



**Municipal Code**

**2023**

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## **Title 1 - ADMINISTRATION**

### ***Chapter 1.01 COUNCIL MEETINGS AND PROCEDURE***

#### **1.01.010 Council Meetings and Procedure**

The regular meeting of the Mayor and City Councilors of the City of Weston be held in said City on the first Wednesday of each month, in the City Hall or at 7:30 p.m. unless otherwise designated and noticed.

Any City Councilor desiring to create an Ordinance shall prepare the same in writing and present it to the full Council for action.

The Council shall establish its own rules of procedure; provided however, that written minutes shall be made of meetings held and copies thereof distributed to all members of the City Council within three weeks of the meeting.

Order of business will follow the posted agenda.

The Mayor may appoint Councils based on the needs of the City, and such Councils must be confirmed by the Council.

#### **1.01.020 Powers and Duties**

The Mayor shall, at the first meeting after elections shall appoint a City Clerk, Treasurer, Attorney or other officers as may be created by Ordinance, who shall serve until further relieved of their duties. These appointed positions shall be confirmed by the majority of the Council.

The Clerk shall issue and collect associated costs for all licenses ordered by the Council in addition to performing all duties required by law or ordinance.

An elected candidate shall take the Oath of Office, to be administered by the Mayor or Clerk, before performing their duties.

If an attorney retained by the City Council is on a permanent, full-time and exclusive basis, then they shall be required to take the Oath of Office.

A contracted city attorney will be paid based on the deliberations of the City Council and the law firm. A resolution or contract will declare the compensation of the selected attorney or law firm.

#### **1.01.030 Compensation**

The mayor shall be compensated in the sum of \$100.00 per month.

The members of the City Council shall be compensated in the sum of \$75.00 per month. In addition, members of the City Council shall be compensated in the sum of \$25.00 for any extra meetings, and \$50.00 for the annual budget hearing.

Changes to wages, compensation, or stipends will be determined by the Council and recorded.

#### **1.01.040 Public Record Retention**

Records identified as permanent pursuant to Idaho Code shall not be destroyed but shall be retained by the City in perpetuity or transferred to the Idaho State Historical Society's Permanent Records Repository for permanent retention upon resolution of the City Council.

Records that are not considered permanent shall be retained for the period specified in the retention schedule pursuant to the provisions of Idaho Code 50-907 and shall not be destroyed until such is approved by resolution of the City Council.

### **1.01.050 Elections**

On the first Tuesday after the first Monday in the month of November opposite the year of the General Elections and held biannually thereafter, an Election shall be held in the City of Weston for the purpose of electing a Mayor or the necessary Councilor, whatever is needed to fill the place of the outgoing official. The time to be served and the position to be filled, specified at the time of the Election.

All Elections shall be held and conducted in conformity with the State laws of Idaho governing elections in cities and executed by the County.

In case of a vacancy in the City Council, the Mayor shall appoint a replacement within 30 days. This appointment shall be confirmed by the City Council. The term for the appointed individual shall be for the unexpired term.

### **1.01.060 Commissions, Councils, and Boards**

Ad hoc Councils may be appointed and disbanded by the Mayor and confirmed by the Council as needed.

## **Title 2 LICENSES AND PERMITS**

### ***2.1 BUSINESS LICENSES***

A flat fee of \$25 will be assessed annually with business licenses unless otherwise stated in this Title.

A flat fee of \$100 will be assessed annually with business licenses for all door-to-door sales operations (soliciting operations).

Business licenses shall expire 12 months after the date of issue.

Failure to comply with licensure shall result in a \$150.00 fine which may be assessed for each separate time an actor engages in business practices without being properly license under this Title.

Agricultural businesses and products produced within Weston City are exempt from this ordinance. "Agricultural businesses" is defined as any business that produces a product directly from working the land or livestock.

## **Title 3 - PUBLIC HEALTH AND SAFETY**

### ***Chapter 3.01 AIR QUALITY***

#### **3.1.1 Authority and Purpose**

The purpose of this ordinance is to protect air quality resources vital to the public health, safety, and welfare of the City of Weston by controlling emissions from solid fuel burning.

Where this code conflicts with State Code, Idaho State Code shall prevail and be followed. See Idaho Code Section 50-302.

### ***Chapter 3.02 DEFINITIONS***

For the purpose of this Title, the following terms, phrases, words, and derivations all have the meanings given herein.

#### **3.2.2 Air Pollution**

The presence in the outdoor atmosphere of any contaminate or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, to interfere unreasonably with the enjoyment of life or property.

#### **3.2.3 Building**

Any structure, dwelling, office, industrial plant, garage, or barn, whether publicly or privately owned or any other structure as defined by the international building code.

#### **3.2.4 Burn Down**

That period following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any other outdoor fires or burning or incineration included within this ordinance.

#### **3.2.5 Clean Burning Appliance**

A solid fuel heating appliance that has been certified as clean burning by the United States Environmental Protection Agency (EPA).

#### **3.2.6 Fireplace**

A residential solid fuel burning device with an air to fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in a decorative masonry or other building materials. A residential solid fuel burning device which is freestanding, or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace".

#### **3.2.7 Heat Output**

The British thermal unit (BTU)/hour output of a solid fuel heating appliance.

#### **3.2.8 Junk**

Any scrap, waste, reclaimable material, or debris whether or not stored or used in conjunction with dismantling, processing, salvage, storage, disposal or other use or disposition. Junk includes but is not limited to, tires, furniture, tools paper, rags, plastics, cordage, scrap iron or other metal, glass, building materials, machinery and appliances or parts thereof, brush, wood and lumber, solid waste, and vehicles and parts thereof.

#### **3.2.9 Open Burning**

The combustion of any material not contained in a heating appliance. The use of a fireplace is considered open burning.

#### **3.2.10 Particulate Matter (PM10/PM2 s)**

Any gas borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter.



### 3.2.11 Person

Any individual, firm, partnership, association, corporation, company, organization, or governmental entity.

### 3.2.12 Refuse

Solid waste, garbage, and rubbish, including, but not limited to, cardboard, plastic, rubber, Styrofoam, petroleum products, foodstuff, Christmas trees, yard debris or chemically treated wood.

### 3.2.13 Sole Source

One or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating.

### 3.2.14 Solid Fuel

Any form of untreated wood, coal, pressed logs, and pellet fuel.

### 3.2.15 Solid Fuel Heating Appliance

An enclosed device designed for solid fuel combustion that meets all the following criteria:

1. An air to fuel ratio averaging less than thirty-five to one (35 to 1).
2. Firebox volume less than twenty (20) cubic feet.
3. Minimum burn rate less than five kilograms (5kg) per hour; and
4. Maximum weight of less than eight hundred kilograms (800 kg).

## ***Chapter 3.03 AIR QUALITY DESIGNATIONS AND ALERT CRITERIA***

The quality of the City's air shall be determined by monitoring pollutant levels in and/or around the City with equipment and methods approved and provided by DEQ at their own expense.

The quality of the City's air shall be designated by DEQ according to the following table (as may be amended from time to time by the EPA):

### **Air Quality Index (AQI) Chart**

<b>DESIGNATIONS</b>	<b>AQI</b>
<b>Good</b>	<b>0-50</b>
<b>Moderate</b>	51-100
<b>Unhealthy for Sensitive Groups</b>	101-150
<b>Unhealthy</b>	151-200
<b>Very Unhealthy</b>	201-300
<b>Hazardous</b>	301-500

All wood burning, which includes but is not limited to burning within a solid fuel heating appliance designed for wood fuel (commonly known as a "wood stove") or open fireplace, is prohibited whenever the DEQ forecasts an AQI of seventy-five (75) or greater or forecasts air stagnation conditions will continue for at least twenty-four (24) hours.

No person shall allow, suffer, cause, or permit any open burning of any kind (see IDAPA 58.01.01.600 - 623) whenever DEQ forecasts an AQI of 75 or greater or forecasts air stagnation conditions will continue for at least 24 hours.

### ***Chapter 3.04 PUBLIC NOTIFICATION***

Whenever air pollution alert conditions are met, local print and news media, local officials, the police and fire departments, and city officials will be notified. In addition, DEQ will post information on the DEQ website and the air quality hotline.

### ***Chapter 3.05 BURNING SOLID FUEL OR REFUSE***

No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel commonly known as a "woodstove".

No person shall cause or allow a wood stove to be operated contrary to the design, specifications, and manufacturer's instructions.

Notwithstanding the provisions of any section of this ordinance, no person shall allow, suffer, cause, or permit the burning of materials which emit toxic contaminants or large volumes of smoke, particulate or odors deemed a public nuisance; such prohibited materials consist of, but are not limited to, the following: garbage, tires or any other rubber materials, plastics, heavy petroleum products, dead animals or parts thereof, treated lumber, tree stumps, trash, wet or green vegetation, trade waste, commercial waste, roofing materials or any other asphaltic materials, drywall, sheetrock, tarpaper, floor underlayment, insulation, chemicals, household garbage, motor vehicles or parts thereof whether junked or not, insulated wire, pathogenic wastes, hazardous wastes, etc.

No person shall operate a residential solid fuel burning device or fireplace if the visible emissions exceed 20% opacity as measured by EPA method 9, except as follows:

During an initial fifteen-minute start-up period, or

During refueling operations which does not exceed a fifteen-minute period in any three-hour period.

Notwithstanding the provisions of any section of this ordinance, no person shall allow, suffer, cause, or permit the burning of any materials when the AQI as forecasted by the DEQ reaches (75) or higher for any air pollutant within the Cache Valley Airshed.

### ***Chapter 3.06 SOLID FUEL HEATING APPLIANCE RESTRICTIONS AND PERMITS***

From the date that this ordinance is effective, no person may sell or offer for sale within the city limits of Weston any solid fuel heating appliance which is not listed as certified by the EPA as a clean burning appliance.

No person shall install any solid fuel heating appliance in any new or existing building without first having obtained a permit to do so from the City, the County, or the relevant fire agency. For such a permit to be granted, all such appliances shall be listed and certified by the EPA as clean burning appliances. Installations shall be in accordance with the Uniform Fire Code and manufacturer's instructions.

From the date this ordinance is effective; no person shall construct, or attempt to construct, any building for which a solid fuel burning appliance will be the sole source of heat.

### ***Chapter 3.07 EXEMPTIONS AND RESTRICTIONS***

All solid fuel burning appliances classified by the EPA as a clean burning appliance may be operated during an air quality alert.

A three hour burn down period shall be allowed for solid fuel heating appliances or fireplaces whose operation was commenced prior to the air quality alert.

The City may grant exemptions from this ordinance if it is determined that:

A solid fuel heating appliance is the sole source of heat for the structure in which it is situated for

Using alternative heating would cause an unreasonable economic hardship.

### ***Chapter 3.08 MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES***

Appliances shall meet the requirements of the code of federal regulations title 40, part 60, subpart AAA, "standards of performance for new residential wood heaters".

### ***Chapter 3.09 PENALTY***

A violation of any of the provisions of this Title shall constitute a misdemeanor punishable by a fine up to \$1,000.00 and by confinement in the county jail for a period not to exceed six (6) months or by both such fine and imprisonment. A separate violation and penalty may be assessed for each day an actor is not complying with any of the provisions of this Title.

### ***3.10 CURFEW***

Children on streets at night. It shall be unlawful for any person under eighteen (18) years of age to be or remain upon any street or alley or other public place within the City Limits after 11:00 p.m. on Monday, Tuesday, Wednesday, Thursday or Sunday (and after 12:00 a.m. on Friday and Saturday) during the week unless such person is accompanied by a parent or guardian, or other person having custody of such minor, or unless such person is engaged in or returning from lawful employment, or returning to such person's place of residence from a school function. Provided, that a child may be on the public sidewalk in front of the child's home, with the permission of the child's parent or guardian.

Violation of Curfew. It shall be unlawful for anyone having the legal care and custody of any person under eighteen (18) years of age to allow or permit such person to go or be upon any public street, alley, or other public place in the City in the nighttime as restricted in the preceding section, except in case of necessity.

Public parks are all closed after dark year-round unless reserved.

Any minor in violation of this ordinance will be referred to the County Sheriff's office.

### ***Chapter 3.11 JUNKYARDS AND DEBRIS***

No salvage yard (junk yard) businesses may be started or maintained within the city limits of the City of Weston.

The accumulation and storage of junk, as defined in subsection 2 of this Title, on a private or public property (limited to the front lot and side lot of the property), shall constitute a nuisance, detrimental to the health, safety and welfare of the inhabitants of the City. It shall be the duty of the owner of such junk, or parts thereof, or lessee, or other person in possession of private property upon which such junk or parts thereof is located, to remove the junk or parts thereof from such property. Any individual issued a notice of infraction of this ordinance will have 30 days from the time of notice to remove the junk in violation. After such time, the City will remove the violating junk at the owner's expense.

