change the uses approved, or the location of where certain uses are approved.

5. Does not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.

6. Conforms to the Comprehensive Plan and other applicable adopted plans and policies.

E. Required Signatures

Certain types of modifications to a recorded plat will require multiple applicant/signatures. The list below is intended to be a general guide as to when all of the owners of a plat need to sign, versus just one owner.

1. Modification of open space, density, common area, road/right-of-way realignment, change of use, and similar changes, require all property owners in the platted subdivision to sign the amended plat and application.

2. Changes to correct a property boundary, combing of lots, or changes on a single lot only require the property owner of the effected lots to sign the plat and application.

F. Recording of Amended Plat or Vacation Ordinance

After an Insignificant Plat Amendment is approved by the City Council, a Mylar copy of the Amended or Vacated Plat and all other required materials for the amendment shall be submitted to the Administrator who shall then record the amended plat and/or amended Development Agreement with the County Clerk. For vacation of public roads and easements, the city shall adopt, record and publish an ordinance vacating the public right of way or easement in accordance with Idaho State Statute.

G. Expiration of Approval

An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.

14.13.5. Plat Amendment or Vacation - Significant

A. Applicability

A Subdivision Plat Amendment is required for changes or proposed vacations to previously recorded rights-of way, easements, recorded plats of subdivisions or Planned Unit Developments or to the associated recorded Development Agreements. Amendments that do not meet the criteria

for approval as an Insignificant Plat Amendment contained in Sec. 14.13.4 shall be reviewed as a Significant Plat Amendment under the provisions of this section.

No plat vacation application shall be approved for residential densities above those referenced in the Future Land Use Map and described in residential base densities (See Art 14.5.6.B), except by approval of a Residential Density Bonus in exchange for Qualified Workforce Housing Incentive Program.

B. Application Requirements

All of the information required in 14.13.4.B for Insignificant Plat Amendments is required.

C. Review Process

The process for a Significant Plat Amendment shall be the same as the process for either a short or full plat, depending on which process the original approval would have followed.

D. Approval Criteria

The approval criteria for a Significant Plat Amendment shall be the same as that for either a short or full plat, depending on which process the original approval would have followed.

E. Required Signatures

Certain types of modifications to a recorded plat will require multiple applicant/signatures. The list below is intended to be a general guide as to when all of the owners of a plat need to sign, versus just one owner.

1. Modification of open space, density, common area, road/right-of-way realignment, change of use, and similar changes, require all property owners in the platted subdivision to sign the amended plat and application.

2. Changes to correct a property boundary, combing of lots, or changes on a single lot only require the property owner of the affected lots to sign the plat and application.

F. Recording of Amended Plat

After a Significant Plat Amendment is approved by the City Council, a Mylar copy of the Amended or Vacated Plat and all other required materials for the amendment shall be submitted to the Administrator who shall then record the amended plat with the County Clerk. For vacation of public roads and easements, the city shall adopt, record and publish an ordinance vacating the public right of way or easement in accordance with Idaho State Statute.

14.14.1. Purpose

The purposes of this chapter are to:

A. Implement the recommendations of the Driggs Comprehensive Plan.

B. Fulfill the public purposes outlined in Idaho Statute Title 50, Chapter 19, Housing Authorities and Cooperative Law, to provide housing for persons of low income who are otherwise unable to obtain decent, safe, and sanitary dwellings without overcrowding; and

C. Provide a full-range of housing choices for a variety of ages, income levels, and family sizes.

14.14.2. Applicability

This Chapter applies to the following types of applications that voluntarily request residential density in excess of permitted base density ("bonus density"):

A. Full Plat subdivisions (section 14.5.6 of this Code), Condominiums (section 14.5.7 of this Code), Townhouses (section 14.5.8 of this Code), and Planned Unit Developments (section 14.5.9 of this Code);

B. Short Plat subdivisions (section 14.5.5 of this Code);

C. Site Development Permits (section 14.6.1 of this Code) for Apartments; and

D. Zoning Map Amendments (Article 14.9 of this Code), as it relates to establishing a base density for a property.

14.14.3. Qualified Workforce Housing Incentives

A. Density Bonus

1. Density Bonus Amount:

The density bonus amount ("bonus density") for a parcel of land is the difference between the total proposed number of residential units and the maximum number of residential units allowed by either the applicable zoning district, or a recorded conditional zoning map amendment ("base density").

2. Qualifying for a Density Bonus:

To qualify for a density bonus, the lesser of 20% of the bonus density units or 15% of all residential units in a residential or mixed-use development must be constructed and permanently deed-restricted as Qualified Workforce Housing, in accordance with Section 14.4, or a payment in lieu or alternative compliance option must be satisfied, as specified in Section 14.5.

B. Additional Incentives for Onsite Qualified Workforce Housing:

In addition to the density bonus incentive, an applicant for a development permit that satisfies the requirements of this chapter by building Qualified Workforce Housing Units on site is able to request the following additional development incentives:

1. Increased Height:

Up to ten feet (10') increase in maximum building height for all zones with a thirty-five-foot (35') height limit, and up to five feet (5') increase in maximum building height for the DX zone for at least one unit of Qualified Workforce Housing Unit or payment in lieu;

2. Increased Lot Coverage:

Up to ten percent (10%) additional lot coverage for all zones up to a maximum coverage of 90%;

3. Water Rights Waiver:

A waiver of any City water rights mitigation requirements for all onsite constructed Qualified Workforce Housing units; and

4. Impact Fees Waiver:

A waiver of Development Impact Fees for Qualified Workforce Housing Units that meet the requirements of Section 8-3-5-B, Development Impact Fees Imposed, Exemptions of this Code, for Affordable Housing.