It shall be unlawful to park, store, leave or permit the parking, storing or leaving of any licensed or unlicensed vehicle of any kind or parts thereof which is wrecked, junked, partially dismantled, inoperable or abandoned condition whether attended or not upon any private or public property within the city limits longer than 72 hours.

Any person or persons violating any of the provisions of this Title shall be fined not to exceed \$500.00 plus the costs of court.

### **3.11.010 Exceptions**

Inoperable motor vehicles, or parts thereof, may be stored within a completely enclosed building.

The provisions of this section shall not apply to lawfully established licensed and operated automobile repair facilities.

### **3.11.010: MAINTENANCE OF PROPERTY AND BUILDING SURFACES:**

A. General Duty To Maintain Property: Any building which is so dilapidated or in such condition as to menace the public health or safety of persons or property; violations of various building codes adopted by the city related to buildings shall be prima facie evidence that a nuisance is being maintained on the property. The responsible party and any other persons having lawful control over a structure or parcel of land are hereby required to ensure that all property, structures, and land owned, managed, or occupied by said parties are maintained in good repair and in neat, orderly, and sound condition free from blight or deteriorating conditions, and maintained in accordance with standards and regulations established in this chapter. Prohibited conditions include, but are not limited to, cracked, chipped or peeling paint, graffiti, broken windows or doors, deteriorated or missing siding, broken or missing shingles, shakes, or stair treads or railings, broken or missing fence slats, and the like.

B. Duty To Finish Exterior Building Surfaces: The responsible party and any other persons having lawful control over a structure are hereby required to ensure that all exterior building surfaces are finished with exterior siding materials appropriate to the surface such as, but not limited to, painted or stained wood, vinyl, or aluminum siding, Dryvit, stone, brick, shingles, shakes, or metal roofing.

### **3.11.020: MAINTENANCE OF LAND/OUTDOOR AREAS:**

The responsible party shall ensure that the following requirements are met:

- A. General Maintenance Of Land/Outdoor Areas: All land/outdoor areas shall be kept clean and maintained so as to be free of fire hazards; noxious weeds as set out in the Idaho state code; mold/fungus growths; and blight or deteriorated conditions, including conditions or accumulations of any material which may be conducive to infestations of insects, spiders, reptiles, or rodents. Specifically prohibited items or conditions include, but are not limited to, the following: any accumulations of litter, garbage, debris, waste material, accumulations of appliances and/or furniture, broken glass, piles of mixed material, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, packing straw, packing hay, or other packing material, lumber or building materials except as provided in this chapter, and anything whatsoever in which insects may breed or which provides harborage for rodents, snakes, or other harmful pests/animals.
- B. Maintenance Of Landscaping: All front yards must be covered with healthy vegetative material except where covered by prepared surfaces, landscaping features, or driveways as allowed by this code. Lawn

grass shall be kept trimmed so as to be no higher than six inches (6") above grade. Noxious weeds, as defined or listed by the Idaho department of agriculture, are prohibited and eradication measures must be taken promptly. Other weeds in nonlawn areas (e.g., garden areas, vacant lots) must be kept trimmed so as to be no higher than twelve inches (12") above grade. All nonweed, permitted vegetation must be maintained in a healthy, growing condition or must be removed. The piling of branches, or of dry, dead, or rotting vegetation of any kind is specifically prohibited. An exemption exists for properly maintained composting activities.

- C. **Storage Of Materials Prohibited:** Land shall be maintained free of the following additional blighting influences, including, but not limited to, appliances, broken materials, furniture in disrepair, wood (except neatly stacked firewood), construction materials, piles of landscaping or construction materials, scrap metal, or vehicle parts, unless the same are kept in a fully enclosed building. Recyclable materials may be kept outside but must be neatly stacked and removed weekly. Also specifically prohibited is the unenclosed storage or placement, on any land on which a residential dwelling is located or which is residentially zoned, of any materials used in connection with a business or home occupation, whether for the owner or occupant of the dwelling or property, including, but not limited to, building materials, landscaping materials, equipment, tools, and vehicle parts, unless the same are permitted through a conditional use permit and maintained in accordance with the terms of said permit.  
Exception: Materials for active, ongoing, on-site construction or landscaping of property may be stored in rear yards of that property for the duration of the construction. Landscaping or construction materials for onsite use of the occupant may be stored in front and side yards which are visible from an adjacent public right of way for a period no longer than sixty (60) days, provided the rear yard is not easily accessible or the materials will be used in the front and side yards.
- D. **Abandoned, Unattended Or Discarded Iceboxes, Refrigerators Or Other Containers:** Containers which have a door or lid, snap lock or other locking device which may not be released from the inside, left outside of a building, dwelling or other structure or within any unoccupied or abandoned building, dwelling or other structure in a place accessible to children; the nuisance may be remedied by removing the door or lid, snap lock or other locking device or by first fastening, bolting or locking the same in a manner which would make the inside inaccessible to children.
- E. **Maintenance Of Fences, Retaining Walls, And Screening Structures:** All fences, screening walls and retaining walls shall be maintained in a safe, structurally sound condition, and shall not be allowed to deteriorate so as to constitute a blighting influence.
- F. **Maintenance Of Detention Areas/Water Or Fluid Accumulation:**
1. All detention areas must be maintained in a neat and serviceable condition so as to prevent the presence of stagnant water or blighting conditions such as an overgrowth of vegetation or accumulation of weeds or debris. All premises shall be maintained so as to prevent water from stagnating thereon, undermining foundations, or causing excessive runoff which may be damaging to adjacent property.
  2. All yards, grounds, premises, cellars, unprotected foundations for basements, vaults, drains, pools, cesspools, privies and sewers, which for any cause have become foul, nauseous or injurious to the health, safety or welfare of the citizens or which give forth odors which are offensive to the general public, adjacent residents or persons passing on public thoroughfares.
  3. Accumulations of stagnant or impure water, refuse, vegetable decay, garbage, or filth of any kind in, or upon any yard, lot, place or premises or upon any street or sidewalk adjacent to or abutting upon any lot, block, place or premises or in any building or shed within the limits of the municipality, so as to cause or create a nuisance or offensive smell or to pollute or render unhealthful the atmosphere or the premises or thereby to be, become, cause or create a public nuisance.

- G. Provisions For Canopies: Canopies may be used solely as carports for protection of vehicles and must be located on lawfully constructed driveways or other prepared surfaces. Specifically prohibited is the use of canopy structures in residential areas for storage of materials except as may be allowed temporarily under the exception paragraph of subsection C of this section. Canopies must meet the same zoning regulations as carports in relation to setbacks, height, and the like.
- H. Other Nuisances:
  - 1. Burning: Burning rags, leather, hair or other substances of any kind which cause or produce an offensive smell, smoke or odor which annoys or is offensive to persons living in the vicinity or to persons passing on any public thoroughfare.  
Exception: Normal use of a residential fireplace, stove, or other heat source which derives its heat through the burning of accepted materials. Properly licensed crematorium facilities are also excepted.
  - 2. Noise: Noise violation shall be addressed pursuant to section 6.03 of this code.
  - 3. Public Defecation Or Urination: Defecation or urination upon the streets, alleys, public places or other places that may be seen from private residences or by any person passing on public thoroughfares.
  - 4. Unprotected Openings: Open or unprotected trapdoors, cellars, or gratings, including those adjacent to any sidewalk.

**3.11.030: PROVISIONS FOR VEHICLES/VEHICLE PARTS:**

A. Parking/Storage On Private Property: Vehicles may not be parked on lawns/landscaping areas but must be parked on a driveway constructed in accordance with applicable building codes and city regulations and accessed by an approved approach or curb cut, or, alternatively, may be parked on another prepared surface accessible from a driveway or alleyway.

B. Use Of Private Property For Storage Of Vehicle Parts Or Inoperative Vehicles Prohibited And Declared A Nuisance: The presence on private property outside the confines of enclosed buildings, of inoperative, wrecked, discarded, partially dismantled, junked vehicles or vehicle parts contributes to blight and deterioration of neighborhoods and is detrimental to public health, safety, and welfare due to factors such as broken glass, standing water, accumulation of rusted parts, potential environmental damage, and the potential for breeding of vermin, and is hereby deemed a nuisance. No responsible party shall allow any such vehicle to remain in the open on such property longer than seventy-two (72) hours. This prohibition shall not apply to a vehicle on the premises of a lawfully operated auto salvage business, towing and storage business, auto sales business, or governmentally operated auto storage area, when necessary to the operation of such business enterprise, nor to vehicles for which a repair or restoration permit has been issued as provided hereinafter.

C. Temporary Exceptions For Repair And Restoration Permits: The code enforcement staff are hereby authorized to issue permits for either restoration work on an inoperative vintage or classic car or repair of one inoperative vehicle and a salvage vehicle and such vehicle parts as may be necessary for repair under the conditions established in this section. Code enforcement staff are authorized to deny such permits to a responsible party if the property on which the work will be done is not in compliance with property maintenance regulations set out in this chapter. Code enforcement staff are also authorized to revoke any permit if the responsible party violates the terms of the permit or property maintenance provisions in this chapter.

- 1. Repair Permit: The code enforcement staff may issue a thirty (30) day permit to allow the owner of a vehicle to repair that vehicle on his residential premises by salvaging parts/equipment from another vehicle owned by him, without storing and/or working on the vehicles in an enclosed building. There shall be no cost for the permit. Members of the code enforcement staff are authorized to issue one 30-day extension if requested by the permittee in order to complete the repair, provided permittee is in compliance with the terms of the permit and of this title. If possible, storage and work on the vehicles should be accomplished within the confines of an enclosed building, a carport, or an area screened from public view. When not in an

enclosed building and not undergoing actual repair work, both vehicles must be under a car cover which has been specifically made to fit the contours of and cover the entire body of the vehicle; blankets, tarpaulins, or other such makeshift coverings are not allowed. Vehicle parts, equipment, and tools must be neatly stacked and covered when work is not taking place. At the expiration of the permit or its extension period, the salvage vehicle must be removed from the premises, or the code enforcement staff may cause a misdemeanor citation to be issued or may commence an enforcement action as outlined in this chapter or may also pursue other legal remedies to effect the removal. Nothing herein shall be construed to allow any person to perform such work in order to sell the repaired vehicle to another party.

2. Restoration Permit: The code enforcement staff may issue a one-year permit to allow the owner of a vehicle to undertake a project to restore a vehicle as either a "classic" car (a vehicle at least 25 years old) or an "Idaho old timer" (a vehicle manufactured prior to January 1, 1943) to its original condition without storing the vehicle and working on it within an enclosed building. If possible, work must be performed within the confines of a carport or within a screened area. If not kept in an enclosed building, the vehicle must be covered with a car cover as described in subsection C1 of this section whenever work is not taking place. Members of the code enforcement staff are authorized to issue one 180-day extension if requested by the permittee in order to complete the repair, provided permittee is in compliance with the terms of the permit and the property maintenance provisions in this title. At the expiration of the permit or its extension period, if the vehicle is not fully restored to working condition, the owner must either store the vehicle in a fully enclosed building or remove the vehicle from the property. Failure to do so may result in issuance of a misdemeanor citation or may commence an enforcement action as outlined in this chapter or the city may pursue other legal remedies to effect the removal.

**3.11.040: SNOW AND ICE REMOVAL:**

- A. The responsible party of any premises within the municipality abutting or adjoining any public sidewalk shall be required to remove all snow and ice from any such sidewalk.
- B. The responsible party, following notification from city staff, has a period of twenty-four (24) hours from the time of notice within which to correct or otherwise remove all snow and ice.

Chapter 3.11 ANIMAL CONTROL

**3.12 ANIMAL CONTROL:**

- A. All dogs shall be licensed within the city limits. The license fee will be \$10 and shall also require proof of a Rabies vaccination within the last three (3) years.
- B. An impoundment fee will result if any dog is caught running loose. The first offense will be a fifty (50) dollar fine. Ten (10) dollars will go toward licensing the dog and forty (40) dollars will go to the dog catcher. Each subsequent violation shall be a one-hundred (100) dollar fine to the dog catcher.
- C. Dogs not picked up within seventy-two (72) hours will be sent to the Cache Humane Society.

## **Title 5 PARKING**

### ***Chapter 5.01 PARKING***

#### **5.01.010 Parking Regulations for Snow Removal**

This ordinance is adopted to provide safety for the citizens and to provide safety for snow removal.

#### **5.02 010 Definitions**

**Motor Vehicle:**

"Motor Vehicle" means any automobile, motorcycle, ATV, truck, trailer, semitrailer, truck tractor, and semitrailer combination or other vehicle originally designed for operation on the roads of this state, or any other state, or used to transport persons or property, and propelled by power other than muscular power.

**Person:**

"Person" means any individual, firm, partnership, trust, corporation, association, or any group, organization or combination acting as a unit. Any municipal corporation, county, or government agency of the state and federal government.

#### **5.02.020 Prohibitions**

No person shall park a motor vehicle on public streets during the months of November to March between the hours of 10:00 PM to 8:00 AM.

No person shall park an unlicensed motor vehicle on public streets or Right Of Ways.

No person shall park a motor vehicle on public sidewalk, walkways, or public access ways.

#### **5.02.030 Penalty**

Any person found in violation of this ordinance may receive a citation and a fine of \$100.00.

Each day that a violation continues shall be considered a separate offense.

If the vehicle is not removed from the Right Of Way (ROW) or remedied within 10 days of the first occurrence the offending vehicle shall be towed at owner's expense.

In matters of extenuations or mitigation, the Council may excuse or waive citations and/ or fines as deemed appropriate.



## **Title 6 PUBLIC WAYS AND PROPERTY**

### ***Chapter 6.01 PUBLIC STREETS SIDEWALKS, AND RIGHT OF WAY***

It shall be unlawful for any person to obstruct any street, right of way, public way, alley, easement, or sidewalk of the City in any manner, whether it be temporary or permanent.

Any person violating any of the provisions of this Ordinance may be fined any sum not to exceed \$500.00 and costs for removal and repair of public property if necessary.

### ***Chapter 6.02 SIDEWALKS***

At the time of new development, construction, or renovation impacting sidewalks, the owner shall build a sidewalk that is parallel to the road and runs the length of their property fronting rights-of-way and shall construct sidewalks in accordance with City standards.

All property owners that shall take irrigation water under or through the sidewalks shall see to it that it is done in a proper manner, such as through a culvert or pipe. If use of irrigation water, or the installation or use of a culvert or pipe or such item damages the sidewalk, it is the responsibility of the property owner to repair or replace the sidewalk in accordance with the City standards.

A covered culvert or bridge driveway over the barrow pit shall be required when an access is created from the public right of way.

If any owner shall, for thirty days after notice of this Title affecting his or her property, fail or neglect to repair or construct the same as required, the Council shall cause the same to be done and the expense thereof shall be assessed against such owner and collected as directed by law.

It shall be unlawful for any person to willfully ride a horse on the sidewalks within the City except for momentary crossings of the sidewalk.

Bicycles and tricycles may be permitted on sidewalks, provided they are ridden with due care.

### ***Chapter 6.03 PEACE AND QUIET***

It shall be unlawful for any person on any street or public place within the City to make any loud noise, or use profane language or vulgar language, or to fight or threaten or challenge to fight or to shoot off firearms.

Exception: Fireworks may be used on the following holidays: the 4<sup>th</sup> of July, 24<sup>th</sup> of July and New Year's Eve.

If at any time conditions arise that the City Council feel it necessary, they may set a curfew.

It shall be unlawful for any person, to willfully disturb any public meeting or gathering in any manner.

### ***Chapter 6.04 SAFETY***

It shall be unlawful for any person or persons to run or drive any horse or team, or snowmobile, automobile, or motorized vehicle in a race or speed upon the streets in the City of Weston.

It shall be unlawful for any person to willfully or negligently any water ditch and cause the water thereof to run upon any street or sidewalk of the City.

It shall be unlawful for any person to let their irrigation water run upon the streets and sidewalks.

### ***Chapter 6.05 VANDALISM AND DAMAGES***

It shall be unlawful for any person to injure, impair, mark, or deface, or cause to be injured, impaired, marked, or defaced any public or private structure or property belonging to another within the City.

Any person violating any of the provisions of Section 6.05 shall be fined \$500.00 plus costs for removal or repair.

### ***Chapter 6.06 RESISTING ARREST***

It shall be unlawful for any person within the limits of this City to aid or assist another to escape from any Peace Officer, or to interfere with, resist, molest or threaten to molest any Peace Officer, in the exercise of Official duties.

### ***Chapter 6.07 SPEED OF AUTOMOBILES***

It shall be unlawful for any person to drive a motor vehicle at a speed of more than 25 miles per hour on any of the streets within the limits of the City, unless otherwise posted. It shall also be unlawful to drive or park a motorcycle upon the sidewalks in the City.

There shall be a durable sign painted or printed on suitable boards or metal and securely fastened on a post and placed in the ground at the entrance of each main road leading into the City, designating the speed limit, by the City Council and maintained by the same.

## **Title 7 BUILDING CODES AND REGULATIONS**

### ***Chapter 7.01 AREA OF IMPACT***

The purpose of this section is to establish an Area of Impact for the City of Weston. This action is required by laws and to promote the health, safety, and general welfare of the citizens of Weston and Franklin County by:

- A) Ensuring that development in the established Area of Impact of the city has no adverse impact on the municipal water supply and does not increase potential for flooding, contamination or damage to the City's wellhead and watershed protection area.
- B) Ensuring that development in the established Area of Impact of the city limits does not impose an unnecessary fiscal burden on residents of the city.
- C) Ensuring that growth in the established Area of Impact of the city limits is planned and managed in an orderly fashion.
- D) Ensuring that development in the established Area of Impact of the city does not unduly impact residents' enjoyment of their homes, create safety hazards, or necessitate major street improvements.
- E) Ensuring that the established Area of Impact is comprised of areas that may reasonably be annexed to the City in the near and distant future.

## ***Chapter 7.02 GEOGRAPHIC AREA OF CITY IMPACT AND WELLHEAD AND WATERSHED PROTECTION AREA***

The officially adopted and agreed upon area of impact for the City of Weston on record with Franklin County. The area of impact will include 1/2 mile outside of city limits and 1/4 mile on each side of the City wells, wellhead and watershed protection areas coming into City of Weston, as well as Section 13, 14, 23, 24, 25, and 26 of Township 15S and Range 37E.

## ***Chapter 7.03 COMPREHENSIVE PLAN***

The Comprehensive Plan and subsequent amendments thereto as officially adopted by Franklin County shall apply to the area of impact within the unincorporated area of Weston. Both the City and County shall amend their Comprehensive Plans to be consistent with this agreement, if required.

## ***Chapter 7.04 SUBDIVISION ORDINANCE***

The Subdivision Ordinance and subsequent amendments thereto as officially adopted by Franklin County shall apply within the area of impact except for the items specifically addressed in Chapter 9 of the Weston City Municipal Code.

The wellhead and watershed protection areas are subject to Franklin County land use ordinances and shall be within the jurisdiction of the city, including its comprehensive plan and subdivision ordinance to assist in protecting the ground water quality.

## ***Chapter 7.05 CODE AND ORDINANCE ADMINISTRATION AND ENFORCEMENT***

The City shall be responsible for the administration and enforcement of the County's ordinances where they apply.

All proposed subdivision, development plats or any development requiring a building permit under County ordinances situated within the area of impact shown on the attached map shall be submitted to the City for review and comment at least thirty (30) days before the first official decision regarding the subdivision or development is to be made by the County.

Items which may be considered by the City include, but are not limited to, continuity of street pattern, street widths, integrity and continuity of utility systems and drainage provisions. The City's zoning and subdivision ordinances and/or comprehensive plan shall be used as guidelines for making the comments hereby authorized.

The County shall consider all comments submitted by the City.

Maintenance of public streets located in the area of impact shall remain the responsibility of Franklin County and the State of Idaho, unless otherwise stipulated by written agreement between Franklin County, State of Idaho, and City of Weston.

Law enforcement and fire services in the area of impact shall remain the responsibility of Franklin County, unless otherwise stipulated by written agreement between the County and/or fire district and the City of Weston.

### **7.05.010 Renegotiation**

The Area of Impact Agreement may be reviewed upon the request of either party hereto. Renegotiation shall begin 30 days after written request by either the City or County and shall follow procedures for the original negotiation, as set forth in Idaho Code, Section 67-6526.

## ***Chapter 7.06 BUILDING PERMITS***

### **7.06.010 Permit Ordinance Procedure**

No person, firm or corporation may erect, construct, enlarge, alter, repair, improve, demolish, or build or move any structure into or within the jurisdiction of the City of Weston without having first obtained a separate building permit application for each structure from the City's authorized representative as herein required.

Building permit application forms may be obtained from the City Clerk.

The completed building permit application form shall be returned to the City Clerk for review and inspection by the authorized City Staff, City Council Member, on-site inspector, City Engineer, or authorized representative. Owner must provide a copy of: deed showing property description; approved septic permit from the Southeastern District Health Department; and narrative explanation of activity proposed plans or drawings for any proposed structures.

### **7.06.020 Permit Approval**

On-Site approval or denial of a building permit application shall be made by the City Council. The Clerk will present the building permit application to the City Council for approval or denial at the next scheduled meeting. The action taken by the City Council shall be entered into the minutes of the meeting. No permit shall be issued for the construction of any building or structure in the City on any lot, tract, or parcel of land, unless plans and specifications show connections to said water system in compliance with Title 8.

### **7.06.030 Expiration**

If the work described in any written building permit has not begun within 180 days from of the date of issuance, said permit shall expire and be void. If work has been suspended for 120 consecutive days, the permit shall expire and be void.

### **7.06.040 Road Right-of-Ways and City Roads**

No person, firm, or corporation may erect, construct, enlarge, alter, repair, improve, demolish, build, or move any structure into or within the jurisdiction of the City of Weston within 25' of the setbacks from the easement of the City road or State Highway.

The local State Highway Department shall be contacted for approval of any needed access to the State Highway.

### **7.06.050 Property Line**

No person, firm or corporation may erect, construct, enlarge, alter, repair, improve, demolish, build, or move any structure into or within the jurisdiction of the City of Weston within 5' of an adjacent owner's property line.

### **7.06.060 Flooding**

The building on-site inspector or City Engineer or his-authorized representative shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will

be reasonably safe from flooding, proposed building sites are in a location that have a flood hazard, any proposed new construction or substantial improvements (including prefabricated mobile homes) are designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, construction material is used within utility equipment that is resistant to flood damage, and construction methods and practices are used that will minimize flood damage.

Public utilities and facilities, such as sewer, gas, electrical and water systems shall be located, elevated, and constructed to minimize or eliminate flood damage and adequate drainage shall be provided as to reduce exposure to flood hazards.

#### **7.06.070 Ordinances and resolution**

All building permit applications shall be reviewed for verification of compliance to Ordinances and Resolution of the City of Weston in effect at the time of permit application.

#### **7.06.080 Interpretation and severability**

The provision under Title 7 of this Ordinance shall be liberally construed to effectuate their purposes. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. All prior ordinances and parts thereof, which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

#### **7.06.090 Fee**

Fees for building inspections will be determined by a licensed building inspector and shall be paid upon being issued a building permit.

#### **7.06.100 Violations and Penalties**

Any person firm, or organization, violating any provisions of this Ordinance shall be deemed guilty of misdemeanor, and punished by a fine of not more than \$500.00 or by imprisonment for a period not to exceed 30 days or both such fine and imprisonment.

Each day that a violation is permitted to exist may constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of the provisions of this Ordinance.

## **Title 8 PUBLIC UTILITIES**

### ***Chapter 8.01 CONTROL OF BACKFLOW AND CROSS-CONNECTIONS***

#### **8.01.010 Purpose of Ordinance**

To protect the safe drinking water supply of the City of Weston from the possibility of contamination or pollution caused by cross connections.

To promote reasonable elimination or control of cross connections in the plumbing fixtures and piping systems of the consumer, as required by Drinking Water Regulations of the State of Idaho [ IDAPA 58.01.08], State Plumbing Code and other applicable industry standards to assure water system safety.

To provide for the administration of a continuing program of backflow prevention which will systematically and effectively prevent the contamination or pollution of all drinking water systems.

#### **8.01.020 Consumer's Responsibility**

The consumer of the City's drinking water shall be responsible to comply with this ordinance as a term and condition of supply and consumer's acceptance of service is admittance of his/her awareness.

It shall be the responsibility of the consumer to purchase, install, test, and maintain any backflow prevention device/assembly required to comply with this ordinance.

The consumer shall be responsible to ensure that unprotected cross connections are not an integral part of the consumer's water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the Drinking Water Regulations of the State of Idaho [IDAPA 58.01.08], State Plumbing Code and other applicable industry standards.

Water leaving the drinking water supply must do so via approved air gap or approved mechanical backflow.

Consumers shall allow inspection of the consumer's water system by the City of Weston at any reasonable time to determine whether cross connections or other structural or sanitary hazards exist.

### ***Chapter 8.02 REQUIREMENTS***

#### **8.02.010 Policy**

No private water systems (wells, springs, or irrigation water) shall be physically connected to the public water system.