14.14.4. General Requirements For Qualified Workforce Housing Units

A. Deed Restrictions

To ensure long-term affordability, all Qualified Workforce Housing units will be subject to deed restrictions meeting the following standards and the Driggs Qualified Workforce Housing Guidelines, adopted by Resolution of the City of Driggs:

1. Occupancy

To qualify for a density bonus, Qualified Workforce Housing units must be provided to Qualified Households, as defined in the Driggs Qualified Workforce Housing Guidelines.

2. Rental Units

Maximum rents shall be established based on affordability assumptions for households earning 80% of Area Median Income, as set forth in the Driggs Qualified Workforce Housing Program Guidelines.

3. Ownership Units

Initial sales prices shall be established based on affordability assumptions for households earning 120% of Area Median Income, as set forth in the Driggs Qualified Workforce Housing Program Guidelines.

B. Development Standards

1. Relationship of Qualified Workforce Housing Units to Market Rate Units:

a. Mixed Dwelling Unit Types:

In developments with a mixture of housing types, including, without limitation, apartments, single-family detached units, condominiums, townhomes, duplexes, triplexes and fourplexes, the Qualified Workforce Housing units must be comprised of the different housing types in the same proportion as the market rate units.

b. Detached Dwelling Units:

In developments containing only single-family detached units, up to one-half (1/2) of the Qualified Workforce Housing units may be single-family attached units.

c. Ownership Type:

Qualified Workforce ownership units and Qualified Workforce rental units must be provided in the same proportion as the market-rate ownership and rental units.

d. Number of Bedrooms:

Qualified Workforce Housing units must have the same proportion of studio, one-, two-, and three-bedroom dwelling units as in the market rate units, provided the proportion is responsive to the needs identified at the time of approval. Three-bedroom Qualified Workforce Housing units satisfy this requirement for market units with four (4) or more bedrooms.

2. Quality, Size and Amenities of Qualified Workforce Housing Units:

a. Quality of Units:

The exterior of Qualified Workforce Housing must be constructed with similar quality, design and materials to the market rate units and must be architecturally compatible with surrounding development. Interior features such as number of bathrooms, storage space and building systems shall be equivalent to market rate units must be provided.

b. Size of Units:

Each Qualified Workforce Housing unit, ownership or rental, must meet or exceed the applicable minimum habitable residential net floor area shown in the table below. Minimum net floor areas of habitable residential space include partitions, closets, heated utility rooms,

halls and stairways, but exclude attics, porches, unfinished basements, garages and unheated storage space.

# of Bedrooms	Minimum Net Floor Area (SF)
Studio	400
1-bedroom	600
2-bedroom	800
3-bedroom	1,100

c. Access to Amenities:

When Qualified Workforce Housing units are provided onsite, the owners and renters of the Qualified Workforce Housing units must have access to amenities equal to that of the owners and renters of the market rate units. Such amenities include, but are not limited to, parks, outdoor play areas, pools, parking, exercise facilities, clubhouses and similar on-site amenities. Initial CC&Rs shall require that Homeowners' Association fees be assessed equitably between market and Qualified Workforce Housing units according to square footage or lot size.

3. Location and Timing

a. Location of Qualified Workforce Housing Units:

Qualified Workforce Housing units must be distributed evenly throughout the development to achieve integration and avoid concentration or segregation of the Qualified Workforce Housing households.

b. Timing of Construction:

The construction of onsite Qualified Workforce Housing units must be timed such that the units shall be constructed and pass final inspection concurrent or prior to the market rate units in the development. When construction is phased, Qualified Workforce Housing units must be constructed concurrent to and offered for sale in proportion to market rate units within each phase.

c. Timing of Payments in Lieu:

Payments in lieu shall be collected prior to recording the Final Plat. For applications that do not have a Final Plat, payments in lieu shall be collected prior to the issuance of building permits.

d. Timing of Marketing:

Onsite Qualified Workforce Housing units must be marketed concurrently with or prior to the market rate units in the development.

14.14.5. Payment In Lieu And Alternative Compliance Options

A. Partial Units

If calculation of the Qualified Workforce Housing requirement results in a fractional unit, a payment in lieu may be made for the fractional unit, or calculations may be rounded up to the next full unit.

B. Payments in lieu of constructing Qualified Workforce Housing units

Payments in lieu of constructing any number of Qualified Workforce Housing units may be made to the City, which will calculate the payment in lieu due by multiplying the number of required Qualified Workforce Housing units that will not be constructed by the dollar amount representing the current affordability gap for either rental or ownership units, adopted annually in Appendix A of the Driggs Qualified Workforce Housing Incentive Program Administrative Procedures.

C. Compliance for Applications without Development Proposal

If an application is approved without a corresponding development proposal, such that proposed densities are not known and the required amount of Qualified Workforce Housing cannot be calculated, a condition

shall be included in the Development Agreement requiring compliance with this Article 14 Driggs Qualified Workforce Housing Program and establishing a base density for the property.

D. Other Alternatives

A combination of the above alternative means of compliance or other alternatives may be approved if the applicant can demonstrate the proposed means of qualifying for incentives would provide an equivalent or greater overall public benefit as if the Qualified Workforce Housing units were constructed onsite.