All sprinkling systems shall be equipped with the appropriate backflow prevention assembly.

All stock watering troughs shall have an air gap between trough and water supply or a suitable and operating backflow prevention assembly.

When filling herbicide, pesticide, or other chemical tanks an air gap must always be maintained between hose or water supply and tank chemical mixture.

Business's and/or premises with biological or chemical contaminants with any risk of backflow into the public water supply shall have the appropriate backflow prevention assembly installed at the property line or immediately upon water line entering the building.

Water leaving the drinking water supply must do so via approved air gap or approved mechanical backflow prevention assembly, properly installed and maintained in accordance with State Plumbing Code.

The customer's systems shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist.

Service of water to a consumer found to be in violation of this ordinance shall be discontinued by the water purveyor after due process of written notification of violation and an appropriate time suspension for voluntary compliance if:

- A. A backflow prevention assembly required by this ordinance for control of backflow and cross connections is not installed, tested, and maintained;
- B. If it is found that a backflow prevention assembly has been removed or by-passed; or
- C. If an unprotected cross connection exists on the premises.
- D. Service shall not be restored until such conditions or defects are corrected.
- E. Whenever the public water purveyor deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line, or immediately inside the building being served, but, in all cases, before the first branch line leading off the service line.
- F. The type of protective assembly required under this section shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), in accordance with the Drinking Water Regulations of the State of Idaho [IDAPA 58.01.08], State Plumbing Code and other applicable industry standards.
- G. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation, and maintenance requirements shall be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location, or requires more than minimum maintenance, or when the water purveyor finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the State requirements.
- H. It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified survey/inspections, and operational tests made at least once per year at the consumer's expense.
- I. No backflow prevention assembly shall be installed over an electrical panel, steam pipes, boilers, pits, or above ceiling level or as to create any other safety hazard.
- J. If violations of this ordinance exist, or if there has not been any corrective action taken by the consumer within 30 days of the written notification of deficiencies noted, then the Public Water Purveyors shall

deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the conditions in conformance with the Drinking Water Regulations of the State of Idaho, State Plumbing Code, and other applicable industry standards and the regulations adopted pursuant thereto.

## ***Chapter 8.03 SEVERABILITY***

If any one or more sections, subsections, or sentences of Title 8 of this ordinance are for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect.

### **8.03.010 Non-Residential/Non-Dairy/Non-Commercial Connection**

The City Council has determined that for a connection that is not attached to a house, dairy, or business and is only used for half the year, that the current monthly assessment will be assessed for six (6) months. The connection will be charged for any excess water usage above the monthly allotment.

### **8.03.020 Water Leaks**

If there is a water leak, the resident shall not have to pay for the additional water that went through the meter. The rate will be determined by the previous year's billing for the same month or will be assessed the same amount of usage as the previous month as long as the leak is repaired within two weeks of notification.

### **8.03.030 Outdoor Water Usage**

City culinary water cannot be used to water pastureland.

### **8.03.040 Water Hours**

During service interruptions, emergencies, or drought conditions as determined by the City Council, restricted water usage may be required.

### **8.03.050 Meter Reading**

Meters will be read, and water usage rates will be assessed for the months of May, June, July, August, and September. The rest of the year will be charged the monthly water usage rate.

### **8.03.060 Water Works systems**

The waterworks constructed and owned by the City and shall be the property of said City and shall be under the sole exclusive control of the City Council who may appoint a supervisor or supervisors who shall be governed by such rules and regulations as may be prescribed by the City Council. The City Council may from time to time extend and direct the construction of water mains, fire and other hydrants as the necessity of the inhabitants of the City may require.

### **8.03.070 Utility Hookup Fees Will be Set by Resolution.**



The City will put in a one-inch service pipe, stop lock and key box from the main line to the property line, when the distance is not over 60 feet. All work of attaching or joining to the main of the said water system shall be under the direction of the City Council.

Any changes from this procedure can only be done by permission of the City Council. Any person or persons requiring a hookup that requires the water line to be laid thru private property in order to reach the appointed place of said hookup, that person or those persons will be responsible for the acquiring of the right of way and installation of the pipeline concerning the requested hookup. All water users of said water system shall keep their water line in good condition and free from leaks, so that no unnecessary water shall be wasted.

All fire and public hydrants shall be under control of and shall be kept in repair by the City Council or supervisor of the water works: and in case of fire or fires the Fire Department, or such others as the City Council may authorize, shall have free access to said hydrants. No other unauthorized person shall open or operate any fire hydrant or attempt to draw water there from.

It shall be unlawful for any person or persons to injure a fire hydrant or public hydrant willfully and/or carelessly or to run a vehicle across, or in any manner injure any hose when laid out for the purpose of extinguishing fire or for any useful purpose. Violators will be responsible for restitution or replacement.

It shall be unlawful for any consumer to permit any person from other premises or any unauthorized person to use or obtain water from said customers premises or water fixtures, whether inside or outside his or her building, and it shall be unlawful for any unauthorized person to take the water. It shall be unlawful for more than one family to use the same hook up; this could be done only through special, temporary permission from the Council.

It shall be unlawful for any person, except under the direction of the City Council or supervisor of the water works, to dig or bore into the street for the purpose of laying, removing, or repairing any service or other water pipe. Also, for the protection of the water system from any sewage contamination, any new home or manufactured home installation shall be built and constructed according to the specifications as laid down by the State law.

Access shall be allowed to the City Council or supervisor for the purpose of inspecting, reading, or turning off meters at any time.

The City shall not be held liable for damages to any customer by reason of the stoppage or interruption of his or her water supply caused by the scarcity of water, accidents to the water mains, alteration, repairs, or other unavoidable causes.

### ***Chapter 8.04 BILLING***

The City Clerk shall furnish to each water user via mail or leave at his or her residence or usual place of business a printed notice of the amount of water rates assessed against him or her, how and when payable.

### ***Chapter 8.05 WATER SYSTEMS***

#### **8.05.010 Water System Within City; and Water Connections Required.**

For the purpose of promoting health, safety and the general welfare of the City of Weston, a water system as defined by Section 50-1029, Idaho Code, shall be constructed, extended, maintain, repaired, replaced, operated and removed within the corporate limits of the City by which to provide an adequate public water works and water supply system for domestic, commercial, industrial, fire protection and other municipal purposes and uses.

Every building, structure, or water user within the corporate limits of the City shall be separately and independently connected by a separate water service line to a public water line or main where such water line or main adjoins the lot, tract, or parcel of land on which such building or structure stands.

No permit shall be issued for the construction of any building or structure in the City on any lot, tract, or parcel of land, unless the plans and specifications show connections to said water system in compliance with this Ordinance.

#### **8.05.020 Turning On.**

No water from the city water system shall be turned on for service into any property or premises by any person except by the duly authorize personnel of the City.

#### **8.05.030 Application and Fee.**

Application to have water turned on shall be made in writing to the City Clerk and shall contain an agreement by the applicant to abide by and accept all of the provisions of this Ordinance as conditions governing the use of the city water system by the applicant.

#### **8.05.040 Plumbing.**

No water shall be turned on for service to property or premises in which the plumbing does not comply with the Ordinances of the City; provided, that water may be turned on for construction work in unfinished buildings, subject to the provisions of this Ordinance.

#### **8.05.050 Service Connection: Permit and Fee.**

No connections with a water main shall be made without notifying the city clerk forty-eight (48) hours in advance.

#### **8.05.060 Installation of service lines.**

All service lines from the City's water mains to the property of each owner or user shall be installed by and at the expense of the City and shall remain the City's property. The service lines from the property line of each owner or user to the premises served shall be installed by, and at the cost of, the owner of the property to be served or the applicant for the service; however, such installation shall be under the supervision and inspection of the authorized personnel of the City. Further, there shall be no physical connection between the herein referred to municipal domestic water distribution system and any other pipes, hydrants, private wells, or tanks.

#### **8.05.070 Water hookups**

The intent of this ordinance is to promote the health, safety, convenience and general welfare of the inhabitants of the City of Weston and to provide for the conservation of culinary water so that shortages may be avoided and so that the City of Weston can supply the needs of current water users within the City while providing for a limited number of new water connections for those persons or entities desiring to locate within the city limits. Further, the purpose of this ordinance is to mitigate the direct and indirect effects of population growth on the conversion of agricultural land to residential use.

Definition of "Water Hookup" "Water hookup" shall be defined as a new connection to the existing culinary water main lines of the City of Weston or an existing connection to the culinary water main lines of the City of Weston that is not in service or use.

### **8.05.080 Mandatory Water Connection.**

No person, firm, corporation, or other entity may construct, install, dig, excavate, drill, or operate a culinary well for commercial or domestic use within the jurisdiction of the City of Weston. All improvements to real property within the City requiring the use of culinary or domestic water shall be connected to the City Water System and no City building permit shall be issued to any person, firm, corporation, or other entity requiring a connection to the City Water System without first having obtained a "water hook-up" under this ordinance. This ordinance shall not prohibit the use of irrigation water or the drilling of wells for irrigation purposes within the City limits.

### **8.05.090 Repairs.**

All repairs for service lines downstream from the meter shall be made by and at the expense of the owners of the premises served. The City may, in case of an emergency, repair any service lines and if this is done, the cost of such repair work shall be repaid to the City by the owner of the premises served. The City, acting by and through its authorized representatives may decide what, in its sole discretion, constitutes an emergency. Nothing herein contained shall obligate the City to initiate repair work to privately owned portions of the water system regardless of the existence of emergency or not.

### **8.05.100 Excavations.**

Excavations for installing service lines or repairing the same shall be made in compliance with the Ordinance provisions relating to making excavations in streets; provided, that it shall be unlawful to place any service line in the same excavation with, or directly over, any drainpipe or septic pipe.

### **8.05.110 Shut-off boxes.**

Shut-off boxes or service boxes shall be placed on every service line and shall be located between the curb line and the sidewalk line where this is practicable. Such boxes shall be so located that they are easily accessible and shall be protected from frost.

### **8.05.120 Disconnection and lien.**

In case of nonpayment of delinquency in payment of the water charges and fees and connection fees, the authorized personnel of the City are authorized and directed to disconnect the water connection to the water system.

All service charges or fees not paid within thirty (30) days of the date when due, and all connections fees not paid prior to and upon connecting to the public water system of the city, shall become delinquent and the amount due and payable shall constitute a lien upon and against the property or premises being served by and connected to the said water system. The delinquent charges and fees, services and connection, together with a penalty of percent (10%) added thereto, shall be certified to the treasurer, ex-officio Tax collector, of Franklin County in the manner and at the time required by Section 50-1008, Idaho Code.

Water works fund. There is hereby created a special fund to be known and designated as the Water Works Fund. All service charges and fees and all connection fees received and collected pursuant to the provisions of this Ordinance shall be deposited to the credit of the Water Works Fund and such monies are hereby set aside and perpetually appropriated for, and shall be expended only for, the payment of:

- A. Costs and expenses of maintenance, operations, replacement and repair of the public water system;

- B. Construction, improving and extending the said public water system as the term "water system" is defined by Section 50-1029, Idaho Code; and
- C. The principal and interest on revenue bonds duly issued and sold in accordance with Ordinances of this City and statutes of the State of Idaho. The Treasurer shall bill and receive all service charges and fees and all connection fees in the time and manner required by the Council or by an Ordinance.

### **8.05.130 Penalties.**

It shall be unlawful for any person, firm, partnership, company, corporation, or association to violate any provisions of this Ordinance and tamper with, alter or injure any part of the City waterworks or water supply system, any meter, or any shut-off box. Any violation of this Ordinance shall be punishable as a misdemeanor and upon conviction, any such person, firm, partnership, company, corporation, or association shall be fined an amount not exceeding \$300.00 or be imprisoned in the County Jail for a period not exceeding six (6) months or be both so fined and imprisoned.

## **Title 9 SUBDIVISIONS**

### ***Chapter 9.01 PURPOSE***

The purpose of these regulations is to promote the public health, safety and general welfare, and to provide for;

- A) The harmonious development of the area.
- B) The coordination of streets and roads within the subdivision with other existing or planned streets and roads.
- C) Adequate open space for travel, light, air and sanitary facilities.
- D) Adequate transportation, water drainage and sanitary facilities.
- E) The avoidance of scattered subdivision of land that would result in either of the following:
  - 1) The lack of water supply, sewer service, drainage, transportation, police protection, fire protection, or other public services.
  - 2) The unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
- F) The requirements as to the extent and the manner which:
  - 1) Roads shall be created and improved.
  - 2) Water and sewer and other utility mains, piping connections, or other facilities shall be installed.
  - 3) The manner and form of making and filing of any plat.
  - 4) The administration of these regulations by defining the powers and duties of approval authorities.

### ***Chapter 9.02 EXCEPTIONS***

The provisions of this title shall not apply to the following;

- A. A readjustment of the lot lines which does not reduce the area, frontage, width, depth, or building setback lines below the minimum required.
- B. A subdivision of land into parcels of five acres or more designated for agricultural purposes, and which does not involve any new street dedication or construction of a residence.
- C. One division of any original contiguous parcel into not more than two parcels each, provided that each parcel resulting from such subdivision shall front upon a public street.
- D. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code.
- E. The transfer of land that does not result in the change of the present land use of the properties involved.

## ***Chapter 9.03 DEFINITIONS***

### **9.03.010 AGRICULTURAL**

Any facility for the growing, raising or production of agricultural, horticultural and viticultural crops and vegetable products of the soil, poultry and poultry products, livestock, field grains, seeds, hay, apiary and dairy products, and the processing for commercial purposes of livestock or agricultural commodities. Agricultural shall also include forest lands, whether being harvested or not.

### **9.03.020 ALLEY**

A minor public way providing secondary, access at the back or side of a property.

### **9.03.030 BLOCK**

A group of lots, tracts, or parcels within well-defined boundaries, usually streets.

### **9.03.040 BUILDING**

A structure designed or used for occupancy by people for housing, commercial, agricultural, or industrial uses.

### **9.03.050 CHAIR**

The chairperson of the Council, if appointed.

### **9.03.060 CITY**

The City of Weston, Idaho.

### **9.03.070 COUNCIL**

The City Council of the City of Weston.

### **9.03.080 COUNTY RECORDER**

The Office of the County Recorder, Franklin County, Idaho.

### **9.03.090 CORNER LOT**

A lot abutting on two or more intersecting streets where the interior angle or intersection does not exceed one hundred thirty-five degrees. A corner lot shall be considered to be in that block in which the lot fronts.

### **9.03.100 CROSSWALK**

A right-of-way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

### **9.03.110 CUL-DE-SAC**

A dead-end street provided with turn-around space at its terminus.

### **9.03.120 DEAD END STREET**

A street connecting to another street at one end only and not having provision for vehicular turn-around at its terminus.

### **9.03.130 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.

### **9.03.140 ENGINEER**

The City Engineer of the City of Weston.

### **9.03.150 HILLSIDE SUBDIVISION**

Any Subdivision or that portion of a subdivision located in terrain having a slope exceeding ten (10) percent.

### **9.03.160 LOT**

A piece or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a record survey map, or by metes and bounds, for purposes of sale, rent, lease, or separate use.

### **9.03.170 MASTER PLAN**

A planning map of the City of Weston, Idaho, and the land area within impact area of the City, showing the existing zoning and street layout together with the future zoning and street layout as planned and proposed by the City to secure and maintain an orderly growth and expansion program.

### **9.03.180 MANUFACTURED HOME**

A single-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or on flat bed or other trailers and arriving at the site where it is to be occupied as a dwelling. Further defined in Title 13.02.320.

#### **9.03.190 ORIGINAL PARCEL**

A lot or tract as recorded on any plat or recorded on file in the office of the Franklin County as of July 14<sup>th</sup>, 1998, that is a platted contiguous parcel or parcels (not including roadways) of land held in one ownership and of record on file shall be considered one lot or an original parcel.

#### **9.03.200 OWNER**

An individual, firm, association, syndicate, partnership, or corporation holding title by deed to land, or holding title as vendees under land contract, or holding any other title of record.

#### **9.03.210 PLAT, PRELIMINARY**

A preliminary plan of a proposed subdivision of dedication, containing the elements and requirements set forth in Title 9.05.030.

#### **9.03.220 PLAT, FINAL**

A plan of a subdivision, dedication or any portion thereof prepared for filing and recording by the Franklin County Recorder and containing those elements and requirements set forth in Title 9.05.040. A Final Plat, upon its being filed and recorded by the Franklin County Recorder, shall thereafter be known as an authorized plat, subdivision, or dedication.

#### **9.03.230 SHALL**

Designates a mandatory requirement.

#### **9.03.240 STREET**

A right-of-way which provides vehicular and pedestrian access to adjacent properties, the dedication which has been officially accepted by the Council. The term "street" also includes the terms, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and other such terms.

#### **9.03.250 STREET, ARTERIAL**

The primary purpose of an arterial street to carry fast or heavy traffic.

#### **9.03.260 STREET, COLLECTOR**

A collector street has the primary purpose of carrying traffic from minor streets to other collector streets and arterial streets.

#### **9.03.270 STREET, FRONTAGE**

A minor street, parallel to and adjacent to an arterial street, which has the primary purpose of providing access to abutting properties.

#### **9.03.280 STREET, RESIDENTIAL**

It is the purpose of a minor street to provide access to abutting properties.

#### **9.03.290 SUBDIVIDER**

An individual, corporation, firm, partnership, association, syndication, trust or other legal entity who undertakes the subdividing of a lot, tract or parcel of land for the purpose of transfer of ownership or development and including dedication of streets or changes in street or lot lines.

#### **9.03.300 SUBDIVISION**

The division of a developed or undeveloped tract of land laid out or to be laid out in building lots or a lot with more than one residence, which may or may not include streets, highways, alleys or other land intended to be dedicated to the public use.

#### **9.03.310 UTILITIES**

Installations or facilities, underground or overhead, for furnishing for the use of the public electricity, gas, communications, water drainage, sewage disposal, or flood control, owned or operated by any person, firm, corporation, municipal department or board duly authorized by state or municipal regulations.

## ***Chapter 9.04 PROCEDURE FOR SUBDIVISION APPROVAL***

### **9.04.010 Subdivision Approval Required**

Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Council. No Final Plat shall be filed with Franklin County or improvements made on the property until the plat has been acted upon and approved by the City Council.

### **9.04.020 Pre-Application**

The Developer should submit a pre-application to enable the Council to review and comment on the proposed subdivision. This process is to acquaint a developer with application procedures and help identify problem areas, but no indication of approval of the proposed subdivision project shall be given or implied. The pre-application shall be submitted to the Council at its meeting. The pre-application shall include at least one (1) copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form and the following:

- A. The general layout and approximate dimensions of streets, blocks and lots in sketch form.
- B. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site.
- C. The areas set aside for schools, parks, and other public facilities.

#### **Fee:**

\$25 (twenty-five) shall be paid at time of submission. The fee can be changed by resolution by the City Council. (Fee set at the time of this ordinance July 1998).

### **9.04.030 Preliminary Plat**

#### **Application:**

The Developer shall file with the City a Preliminary Plat, and all required data as required by this Ordinance, for staff review. Staff shall make all reasonable efforts to make a determination as to whether the application may be certified complete within thirty (30) days upon filing.

Combining Preliminary and Final Plats. The applicant may request that the Subdivision Application be processed as both a Preliminary and Final Plat if all the following exists:

- A. The proposed subdivision does not exceed five (5) lots.
- B. No new street construction, dedication or street widening is involved.
- C. No major special development considerations are involved, such as development in flood plain, hillside development or the like.
- D. All required information for both Preliminary and Final Plat is complete and in an acceptable form.
- E. A request to combine both Preliminary Plat and Final Plat into one application shall be acted upon by the Council.

#### **Contents of Preliminary Plat:**



The contents of the Preliminary Plat and related information shall be in such a form as required by this Ordinance; however, any additional maps or data deemed necessary by the staff or Council may also be required.

The Developer shall submit to the Council at least the following:

- A. Nine (9) copies of the Preliminary Plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated; each copy of the Preliminary Plat shall be on good quality paper, shall have dimensions of not less than 24 inches by 36 inches, shall be drawn to scale of not less than one (1) inch to two hundred (200) feet.
- B. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, flood plain, large scale development, hazardous and unique areas of development.

### **Requirements of Preliminary Plats**

The following shall be shown on the Preliminary Plat or shall be submitted separately:

- 1. The name of the proposed subdivision.
- 2. The names, addresses and telephone number(s) of the developer, property owner and the engineer or surveyor who prepared the plat.
- 3. The name and address of all of property owners within one thousand (1,000) feet of the proposed subdivision whether or not bisected by a public right-of-way as shown on record in the County Assessor's Office.
- 4. The legal description of the proposed subdivision.
- 5. Scale; north arrow, and date of preparation including dates of any subsequent revisions.
- 6. A statement of the intended use of the proposed subdivision, such as: residential single family; commercial; industrial; recreational; or agricultural and showing of any sites proposed for parks, playgrounds, schools, churches or other public uses.
- 7. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.
- 8. A vicinity map showing the relationship of the proposed plat to the surrounding area (one mile minimum radius, scale optional).
- 9. The land use of the proposed subdivision and the adjacent land.
- 10. Topography by contours related to USGS survey datum, shown on the same map as the proposed subdivision layout. Contour interval shall be such as to adequately reflect the character and drainage of the land but not greater than twenty (20) feet.
- 11. Location of water wells, streams, canals, irrigation laterals, buried main lines, private ditches, washes, lakes, or other water features; direction of flow; location and extent of areas subject to inundation whether such inundation be frequent, periodic, or occasional.

12. Location, widths, and names of all streets and platted rights-of-way, railroad utility rights-of-way of public record, public areas, permanent structures to remain, water wells, and municipal corporation lines.
13. The acreage of the tract proposed to be subdivided.
14. Instrument numbers of any recorded adjacent subdivision having common boundary with the tract proposed to be subdivided.
15. Proposed Street layout, including location, width, and proposed names of streets, alleys, crosswalks and easements, connections to adjoining platted tracts.
16. Lots showing the dimensions and numbers of each. Lot size shall be adequate to provide for sufficient off-street service and parking facilities required by the type of use and development contemplated.
17. A copy of any proposed restrictive covenants and/or deed restrictions.
18. Any dedications to the public and/or easements, together with a statement of location, dimensions, and purpose of such.
19. A statement designating the method of disposal of sewage within the subdivision and a statement indicating the method by which culinary water will be provided to all lots within the proposed subdivision. A written statement of approval from the Southeastern District Health Department shall accompany the Preliminary Plat.
20. Preliminary calculations and layout of the proposed system for storm water disposal and locations of outlets subject to approval of the City Engineer.
21. Any additional information as required by the staff or Council after review of the Pre-Application.
22. A written statement as to whether a variance will be requested with respect to any provision of this Ordinance, describing the particular provision, the variance requested, and the reasons, therefore.
23. A Master Plan for successive stage subdivisions.
24. If the proposed subdivision does not front on a city road, a recorded easement for access sixty (60) feet wide to the subdivision will be provided by the developer.
25. Proof of application or existing water connections to the City water system provided. (See Title 8: Public Utilities).
26. By note, the existing zoning classification of the tract and any requested zoning changes.

**Fee.**

At the time of submission of an application for a Preliminary Plat a fee of one hundred dollars (\$100.00) plus five dollars (\$5.00) per lot shall be paid. These fees can be changed by resolution by the City Council. There shall be no additional fee for the combining of the Preliminary and Final Plats. Any review by Professional Engineers hired or retained by the City will be paid for by the Developer before approval of the Preliminary Plat is granted.

**Certification.**

Upon receipt of the Preliminary Plat, and all required data as provided herein, the staff shall certify the application as complete and shall affix the date of application acceptance thereon. Said Preliminary Plat shall therefore be placed on the Council agenda for consideration at the next scheduled meeting of the Council if the application is certified at least fourteen (14) days prior to the next regularly scheduled meeting of the Council.

### Agency Review

1. Developer shall provide a letter of approval from the following agencies on the proposed development. These letters of approval shall be included with the application. Should any agency not respond within thirty (30) days, a copy of the letter sent to the agency with a statement concerning the agency's failure to respond will be submitted with the application. It is the developer's responsibility to complete any outside agency requirements even if it is at their own expense to be able to receive approval from the Town.
  - Franklin Soil & Water Conservation District. This Agency will assist with the identification of soil types and suitability for development.
  - Idaho Fish and Game Department. This Agency will review the site for its natural wildlife habitat values.
  - Franklin County Health Department. This Agency will review their requirements with the Developer.
    - A. The Developer shall have the Health Department's review and comment prior to submitting the application to the Council for its review. The County will not allow any plat to be recorded without first having the Health Department approve the plat.
  - School Districts. The school district for the area should be contacted by all Developers to establish the location of existing school bus stops or routes, and the possible need for additional stops.
  - Appropriate Fire District or other fire suppression provider. The following information should be requested:
    - A. An assessment of the general impact the proposed development will have on the agency's ability to provide service.
    - B. A list of the on-site facilities that must be provided in order to facilitate fire suppression service.
    - C. An estimate of the agency's cost to provide service.
    - D. An estimate of response time to the proposed development.