14.14.6. Qualified Workforce Housing Plan

A. When Required

A Qualified Workforce Housing Plan must accompany any application for development approval that requests a density bonus and proposes to provide deed-restricted Qualified Workforce Housing.

B. Requirements

The Qualified Workforce Housing Plan must describe how the applicant intends to comply with this chapter, and must contain the following information, as applicable:

1. Total number of market rate units and Qualified Workforce Housing units;
2. Square footage of the total development and each unit;
3. How the requirements of this chapter will be met, including unit types, sizes, number of bedrooms, and initial sales price or rental prices for the Qualified Workforce Housing units;
4. Any adjustments to development standards requested pursuant to Section 14.14.3.;
5. Location of the Qualified Workforce Housing units within the development by type and size;
6. Proposed construction schedule of market rate units and Qualified Workforce Housing units, including issuance of building permits;
7. If payment in lieu is selected as the method of compliance, calculations of the amount owed and a proposed payment schedule;
8. Standardized deed restrictions provided by the City;
9. Homeowners' association structure and fees, to review for equitability between market and Qualified Workforce Housing units;
10. Site plan;
11. Unit designs;
12. Amenities; and
13. Any other information deemed necessary by the City.

C. Acceptance

The Qualified Workforce Housing Plan must be found by the Planning and Building Director to conform to the standards of Article 14.14.4 and other applicable sections of this Article. Compliance with the Qualified Workforce Housing Plan will be a condition of approval for any development utilizing the density bonus incentive.

D. Amendment

Requests for amendment to the Qualified Workforce Housing Plan must follow the procedures outlined in Section 14.13, Modifications to Previous Approval, of this Code. Significant modification or amendment includes, but is not limited to, a reduction in the size of Qualified Workforce Housing units, a change in the timing or phasing of construction, or a change in the method of complying with the requirements of this Article.

E. Failure To Comply

Failure to comply with the approved housing mitigation plan constitutes a failure to comply with the conditions of approval and may result in the revocation of the development approval.

14.14.7. Administration:

A. Administrative Procedures

1. Authorization:

The City is authorized to develop, maintain and enforce the Driggs Qualified Workforce Housing Incentive Program Administrative Procedures to implement this chapter.

2. Contents:

The Driggs Qualified Workforce Housing Incentive Program Administrative Procedures may include the following provisions:

a. Application submittal requirements to comply with this chapter, including minimum requirements for Qualified Workforce Housing Plans;

b. A Qualified Workforce Housing Plan template;

c. Minimum design requirements;

d. The method for determining payment in lieu amounts associated with this chapter; and

e. Any other matter deemed necessary by the City.

3. Adoption:

The Driggs Qualified Workforce Housing Incentive Program Administrative Procedures shall be adopted by resolution of the City Council and shall be amended from time to time as deemed necessary.

Chapter 15 - Definitions

A.

ABANDON. To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving a facility, or during periods of vacation or seasonal closure.

ABUTTING. Having property lines in common. Separation by a street or alley is not considered abutting.

ACCESSORY BUILDING (STRUCTURE). A structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure and does not include a dwelling unit, such as a detached garage.

ADMINISTRATOR. City of Driggs Planning and Zoning Administrator or Planning Director.

AGRICULTURAL BUILDING. A building used for agriculture associated with farming that satisfies the standards of an accessory structure.

AGRICULTURE, EXCLUSIVE. For purposes of interpreting the Idaho Code related to this title on lands designated as exclusively agricultural in use, the following conditions apply:

A. All such lots shall be for agricultural purposes as the primary use of the land parcel. To determine primary use, the use of land parcel shall be clearly for tilling of soil, horticulture, floriculture, forestry, viticulture, raising crops, raising livestock, farming, dairying and animal husbandry, including uses customarily accessory and incidental thereto, but excluding slaughterhouses and commercial feedlots.

B. Land shall not be defined as exclusively agricultural in use when determined to be a land development program where subdivision of land is evident for suburban residential development lifestyle purposes.

AIRPORT. Any area of land or water which is used or intended for use by aircraft and including the necessary appurtenant structure or facilities located thereon. See Article 9.3.

ALLEY. A public or private thoroughfare which affords only a secondary means of pedestrian access to abutting property. Alleys may be used to provide primary vehicle access to the property in certain circumstances.

APPEAL. A request for review of a previously made decision or interpretation of provisions of this Title. The procedure is outlined in this Title.

APPLICANT. A person submitting an application for approval under this Land Development Code.

APPLICATION. The documents submitted to the city to apply for a permit to fulfill the requirements of the city ordinances with regard to land use. An application is deemed complete and officially received by the city at the time the applicable application checklist items are complete and confirmed in writing and dated by the Planning Administrator.

AREA OF SHALLOW FLOODING. A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Zone designations on FIRMs include the letters A, AE, V. Also known as the Special Flood Hazard Area (SFHA).

B.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded each year. Also known as the "Regulatory Flood."

BASE FLOOD ELEVATION (BFE). The water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest .1 foot.

BASEMENT. The portion of a structure including crawlspace with its floor sub grade (below ground level) on all sides.

BERM. A shaped and sloped mound or embankment of earth capable of holding vegetation or ground cover, usually two to six feet high, used to shield or buffer a property from adjoining uses, highways, or noise.