### Utilities:

Developer shall contact, obtain, and provide comments with their application as to the availability and anticipated costs of providing utility services for the proposed development from the following service providers. Should any agency not respond within thirty (30) days, a statement concerning the contact made and the provider's failure to respond must be submitted with the application."

- Rocky Mountain Power
- Dominion Energy (as appropriate)

- City of Weston Public Works
- Weston Creek Irrigation
- Century Link
- Idaho State Division of Environmental Quality (DEQ)
- Idaho Transportation Department (ITD)
- Franklin County Road Department

**Publication Notification**

The applicant/developer shall notify all property owners within one thousand (1,000) feet of any point of property contained within the proposed subdivision. Proof of notification shall be submitted with the Preliminary Plat. Proof of notification consists of: (1) a list of each property owner within one thousand (1,000) feet of the Preliminary Plat, including each property owners' name and address; (2) a copy of the notification which was sent to the property owner(s); and (3) a certified mail receipt for each property owner listed.

**Council Action on Land Use Items**

Hearing by Council. Within thirty-five (35) days following certification of the Preliminary Plat, by staff, the Council shall review the Preliminary Plat and comments from concerned persons and agencies, to arrive at a decision on the Preliminary Plat.

Council Findings. In determining the acceptance of a proposed subdivision, the Council shall consider the objectives of this Ordinance and at least the following:

- A. The availability of public services to accommodate the proposed development.
- B. The continuity of the proposed development with the capital improvement program.
- C. The public financial capability of supporting services for the proposed development.
- D. Offsite improvements that may be required to provide acceptable access or service to the project.
- E. Other health, safety or environmental problems that may be brought to the Council's attention.

**Action on Preliminary Plat by Council**

The Council may approve, approve conditionally, disapprove, or table the Preliminary Plat for additional information. Such action shall occur within sixty (60) days of the date the application was accepted and deemed complete by the staff or Mayor. The action and the reason for such action shall be stated in writing by the Council and forwarded to the Developer.

Upon conclusion of the meeting, the City Council shall base its findings upon the input presented before it, and within ten (10) days declare its findings. The time limits for acting on the Preliminary Plat as herein specified may be extended by mutual consent of the Developer and the City Council.

## **Approval Period**

Failure to file and obtain the certification of the acceptance of the Final Plat application by the City Council shall cause all approvals of said Preliminary Plat to be null and void, unless an extension of time is applied for by the Developer and granted by the Council.

In the event the development of the Preliminary Plat is made in successive contiguous segments or phases in an orderly and reasonable manner, and conforms to the approved Preliminary Plat, such segments, or phases, if submitted within successive intervals of one (1) year may be considered for final approval without re-submission of Preliminary Plat approval.

## **9.04.040 Final Plat**

### **Application**

After the approval or conditional approval of the Preliminary Plat, the Developer may cause the total parcel, or any part thereof, to be surveyed and a Final Plat prepared in accordance with the approved Preliminary Plat. The Developer shall submit to the Council the following.

- A. One (1) digital copy of the Final Plat
- B. One (1) digital copy of the final engineering construction drawings for streets, water, sewer, sidewalks, storm drains and other improvements
- C. Three (3) copies of the Final Plat.
- D. Three (3) copies of the final engineering construction drawings for streets, water, sewer, sidewalks, storm drains and other improvements.

Submit to the Council at least fourteen (14) days prior to the next regularly scheduled meeting.

### **Contents of Final Plat**

- 1. The Final Plat shall include and be in compliance with all items required hereunder and Title 50, Chapter 13 of the Idaho Code.
- 2. Proof of current ownership of the real property included in the proposed Final Plat and access roads if not accessed by a public road.
- 3. Conformance with the approved Preliminary Plat and meeting all requirements or conditions thereof
- 4. Conformance with all requirements and provisions of this Ordinance.
- 5. Acceptable engineering practices and local standards.
- 6. A title which includes the name of the subdivision and its location by Section, Township, Range.
- 7. Name, address, and Idaho registration number of the seal of the registered professional engineer or registered professional land surveyor preparing the plat if applicable.
- 8. Scale, north arrow, and date of plat preparation.

9. 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.
10. 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
11. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced; each of two (2) comers of the subdivision traverse shall be tied by course and distance to separate section comers or quarter-section corners.
12. Location of all physical encroachments upon the boundaries of the tract.
13. Name, right-of-way lines, courses, lengths, width of all public streets, alleys, crosswalks and utility easements, radii, points of tangency and central angles of all curvilinear streets and alleys, radii of all rounded street line intersections.
14. All drainage-ways shall be shown on the plat. The rights-of-way of all major drainage-ways, as designated by the City of Weston and/or Franklin County, shall be dedicated to the public.
15. All easements for right-of-way providing public services or utilities and any limitations of the easements. Construction within the easements shall be limited to utilities; and wood, wire or removable section type fencing.
16. Location and all dimensions of all residential lots.
17. All residential lots shall be numbered by consecutive numbers throughout the plat. "Exceptions", "tracts", and "private parks" shall be so designated, lettered, or named and clearly dimensioned.
18. 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.
19. Location of all adjoining subdivisions with date, book, and page number or instrument number of recordation noted, or if unrecorded, so marked. Any proposed deed restrictions to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land shall be typewritten and attached to the plat and to each copy submitted.
20. Dedication: Statement of dedication of all streets, alleys, crosswalks, drainage-ways, pedestrian ways, and other easements for public use by the person holding title of record, by persons holding title as vendees under land contract, and by spouse of said parties. If lands dedicated are mortgaged the mortgagee shall also sign the plat.
21. Dedication shall be explicit and shall include a written location by section, township, and range, of the tract. If the plat contains private streets, public utilities shall reserve the right to install and maintain utilities in the street rights-of-way.
22. Acknowledgment of Dedication: Execution of dedication acknowledged and certified by a notary public.
23. Certification and signature of the City Engineer verifying the subdivision meets the City of Weston requirements.

24. Certification and signature of the Council verifying the subdivision has been approved.
25. Certification of the sanitation restrictions on the face of the plat as per Section 50-1326, Idaho Code.
26. Certification by the registered professional engineer or registered professional land surveyor making the plat, that the plat is correct and accurate, and that the monuments described in it have been located as described.

#### **Certificate of plat approval by the Council.**

Certificate of plat approval by Weston City Council if the proposed subdivision is located within impact area of the City of Weston limits.

#### **Fee**

At the time of submission of a Final Plat, a fee of two hundred dollars (\$200.00) plus fifty dollars (\$50.00) a lot shall be paid. These fees can be changed by resolution by the City Council.

#### **Council Review**

The Final Plat, prepared in accordance with Title 50, Chapter 13, Idaho Code, and the provisions set forth herein.

In the event the Final Plat does not substantially conform to the approved Preliminary Plat it will be disapproved.

#### **City Council Action**

The Final Plat shall be submitted to the City Council at its next meeting. The City Council shall approve, approve conditionally, disapprove, or table the Final Plat for additional information within thirty-five (35) days of the date of the regular meeting at which the plat is first considered.

#### **Approval Period**

The Final Plat shall be filed with the County Recorder within one (1) year after written approval by the City Council, otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the Developer and granted by the City Council.

#### **Method of Recording**

Upon approval of the Final Plat by the City Council, the Developer's prepaying of any required fees for construction of off-site improvements or posting of surety bond, and the inclusion of all required signatures on the Final Plat, the City Council shall submit the Final Plat to the County Recorder for recording.

#### **Sale of Lots**

All lots within a subdivision must be developed as platted, approved and recorded before being sold. No lot can be sold until the subdivision plat is recorded.

## **9.05 Subdivision Design Standards**

### **9.05.01 - DESIGN STANDARDS**

A. Design Engineer: The developer shall retain a Design Engineer. Said Design Engineer shall be a qualified Professional Engineer (P.E.) who is licensed in the State of Idaho.

1. The Design Engineer shall be responsible for design, staking and inspection of construction work as it progresses.
2. The Design Engineer shall prepare all plans and certify that the same are true and accurate, and that all design standards are being complied with.

B. Minimum Design Standards Required: All subdivisions shall conform to the standards of this Ordinance, any standard specifications and drawings for the construction of improvements of the City of Weston, and other ordinances and regulations of the City of Weston.

C. Streets

1. The arrangements, character, extent, width, grade and location of all streets shall conform to the city comprehensive plan and shall be constructed in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their relation to the proposed uses of the land to be served by such streets and shall conform to the City's requirements for street improvements. See Figure A.
2. Local or minor residential streets shall be so designed as to discourage their use by through traffic. Reverse strips controlling access to public streets may be permitted; however, that the control and disposition of land comprising such strips is placed within the jurisdiction of the City.
3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway, the City may require frontage streets, reverse frontage streets or such other treatment for the appropriate use of the tract.
4. A minimum of two (2) access roads are required to a subdivision not fronting on an existing City road or State Highway.
5. Half street dedications shall be discouraged; provided however, the City may accept a partial street dedication when such street forms the boundary of the proposed subdivision and is deemed to be necessary for the orderly development of the neighborhood, and provided the City finds it will be appropriate to require the dedication of the remainder of the right-of-way when the adjoining property is developed. When a partial street exists adjoining a proposed subdivision, the remainder of the right-of-way shall be dedicated.
6. There shall be provided rights-of-way of such width as provided for in the City Comprehensive Plan; provided however, that the width of said rights-of-way shall in no case be less than the following:

MINIMUM

<u>Type of Street</u>	<u>Right-of-way Width</u>
Arterial	99 feet
Collector	70 feet



Local

60 feet

7. Dead-end streets will not be approved except in locations designated by the City as necessary to future extensions in development of adjacent lands. In any case, a dead-end street serving more than four (4) lots shall provide by easement a temporary turning circle with a forty (40) foot radius or other acceptable design to accomplish adequate access.
8. Loop streets shall be limited to a maximum length of twelve hundred (1200) feet.
9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy (70) degrees. Streets intersecting an Arterial shall do so at a ninety (90) degree angle.
10. Where any street deflects at an angle of ten (10) degrees or more, a connection curve shall be required having a minimum center line radius of three hundred (300) feet for Arterial and collector streets and one hundred twenty-five (125) feet for local streets.
11. Streets with center line offsets of less than one hundred twenty-five (125) feet shall be avoided.
12. A tangent at least one hundred (100) feet long shall be provided between reverse curves on Arterial and collector streets.
13. At street intersections, property line corners shall be rounded by a circular arc, said arc having a minimum tangent length of twenty (20) feet.
14. Street intersections with more than four (4) legs and Y-type intersection where legs meet at acute angles shall be avoided.
15. Maximum and minimum grades for all streets shall be as determined by the City Engineer.
16. Alleys twenty (20) feet, when single family residence units abut both sides; twenty-four (24) feet if abutting multiple family, commercial or industrial districts. Dead-end Alleys shall be avoided
17. Roadways shall be a minimum constructed of: 3 inches of plant mix asphalt concrete with a fog seal; on top of 4 inches of ¾ minus aggregate; on top of 8 inches 2-max aggregate; and on top of compacted subgrade. In cut areas, the top 6 inches of subgrade will be scarified and recompacted to 95% relative compaction. Crowned cross slope of 2%.

<b>Right-of-Way</b>	<b>Roadway Width</b>	<b>Design Speed</b>	<b>Max Grade</b>
60 feet	40 feet	35 mph	8%
70 feet	48 feet	40 mph	6%
99 feet	70 feet	45 mph	5%

18. All aggregate bases shall be compacted to 95% relative compaction.
19. Fills will be compacted to 95% of relative compaction.
20. Street, curb and gutter shall be “flush” tested for drainage. Minimum gutter drainage slope of 0.4%. Water ponding will not be accepted.
21. Parking areas shall provide on space per 25 spaces for handicap parking, in business and industrial zones, and as directed in other zones. (ADA)
22. Dead-end streets will not be approved except in locations designated by the city as necessary to future extensions in development of adjacent lands. In any case, a dead-end

street serving more than four (4) lots shall provide by easement a temporary turning circle with a forty (40) foot radius or other acceptable design to accomplish adequate access.