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

BUFFER. A strip of land located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property.

BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING ENVELOPE. That area of a lot that encompasses all building improvements and appurtenances including but not limited to: Excavation, fill, grading, storage, demolition, structures, decks, roof overhangs, porches, patios and parking. Building envelopes are encouraged, in developments throughout the City to protect scenic vistas, and to ensure defined building sites within special development subdivisions and planned unit developments.

BUILDING LINE. The line, parallel to the street, that passes through the part of the principal building nearest the front lot line.

C.

CALIPER. A nursery standard of tree trunk measurement for understory trees or replacement trees. Caliper of the trunk shall be taken at 6 inches above the ground for trees up to and including 8-inch caliper size.

CITY. The city of Driggs, Idaho.

CITY ENGINEER. An Idaho registered professional engineer or consulting engineering firm designated by the council to represent the city's engineering interests.

CITY IMPACT AREA. That unincorporated area officially adopted and defined by as the "area of impact".

COLOR TEMPERATURE. Measure of the color spectrum of light, expressed in kelvins (K), as either its color temperature or its correlated color temperature (CCT); specified by the lamp manufacturer and displayed as "Light Appearance" on Lighting Facts packaging labels. Lamps rated at higher color temperatures (above 4000K) are perceived as "cool" or "daylight" colors, signifying a greater spectral content of blue-violet light (shorter wavelengths) and a greater contribution to skyglow, glare, and circadian interruption. Lower color temperatures (below 3000K) are perceived as "warm" colors, signifying a greater spectral content of yellow-red light (longer wavelengths) and a lesser contribution to skyglow, glare, and circadian interruption.

COMMISSION. The Driggs Planning and Zoning Commission, hereinafter referred to as the commission.

COMPREHENSIVE PLAN. A comprehensive plan, or parts thereof, projecting future growth and development and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, and other facilities, which shall have been duly adopted. This plan shall comply with the Idaho Code, as adopted or amended.

CONDITIONAL APPROVAL. An affirmative action by the commission indicating that approval is given subject to certain specified stipulations.

CONDOMINIUM. An estate consisting of an undivided common interest in real property, together with a separate interest in real property, or any combination thereof.

COUNCIL. The Driggs City Council, hereinafter referred to as the council.

COUNTY RECORDER. The office of the County Recorder.

CRITICAL FACILITY. Means a facility that is critical for the health and welfare of the population and is especially important following hazard events. Critical facilities include essential facilities, transportation systems, lifeline utility systems, high potential loss facilities and hazardous material facilities.

CRITICAL ROOT ZONE. The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to 1.5 times the number of inches of the trunk diameter.

CULVERT. A drain that channels water under a bridge, street, road or driveway.

CURB CUT. The providing of vehicular ingress and/or egress between property and an abutting street.

D.

DATUM. The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NAVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

DEDICATION. The setting apart of land or interest in land for use by the public. Land becomes dedicated when accepted as a public dedication either by ordinance, resolution, or entry in the official minutes of the city or by the recording of a plat showing such dedication.

DENSITY. The number of dwelling units per gross acre, including the land dedicated to streets.

DEVELOPER. A person who undertakes land development activities.

DEVELOPMENT. Means any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, stream alteration, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or materials.

DEVELOPMENT MASTER PLAN (DMP). A preliminary master plan for the development of a large, unusual or complicated land area, the platting of which is expected in progressive stages. A DMP may be designed by a subdivider, planner, or engineer and shall be subject to approval of the commission; except, that a DMP does not fulfill the requirements of the preliminary platting process of this title.

DIFFUSED LIGHT. Light output whose glare is softened by dispersal through a fixture's frosted, matte, textured, translucent, or other light-diffusing lens or globe.

DIGITAL FIRM (DFIRM). Means Digital Flood Insurance Rate Maps. It depicts flood risk and zones and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

DIRECT LIGHT. Light emitted directly from a fixture's light source, namely from the lamp and its diffusing, reflecting, refractive, focusing, or other integrated fixture elements designed to project and radiate light.

DIRECTIONAL AXIS OF LIGHT. For a flood or spotlight, the center line of a beam or cone of light, normally perpendicular to the fixture lens; for an area fixture, the axis of maximum light output.

DWELLING UNIT. One or more rooms designed for or used as a residence for not more than one family, including all necessary household employees of such family and constituting a separate and independent housekeeping unit, with a single kitchen facility permanently installed. A dwelling unit must be placed on a permanent foundation that complies with the International Residential Code. The term does not imply or include such types of occupancy as a lodging or boarding house, club, sorority, fraternity or hotel.

E.

EASEMENT. A grant by the owner of the use of a parcel of land by the public, corporation, or persons for specified use and purposes and so designated on a plat.

ENGINEER. Any person who is registered and certified in the state of Idaho to engage in the practice of professional engineering.

ENGINEERING PLANS. Plans, profiles, cross sections, and other required details for the construction of improvements, prepared by a registered professional engineer in accordance with the approved preliminary plat and in compliance with existing standards of design and construction.

EXCEPTION, LAND. Any parcel of land which is within the boundaries of the subdivision which is not a part of the subdivision.

EXISTING CONSTRUCTION. Means a structure for which the "start of construction" commenced before August 4, 1988.

F.

FAMILY. One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of 5 or more persons who are not within the second degree of kinship shall not be deemed to constitute a family unless such 5 or more persons qualify as a group residence as described in Idaho Code section 67-6531.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.

FINAL APPROVAL. Unconditional approval of the final plat as evidenced by appropriate certifications on the plat. Such approval constitutes authorization to record a plat.

FIXTURE. Complete lighting unit consisting of one or more lamps and those components designed to energize, house, position, or protect the lamp(s), together with other integrated parts (such as a lens,

reflector, refractor, globe, structural element) that function with the lamp(s) to emit, control, focus, direct, project, and disperse light. Not included is the support assembly (such as pole, armature, mounting bracket) to which the fixture is attached. Multiple fixtures when attached to a common support assembly remain as multiple, individual fixtures.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

The overflow of inland waters; or

The rapid accumulation or runoff of surface waters from any source.

FLOOD FRINGE. The portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS). The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.

FLOODLIGHT. Fixture that projects light in a broad, directed beam, typically of two lamp types: simple lamps whose supporting optic elements are part of the fixture casement having wide beam- spread angles up to 110 degrees; or sealed-beam lamps with internal parabolic reflectors having narrower beam-spread angles of 25 to 55 degrees. Designation as a floodlight is ordinarily displayed on lamp packaging.

FLOODPLAIN. Means the land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the regulatory flood. The riverine floodplain includes the floodway and the flood fringe. (I.C. 46-1021)

FLOOD PROOFING. Measure designed to prevent and reduce flood damage for those uses or structures located in the floodplain, including measures to prevent floodwaters from entering structures.

FLOOD PROTECTION ELEVATION (FPE). An elevation that corresponds to the elevation of the one percent (1%) chance annual flood (base flood), plus any increase in flood elevation due to floodway encroachment, plus 1 foot of freeboard. Therefore the Flood Protection Elevation for The City of Driggs is equal to BFE plus floodway elevation (if present) plus one (1) foot freeboard.

FLOODWAY (REGULATORY FLOODWAY). The channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood.

FLOOR AREA, GROSS. The sum of the areas of the several floors of a building, including any area used for human occupancy in the basements and attics, as measures from the exterior faces of the walls.

FLOOR AREA, NET. That portion of the gross area of the building occupied by the listed use or uses.

FOOTCANDLE. Measure of visible illuminance equivalent to the radiance of one lumen distributed uniformly at a distance of one foot onto a surface of one square foot, measurable by a light meter. In this ordinance, footcandle units are referenced to the initial-lumen-output rating of the fixture lamp.

FREEBOARD. A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could

contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams and the hydrologic effects of urbanization in a watershed.

FRONTAGE. The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way.

FUNCTIONALLY DEPENDENT FACILITY. A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

FUTURE ACQUISITIONS MAP (applies to Airport). The map shall designate land proposed for acquisition by a public agency for a maximum 20-year period. Lands designated for acquisition may include land for:

A. Streets, roads, other public ways, or transportation facilities proposed for construction or alteration;

B. Proposed schools, airports, or other public buildings;

C. Proposed parks or other open spaces; or

D. Lands for other public purposes.

G.

GARAGE. Garage means a building or floor area within a building intended to be used for the parking or storage of motor vehicles.

GLARE. Effect caused by light sufficiently greater than that to which the eye is readily adapted such that annoyance, physical discomfort, or visual impairment is experienced by an observer.

GRADE. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line.

H.

HEIGHT. See Article 2.5.

HIGHEST ADJACENT GRADE (HAG). The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, FEMA Form 81-31, for HAG related to building elevation information.

HEALTH DEPARTMENT. The Idaho state health or district health agencies.

HIGH WATER MARK. The line that the water impresses on the soil by covering it for sufficient periods of time to prevent the growth of terrestrial vegetation (IDAPA 58.01.03 Onsite Sewage Disposal Rules). Additional indicators of OHWM that may be present include but are not limited to: top of point bars or depositional areas, break in bank slope, edge of active floodplain, edge of perennial vegetation.

HISTORIC STRUCTURE. A structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district.

C. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or

D. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

E. By an approved state program as determined by the Secretary of the Interior, or

F. Directly by the Secretary of the Interior in states without approved programs.

HORIZONTAL PLANE. Parallel to the plane of the horizon, or 90 degrees above nadir as determined by an ordinary carpenter's level

HORIZONTALLY CUTOFF FIXTURE. Lighting fixture that is designed, constructed, and installed so as to prevent any light to project at or above the horizontal plane passing through the lowest light-emitting portion of the fixture—including from the lamp source or any integrated reflective, refractive, focusing, diffusing, or other radiating surface. Fixtures satisfying this definition as horizontally cutoff when appropriately installed include "full cutoff" as defined by the Illuminating Engineering Society of North America (IES), and "Dark-Sky Friendly" as designated by the International Dark Sky Association (IDA).

I.

ILLUMINATION. The amount of light incident on a surface.

IMPERVIOUS SURFACE. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime, rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

IRRIGATION FACILITIES. Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply , delivery and drainage of irrigation water.

J.

JUNK. Dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, bed and bedding, rags, motor vehicles and parts thereof.

K.

KELVINS (K). A unit of absolute temperature measured by the Kelvin scale. In this ordinance, kelvins (K) is the reference color temperature of the light spectrum emitted by a lamp.

KITCHEN FACILITIES. An area clearly intended for cooking, as determined by the Building Official, that includes appliances or permanent fixtures such as a cook top or sink.

L.