#### D. Street Signs

1. Each intersection will require street name signs
2. Street name signs shall be on 6x24 or 6x30 inches flat aluminum plate 0.08 inches thick, with green scot-lite backing and silver die-cut 4-inch series B letters of high intensity grade reflective sheeting. Private Roads shall use brown scot-lite backing.
3. Each street name sign posts shall be a standard 2-inch diameter, schedule 40, galvanized iron pipe. Pipe's bottom end shall be cut at 45 degrees to prevent twisting. The pipe shall be embedded 12 inches in a 12-inch square concrete base 24 inches deep.
4. Street name signs shall be mounted on top of its post with a flat bracket "supr-lok" cap and 90 degree "supr-lok" cross separator
5. Stop signs and/or warning signs, if required, shall be fabricated of high intensity reflective sheeting on 30-inch aluminum blanks.
6. Speed limit signs, if required, shall be fabricated on high intensity reflective sheeting on 18x24 inch aluminum blanks.
7. All signs (except street name) shall be mounted on 12-foot, flanged channel posts, 3 lb./ft, green baked enamel.
8. Stop signs shall be mounted not less than 5 feet nor more than 7 feet above grade and the left edge not less than 6 feet nor more than 12 feet to the right of the face curb or edge of pavement, and 4 feet in advance of a marked or unmarked crosswalk.
9. All signs (except stop) shall be mounted 7 feet above grade and the sign edge, 2 to 6 feet from the face of curb or edge of pavement or as directed.

#### E. Block

1. Block lengths shall not exceed one thousand (1000) feet nor shall they be less than four hundred (400) feet.
2. Block designs shall provide for two (2) tiers of lots except under special conditions where this is not feasible or practical.

#### F. Curbs, Gutters, Driveways, Vertical Curbs, Sidewalks, and Pedestrian Walkways.

1. Curbs, driveway aprons and sidewalks across driveways shall be: minimum of nominal 6 inch thick; 3000# concrete; broom finish; and on 2 inches  $\frac{3}{4}$  minus aggregate. Top 6 inches of soil below subgrade and aggregate shall be compacted to 95% relative compaction. No concrete shall be poured until forms and aggregate have been inspected by the City. See Figures A, B, and C.
2. All intersections shall have ramps per Americans Disabilities Act (ADA) requirements.
3. Driveway apron slope to the street will  $\frac{1}{4}$ " per foot. Side slope, where apron is part of the sidewalk, shall be 1" per foot or flatter, otherwise, 2" per foot. (ADA)

4. Sidewalks shall be: a minimum of 4 feet wide; nominal 4 inches thick; 2000# concrete; broom finish; and on 2-inch  $\frac{3}{4}$  minus aggregate (except, where a sidewalk crosses a driveway). Top 6 inches of soil below subgrade shall be compacted to 95% relative compaction. Top of sidewalks shall be level with finish grade. See Figure D.
5. Pedestrian Walkways: Pedestrian walkways with right-of-way widths of eight (8) feet or greater may be required, at the developers expense, where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

#### G. Lots

1. Minimum Standard Lot Requirements:
  - a. City lots shall have a minimum frontage of 100 feet and a minimum depth of 125 feet.
  - b. Lot size shall be no less than one (1) acre.
  - c. City water hookups are required on all lots within the City limits.
2. Insofar as is practical, side lot lines shall be at right angles to straight roads or streets, and radial to curved roads or streets.
3. No lot shall be divided by County, City, School or any other taxing district boundary line.
4. Residential lots which are to contain both private sewage disposal and private water systems shall contain a minimum of one acre per dwelling unit, exclusive of road rights-of-way unless soils or topography on a lot require a larger minimum size to satisfy District Health Department regulations.
5. Residential lots which are to contain a private sewage disposal system shall contain a minimum of one (1) acre per dwelling unit, exclusive of road rights-of-way or current District Health Department standards, whichever is greater unless soils or topography on a lot require a larger minimum size to satisfy District Health Department regulations.
6. Residential lots which are to receive both a centralized water and sewage disposal system shall contain a minimum of one half (1/2) acre per dwelling unit, exclusive of road rights-of-way or the current District Health Department standards, whichever is greater. To be implemented upon the installation of a centralized sewer system.
7. In lots with frontage less than 200 feet, the depth of the lot shall not be greater than 3 times the average width of the lot.
8. Lot sizes shall be adequate to provide for sufficient off-street service and parking facilities required by the type of use and development contemplated.
9. Double frontage of lots shall be avoided whenever possible.
10. All remnants of lots below the minimum size left over after subdividing a larger tract shall be added to adjacent lots, rather than be allowed to remain as unusable parcels.
11. Each lot shall contain a suitable building site and, if designed for individual sewage disposal systems, shall provide sufficient area of allowable slope to accommodate a subsurface disposal system and a replacement drain field.

#### H. Design Plans

1. Responsible for Plans: It shall be the responsibility of the Developer of ever proposed subdivision to have prepared by the Design Engineer, a complete set of construction plans, including profiles, cross-section, specifications, and other supporting data, for all required public streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the Preliminary Plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with any standards, specifications, or drawings adopted by the City Council.
  - a. Earthwork quantities including excavation – borrow – which indicate mass balance or import to support the alignment.
  - b. Sufficient cross-sections at major earthwork areas to assure that adequate slope easements are being granted. The City may, at its option, request additional cross-sections in areas of particular concern. The Design Engineer shall be responsible for providing said cross-sections.
  - c. Drainage patterns and all culvert locations
  - d. Road names and traffic control methods including, but not necessarily limited to stop signs, yield signs, warning signs, and the like.
  
- I. Final Certification: Upon completion of construction and prior to probationary acceptance, the Design Engineer shall submit “as constructed” road plans and shall certify that the roads have been designed and constructed in accordance with the plans and specifications approved by The City of Weston and/or Franklin County. The “as constructed” road plans shall also show the location and depth of all utility lines.
  
- J. Inspections: The City reserves the right to inspect the project at any time.

#### 9.05.02 - REQUIRED IMPROVEMENTS

- A. Required Improvements: Every Developer shall be required to install the following improvements in accordance with the conditions and specifications as follows:
  1. Monuments: Monuments shall be set in accordance with Section 50-1303, Idaho Code, and pursuant to the standard specifications or drawings as adopted by the City Council.
  2. Streets and Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the City Council.
  3. Curbs, Gutters and Driveways: Vertical curbs and gutters as set forth in the standards, specifications and drawings adopted by the City Council shall be constructed by the Developer on all streets within the subdivision.
  4. Sidewalks and Pedestrian Walkways: Sidewalks constructed according to standard specifications and drawings adopted by the City Council, shall be required on both sides of a street Pedestrian walkways, when required, shall have easements at least eight (8) feet in

- width and include a paved walk at least four (4) feet in width. All sidewalks and crosswalks and pedestrian walkways shall be constructed in accordance with the standard specifications and drawings as adopted by the City Council.
5. Asphalt streets, curb, gutter, streetlights, fire hydrants, and sidewalks shall be provided in all subdivisions with lots less than or equal to two acres. Asphalt streets, grassy swales, streetlights, fire hydrants and sidewalks shall be provided in all subdivisions with lots greater than two acres. If the subdivision adjoins another subdivision with improvements installed, those improvements will be continued in the proposed subdivision regardless of lot size.
  6. Depending on size, location and development the City Council may require open space, parks and/or recreation area.
  7. Public Utilities: The Developer shall cause to be constructed public utility lines to the front of all lots within a proposed subdivision, said utilities to include at a minimum, electricity and telephone. Underground utilities shall be required. In large lot subdivisions, consideration will be given to alternative utility placement if warranted by special circumstances and supported by the utility company involved.
  8. Storm Drainage. An adequate storm drainage system shall be required in all subdivisions. The type, extent, location and capacity of said drainage facilities shall be designed by the Design Engineer employed by the Developer, and approved by the City Council. Construction shall follow the specifications and drawings as approved by the City Council for storm water drainage. (Figures E, F, G, & H)
  9. Water and Sewer System: All water and sewer systems shall be constructed in accordance with any plans and specifications as may be approved by the City Council as well as specifications and regulations of the State/District Health Department. All water and sewer systems shall be an extension of an existing public system, if applicable, whenever possible. In the event that the proposed water system or sewer system is not an extension of an existing public system, there shall be a showing of the Developer that the extension is not feasible and not to the best interest of the District Health Department or other appropriate state agency for approval.
  10. Maintenance and Operation of Water Supply and Sewer Systems: The Developer shall provide for a perpetual method of maintenance and operation of the water supply or sewer system to insure the continued usefulness of the system.
  11. Fire Hydrants: Adequate fire protection shall be required in accordance with the NFPA standards. (Figure I)
  12. Street Name Signs: Street name signs shall be placed at each street intersection in accordance with the City of Weston standards.
  13. Street Lighting: Streetlights shall be installed at intersections and throughout the subdivision. A Developer shall conform to the requirements of the City Council and the public utility providing such lighting.
  14. The City Council has the right to require certain landscaping.
- B. Private Roads and Streets: As an assurance of adequate maintenance of private streets or private access right-of-way and other improvements on private lands where so required, the subdivider shall cause to be formed, prior to the recording of the final plat, a Community

Association, and shall establish rules and covenants outlining the purpose, organization, and operation of the Road Maintenance Association.

Such rules and covenants shall provide, among other things, but not limited to, the following:

1. That membership shall be mandatory for each lot purchaser and any successive buyer.
2. That the maintenance of such private streets, private access right-of-way or other improvements must be permanent, not for just a period of years.
3. The developer or original owner(s) shall be responsible for the maintenance of all roads and other improvements until more than fifty (50) percent of the lots in the development are sold. The developer may, however, on a prorated basis assess the purchase of the property for such up keep.
4. Private Roads: All of the following conditions must be complied with to have private roads in a subdivision.
  - a. The road design plans must be submitted for review with the final plat. Estimates for the cost of construction must be submitted with the plans. The Design Engineer must certify that the road, if build to the specifications in the plans, will be a usable and passable, all-weather road. The road must be approved by the City of Weston as to width and grade.
  - b. Private roads must be completed to every lot before the final plat is approved or a bond will be posted and construction will be completed within 1 year of approval. See Section 8 for Financial Guarantee Arrangements. After the private roads are completed, a registered engineer appointed by the City Council shall inspect the road system and file a report with the City Council. The City Council may, after review of this report, and upon finding that all private roads in the system are complete as designed and reasonably constructed and having found that provision has been made for continued maintenance by the developer and/or lot owners, approve the private road system. This approval is not an acceptance of the road as a dedicated public road.
  - c. The developer must incorporate a provision in each prospectus, sales contract and deed detailing that the roads accessing the lots are private, the city is not responsible for construction, completion, or maintenance of the roads in the event the roads are not completed or are unacceptable to the lot purchasers for whatever reason.
  - d. The developer must place the following words on the plat: "The roads in the Subdivision are private roads, are privately constructed and maintained. The City of Weston has no responsibility for construction, maintenance or snow removal upon or along these roads."
  - e. The developer shall place and maintain a sign, at least 18" x 24" in size, at all entry points to the private road system which states, "All roads beyond this point are private."
5. All private road rights-of-way shall be at least sixty (60) feet.

#### 9.05.03 – FINANCIAL GUARANTEE ARRANGEMENTS

The subdivider shall remain liable to and responsible to the City for said improvements for a period of one (1) year after the approval by the City Engineer. If the materials used in the construction of said improvements or the method of installation or the resulting installation of said improvements are defective, or not in compliance with the City ordinance, or and State codes, the subdivider shall cause the same to be repaired or replaced at the subdivider's own cost and expense. To ensure the faithful compliance with the provisions of this paragraph, the subdivider shall post with the City Clerk, a surety bond, or other guarantee acceptable to the City, in the amount of ten (10) percent of the cost of improvements, as a warranty and guarantee for all improvements installed or constructed by the subdivider for one (1) year after certification and approval by the City Engineer. The City shall have the right to use said surety bond or other form of guarantee to repair or replace any improvements constructed within the subdivision which are defective, or do not meet City or State codes, and the subdivider shall remain liable to the City for the actual cost of said replacement or repair if the costs exceed the amount of the surety bond provided to the City.

- A. Improvements Required: At the time of recording the Final Plat, the Developer shall have previously constructed all required improvements and secured a certificate of completion from the City Council
- B. Financial Guarantee Arrangements: In lieu of the actual installation of the required public improvements before filing of the Final Plat, the City Council may permit the Developer to provide a financial guarantee of performance in one or a combination of the following arrangements
- C. Surety Bond
  - 1. Accrual: The bond shall accrue to the City Council covering construction, operation and maintenance of the specific public improvement.
  - 2. Amount: The bond shall be in amount equal to one hundred ten percent (110%) of the total estimated cost for completing construction of the specific public improvement, as estimated by the County and approved by the City Council
  - 3. Term Length: The term length in which the bond is in force shall be for a period to be specified by the City Council for the specific public improvement.
  - 4. Bonding for Surety Company: The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the City Council.
  - 5. Escrow Agreement: The escrow agreement shall be drawn and furnished by the City Council
  - 6. Cash Deposit, Certified Check, Cashier's Check, or Irrevocable Bank Letter of Credit from a bank licensed to do business in Idaho:
    - a. Treasurer, Escrow Agent or Trust Company: A cash deposit, certified check, cashier's check, or an irrevocable bank letter of credit from a bank licensed to do business in Idaho, such surety acceptable by the City Council shall be deposited with an escrow agent or trust company
    - b. Escrow Time: The escrow time for the cash deposit, certified check, cashier's check, or irrevocable bank letter of credit, shall be for a period to be specified by the City Council.
    - c. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the City Council and the Developer may provide for progressive payment out of the cash deposit or reduction of the certified check, cashier's check or irrevocable

bank letter of credit, to the extent of the cost of the contemplated portion of the public improvement, in accordance with previously entered in agreement.