LAMP. Component, tube, or bulb of a fixture that produces light when energized. Multiple lamps within a single fixture are lumen-rated additively as if a single lamp.

LAMP STRING. Multiple, interconnected lamps attached to a single electrical source, but not additionally housed as is typical within a fixture. Included are "light strings" commonly used as Christmas lighting, "rope lights"

strung within a continuous protective sheath, and similar interconnected aggregations of LED lamps integrated within individual light-dispersing refractors.

LANDSCAPE MATERIAL. Any combination of living plants and non-living materials, such as rock, pebbles, sand, mulch, pavers, berms, walls, and other decorative materials.

LANDSCAPING. The planting and arranging of landscape materials to enhance the aesthetic and functional qualities of a site.

LARGE SCALE DEVELOPMENT. A residential subdivision, the size of which consists of twenty-five (25) or more lots or dwelling units, or a commercial subdivision containing five (5) or more acres of land.

LETTER OF MAP CHANGE (LOMC). An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are issued in the following categories:

LETTER OF MAP AMENDMENT (LOMA). A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

LETTER OF MAP REVISION (LOMR). A revision based on technical data that, usually due to man-made changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination that a structure or parcel has been elevated by fill above the base flood elevation and is excluded from the special flood hazard area.

LETTER OF MAP REVISIONS, CONDITIONAL (CLOMR). A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

LEVEE. A man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM. A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LIGHT. Radiant energy that can be sensed or seen by the human eye. Visible light is measured in lumens.

LIGHT TRESPASS. Spillage or intrusion of direct light projected beyond the property of origin.

LIGHTING PLAN. Documents specific to a land use that describe the location and characteristics of all exterior lighting and the light levels on the property and at the property boundaries.

LOT. See Article 2.1 for all definitions related to Lots and their measurement.

LOT OF RECORD. Any lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Teton County, Idaho, is a "lot of record." Any parcel/lot described in a deed, sales contract, or survey, that was recorded in the office of the Recorder of Teton County, Idaho before August 5, 1972, is a "lot of record." Any parcel/lot described in a deed, sales contract, of survey, that was recorded in the office of the Recorder of Teton County, Idaho between August 5, 1972 and June 2, 1997, which met the minimum size and dimensions for lots in the zone district in which it was located at the time of recording, is also a "lot of record."

LOWEST ADJACENT GRADE (LAG). The lowest point of the ground level next to the structure. Refer to the Elevation Certificate, FEMA Form 81-31, for LAG related to building elevation information.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement) used for living purposes, which includes working, storage, cooking and eating, or recreation, or any combination thereof. This includes any floor that could be converted to such a use including a basement or crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor. The lowest floor is a determinate for the flood insurance premium for a building, home or business.

LUMEN. Unit of luminosity (luminous flux) measuring the rate at which a lamp emits all visible light in all directions, weighted to the sensitivity of the human eye; approximated by the light produced by a standardized candle divided by 12.56. In this ordinance, lumen references are to the initial-lumen-output rating of a "new" lamp (not the mean or maintained lumen output) as specified by the manufacturer and displayed as "Brightness" on Lighting Facts packaging labels.

LUMINAIRE. The complete lighting unit, including the lamp, the fixture, and other parts.

M.

MASTER PLAN. An overall plan for the development of a large or complicated land area, of which the platting and/or installation of improvements is expected in progressive stages.

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's FIRM are referenced.

MOBILE HOME. A transportable, factory built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15,1976.

MANUFACTURED HOME. A single-family unit fabricated in one or more sections at a location other than the home site by assembly line or similar production techniques or by other construction methods typical of off-site manufacturing process. Every section must bear a label certifying that it is built in compliance with the "Federal Manufactured Home Construction and Safety Standards, June 15,1976" (42 U.S.C. Sec. 5401). A manufactured home may be designed to be towed on its own chassis or be delivered to the site by other means.

MANUFACTURED HOUSING COMMUNITY, EXISTING. Means a manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) was completed before August 4, 1988.

MANUFACTURED HOUSING COMMUNITY, EXPANSION TO EXISTING. Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

MANUFACTURED HOUSING COMMUNITY, NEW. A place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed

(including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after August 4, 1988.

MULTI-TENANT BUILDING. One building shared by two or more tenants that are separate tax entities.

MULTI-BUSINESS COMPLEX. A group of structures housing at least two separate businesses or agencies, or a single structure containing more than one business with separating walls and at least one outside access for each business which shares a common lot, access and/or parking facility.

N.

NEIGHBORHOOD PLAN. A plan to guide the platting of remaining vacant parcels in a new or partially built up neighbor hood so as to make reasonable use of all land, correlate street patterns, and achieve the best possible land use relationships.

NEW CONSTRUCTION. A structure for which the "start of construction" commenced after August 4, 1988, and includes subsequent improvements to the structure.

NONCONFORMING BUILDING. Any building which does not meet the limitations of building size or location on a lot for the district in which the building is located and which was built prior to the effective date hereof.

NONCONFORMING USE. A land use or activity, which was lawful prior to the adoption, revision, or amendment of this title but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of this title.

O.

OCCASIONAL LIGHTING. Illumination that is infrequent, or intermittent; and controlled by a manual or timer-operated switch, or by a motion sensor not activated by off-property movements.

OPEN SPACE. Any developed or predominantly undeveloped land which may be set aside for the following:

A. Park and recreation purposes.

B. Conservation of land and other natural resources.

C. Historic or scenic purposes.

ORDINARY HIGH WATER MARK. The line on the shore established by the fluctuations of water indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

OUTDOOR LIGHTING. Illumination of an area exterior to an enclosed structure. Included are open-air spaces under a roof cover but not fully contained such as a canopy, pavilion, drive-through bay, or parking deck.

OUTDOOR STORAGE. The keeping, in an unroofed area, of any goods, junk material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

OWNER. The person or persons, corporation, or legal entity holding title by deed to land, or holding title as vendees under land contract, or holding any other ownership interest.

OWNER-OCCUPIED UNIT. A unit in which the owner of the dwelling unit resides on the parcel for a minimum of 6 months out of a calendar year. Homeowner occupied tax exempt status shall be considered to be proof of homeowner occupied status for the purpose of this code.

P.

PARCEL/TRACT. A lot or tract as recorded on any plat or record on file in the office of the county assessor, or any unplatted, contiguous parcel of land held in one ownership and of record at the effective date hereof and its amendments.

PEDESTRIAN WAY. A public right of way dedicated as a walkway entirely through a block from street to street and/or providing access to a school, park, recreation area, or shopping center.

PLANNED UNIT DEVELOPMENT (PUD). Residential, commercial and/or industrial use, or combination thereof, planned for a tract of land to be developed as a unit under single ownership or control

PLANNING DEPARTMENT. The Planning & Zoning Department of Driggs, Idaho.

PLANNING AND ZONING COMMISSION. The Planning and Zoning Commission of Driggs, Idaho.

PLAT. The drawing, map or plan of a subdivision, cemetery, townsite or other tract of land, or a replatting of such, including certifications, descriptions and approvals.

POWER SPORTS VEHICLE. Motor vehicles used for recreation purposes including all-terrain vehicles, motorbikes, snowmobiles, and other utility type vehicles. This definition does not include agricultural equipment, vehicles or trailers that serve as temporary dwellings, or boats.

PRIMARY ROAD. When a structure fronts on more than one road, the primary road is the road with the higher classification.

PRINCIPAL (PRIMARY) BUILDING. A structure or, where the context so indicates, a group of structures in which the principal use of the lot is conducted.

PRINCIPAL (PRIMARY) USE. The main use of land or structures as distinguished from a secondary or accessory use.

Q.

QUALIFIED LOCAL HOUSEHOLD. A household having one adult occupant who is either employed or has a verified job offer within Teton County, Idaho for at least 30 hours per week (or 1,560 hours per year) or has resided in Teton County, Idaho for at least one year prior and is either over the age of 65 or has a disability recognized by the federal government.

R.

RECORDED PLAT. A final plat bearing all of the certificates of approval required in this title and duly recorded in the Teton County recorder's office.

REGULATORY FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

REPETITIVE LOSS. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost where the construction of facilities for servicing the lots on which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

RESERVE STRIP. A strip of land between a dedicated street or partial street and adjacent property; in either case, reserved or held in public ownership for future street extension or widening.

RIGHT OF WAY. A parcel of land dedicated or reserved for use as a public way which normally includes streets, sidewalks, utilities or other service functions.

RIPARIAN. Of, adjacent to, or living on a surface water feature that receives hydrologic support from that water feature and supports vegetation that is differentiated from the surrounding uplands areas.

Areas contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent water bodies (rivers, streams, lakes, or drainage ways). Riparian areas generally have distinctly different vegetative species than adjacent areas, or similar species with more robust growth than adjacent areas. Riparian areas are often located between wetland and upland areas.

S.

SETBACK. A line demarcating that portion of the lot specified must remain devoted to a yard, and the buildable portion of the lot. Building setbacks and "yard" are considered one and the same. See Article 2.2 and the definitions of "yard." See Section 2.4.2 for allowed encroachments into setbacks.

SHADE TREE. A tree that composes the top layer or canopy of vegetation and will generally reach a mature height of greater than 50 feet.

SHORT-TERM RENTAL (STR). Short-term Rental or Vacation Rental means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, or owner-occupied residential home that is offered for a fee and for thirty (30) days or less.

SIGN. Any combination of words, letters, numbers, images, or symbols, designed to attract the attention of, or communicate information to, the public, when in the public realm or right-of-way.

SIGN, ABANDONED. Any sign applicable to a use which has been discontinued for a period of sixty (60) days or more

SIGN, CLEAR HEIGHT. For building signs, the measurement of the bottom of the sign above the adjacent finished grade.

SIGN, INCIDENTAL. A sign that has a purpose secondary to the use of the lot on which it is located.

SIGN, LENGTH. The horizontal measurement of sign area.

SIGN FACE. That portion of the sign, excluding the supporting structure, where the words, letters, numbers, images, or symbols can be placed.

SIGN, HEIGHT. The vertical measurement of sign area for building signs and the vertical measurement of the entire sign structure for freestanding, entry feature, and sidewalk signs.

SIGN, PROJECTION. The horizontal measurement of the sign structure from the façade of the building where the sign is mounted.

SIGN, WIDTH. The measured thickness of a sign.

SIGN, WINDOW. Any sign that is placed inside a window or upon the window glass panes and is visible by and legible to the public from the exterior of the window. This term does not include merchandise displays.

SPECIAL FLOOD HAZARD AREA (SFHA). See AREA OF SPECIAL FLOOD HAZARD.

SPOTLIGHTS. Fixtures that project light in a narrow beam centered on a directional axis. Related lamps typically are sealed-beam with internal parabolic reflectors and beam-spread angles of 9 to 15 degrees. Designation as a spotlight is ordinarily displayed on lamp packaging.

STORY. That portion of a building compromised between a floor and the floor or roof next above. The first floor of a two- or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

STREET. Any street, avenue, boulevard, road, lane, park way, place, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded within the right of way boundaries, whether improved or unimproved, and may be comprised of pavement, shoulder, curbs, gutters, sidewalks, parking areas, and lawns.

STREET, ALLEY. See "Alley."

STREET, ARTERIAL. A general term including expressways and major and minor arterial streets; and interstate, state or county highways having area wide or regional continuity.

STREET, COLLECTOR. A street that provides for traffic movement within neighborhoods of the city and between major streets and local streets and for direct access and abutting property.

STREET, LOCAL. A street that provides for direct access to residential, commercial, industrial, or other abutting land for local traffic movement and which connects to collector and/or arterial streets.

STREET, CUL-DE-SAC. A short local street having one end permanently terminated in a vehicular turnaround.

STREET, FRONTAGE. A minor street parallel and adjacent to an arterial route and intercepts local streets and controls access to an arterial route.

STREET, LOOP. A minor street with both terminal points on the same street or origin.

STREET, PRIVATE. A street within a subdivision plat that is not dedicated to the public and not a part of a public highway system.

STREET, PUBLIC. A road, thoroughfare, alley, highway or bridge under the jurisdiction of a public highway agency.

STRUCTURE. A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

SUBDIVIDER. The individual, firm, corporation, partnership, association, syndication, trust, or other legal entity having sufficient proprietary rights in the property to represent the owner, that submits the required subdivision application and initiates proceedings for the subdivision of land in accordance with this title.

SUBDIVISION. See Article 14.5

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its market value before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure at the time of improvement or repair. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. This term also includes "Cumulative substantial improvement", which shall be defined as any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds fifty percent (50%) of the market value of the structure at the time of improvement or repair when counted cumulatively for ten (10) years. The market value of the structure should be (1) the appraised

value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed. The term does not include either:

A. A project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

B. Alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

SURVEYOR. Any person who is licensed in the State as a public land surveyor to do professional surveying.

T.

TECHNICAL ASSISTANCE. Those qualified professionals, individuals or groups appointed to review a subdivision or development application pursuant to Chapter 14 of this title.

TOWNHOUSE. An estate consisting of an undivided common interest in real property, together with a separate interest in real property, or any combination thereof.

TOP SHIELDED FIXTURE. A lighting fixture that allows glare; but the fixture's upward transmission of light above the horizontal plane is contained either by its top-most opaque shielding or by its sheltered placement under a soffit, cornice, roof, canopy, or other structural element.

TUBE LIGHTING. Gas-filled glass tube or other closed shape that, when subjected to a high voltage, becomes luminescent in a color characteristic of the particular gas used, such as neon, argon, krypton, etc.; commonly known as "neon" lights. Not included as tube lighting are fluorescent lamps.

U.

USABLE LOT AREA. That portion of a lot usable for or adaptable to the normal uses made of the property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.

UTILITIES. Installations or facilities, underground or overhead, furnished for use by the public, including, but not limited to, electricity, gas, steam, communications, water, drainage, irrigation, sewage disposal, or flood control, whether owned and operated by any person, firm, corporation, municipal department, or board duly authorized by state or municipal regulations. Utility or utilities, as used herein, may also refer to such persons, firms, corporations, departments, or boards, as applicable herein.

V.

VARIANCE. A modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other provision affecting the size or shape of a structure or the size of lots. The process is outlined in Chapter 14.

VICINITY MAP. A small-scale map showing the location of a tract of land in relation to a larger area. A vicinity map should be clearly labeled with road names and/or other clearly identifiable landmarks or features.

W.

WATER SURFACE ELEVATION. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other specified datum) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE. Shall be delineated by and defined as the area bounded by Ordinary High Water Marks.

X.

No terms beginning with the letter X are defined at this time.

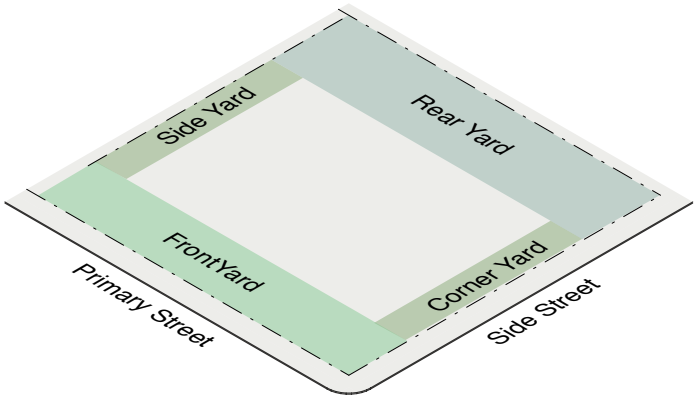
Y.

YARD. Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such uses as provided by this title. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the building line of the main building.

YARD, FRONT. A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.

YARD, REAR. A yard extending the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

YARD SIDE. A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard. Side yard width shall be measured at right angles to the side lines of the lot.



Z.

ZONE/ZONING DISTRICT. A portion of city limits shown on the approved zoning map and associated with this title, and given formal zoning district designation.