- D. Conditional Approval of Final Plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:
1. The construction of improvements required by this Ordinance shall have been completed by the Developer and approved by the City Council
  2. Surety acceptable to the City Council shall have been filed in the form of a cash deposit, certified check, cashier's check, irrevocable bank letter of credit or surety bond, in an amount equal to one hundred ten percent (110%) of the estimated cost of the improvements as determined by the City Council.
- E. Inspection of Public Improvements Under Construction: Before approving a Final Plat and construction plans and specifications for public improvements, an agreement between the Developer and City Council shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans. Inspection of construction will be performed by a professional engineer retained by the City. The cost of these inspection services will be born by the Developer and will be reimbursed to the City before final approval of the Final Plat. This inspection does not relieve the developer responsibility. Within thirty five (25) days after completion of improvements, the City Council shall certify the completion acceptance or non-acceptance of the construction and shall transmit a copy of said certification to the Developer. This section is in addition to the developers "Design Engineers" inspection requirements to submit "As Built Plans" for public water and/or waste facilities construction to DEQ per Idaho Code 39-118.
- F. Penalty in Case of Failure to Complete the Construction of a Public Improvement. In the event the Developer shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements, the City Council may use any proceeds of the surety bond or other financial guarantee posted by the Developer for the completion of said public improvements. In order to accomplish this, the City Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, cashier's check, or irrevocable bank letter of credit which the Developer may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the City Council and the Developer.
- In the event the Developer fails to construct said improvements as required, and the City Council finds it necessary to use the financial guarantee funds for completion of said improvement, the same shall not relieve the Developer, his agents, officers or employees from liability for completion of the same or for restitution to the City of Weston and/or Franklin County for costs of construction of said improvements.

#### 9.05.04 – ENFORCEMENT AND PENALTIES

- A. Enforcement: No subdivision plat required by this Ordinance or the Idaho Code shall be admitted to the public land records of the county or recorded by the County Recorder, until



such subdivision plat has received final approval by the City Council. The City Attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enforce any violation of this Ordinance. Before the City Attorney shall take any action, The City Council shall first authorize any criminal or civil action against the party concerned.

- B. Penalties: Any person, firm, corporation, or other entity violating any regulation of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than three hundred (\$300) dollars. Each and every day during which the violation continues shall be deemed a separate offense.

Figure A

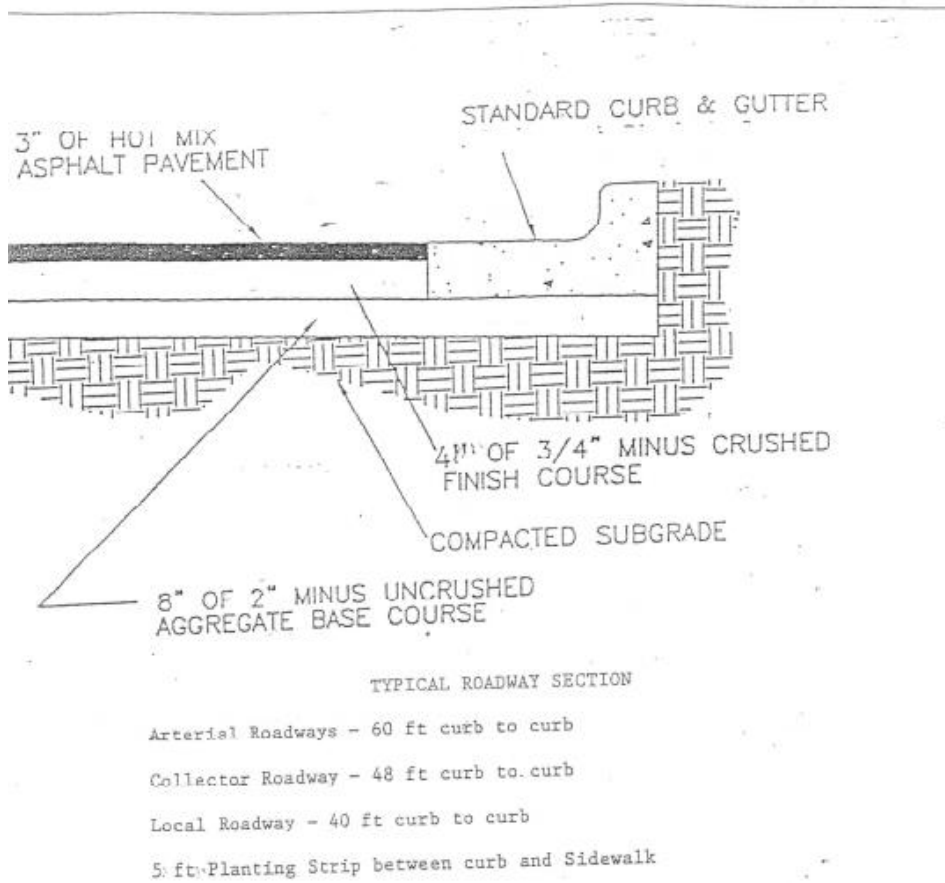
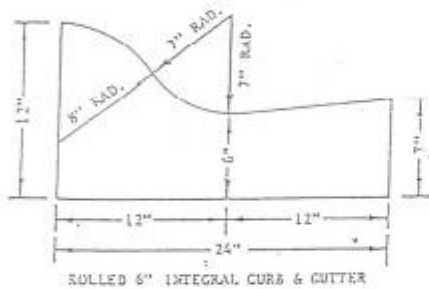
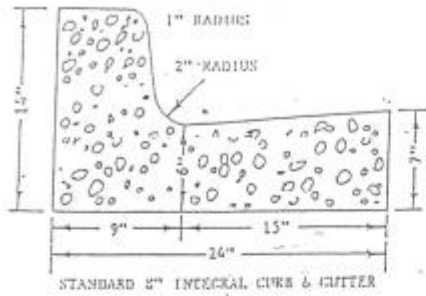
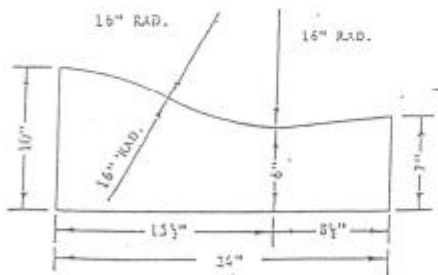


Figure B



No concrete shall be placed until forms and subgrade are inspected by the city.



FOR USE AT DRIVEWAY ENTRANCE WITH 6" ROLLED CURB ONLY

148-9

CURB DETAILS



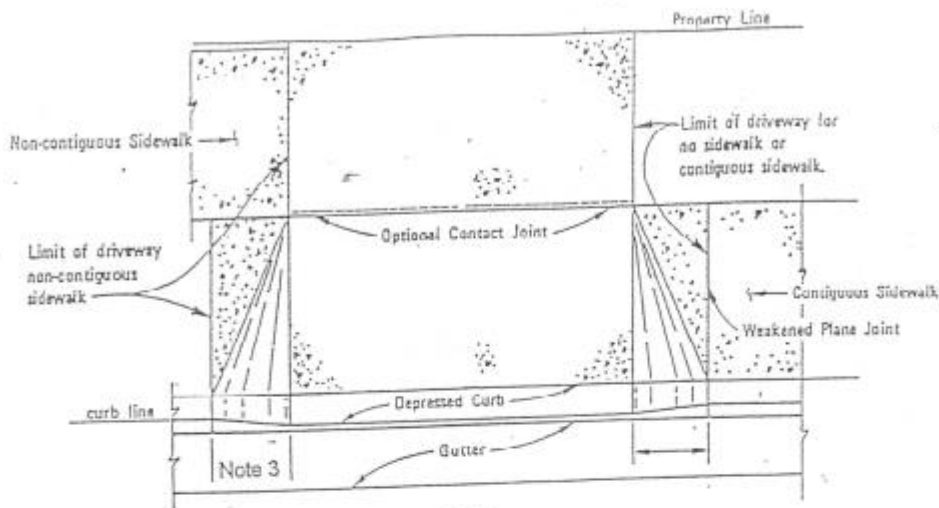
By	Approved	Date

City of Weston, Idaho

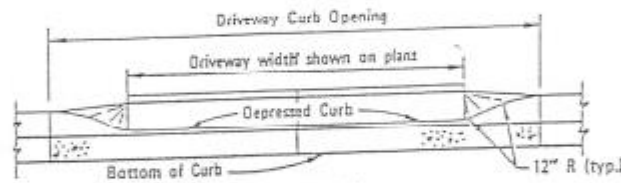
STANDARD SPECIFICATION DRAWING

DRAWING

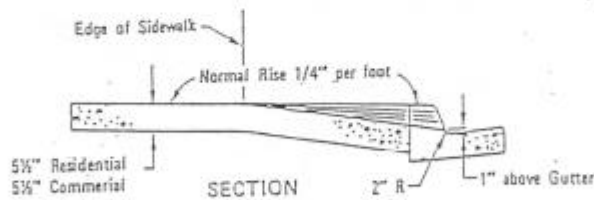
Figure C



PLAN



ELEVATION



SECTION

NOTES

1. No concrete shall be placed until forms and subgrade are inspected by the city.
2. Concrete shall be 3000#
3. Side slope to be 12:1 if part of the sidewalk, otherwise 6:1



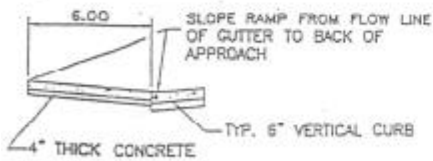
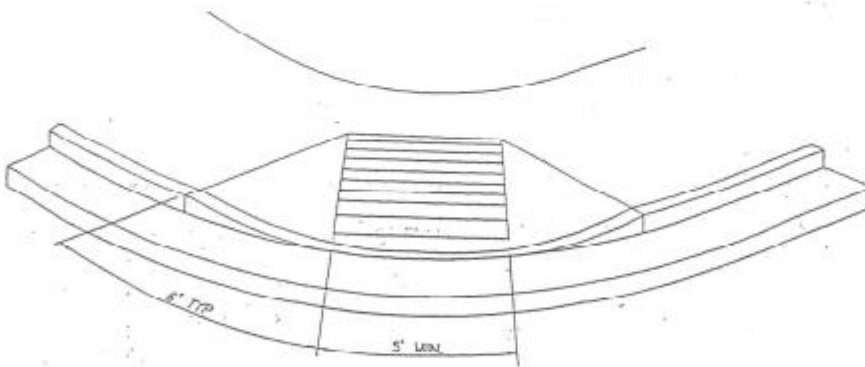
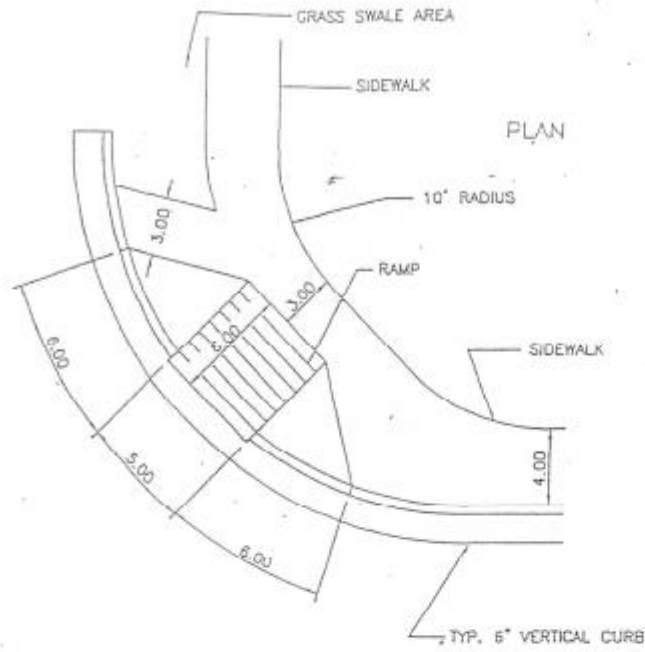
DRIVEWAY DETAILS

Revision	By	Approved	Date

City of Weston, Idaho

STANDARD SPECIFICATION DRAWING

Figure D



CROSS SECTION



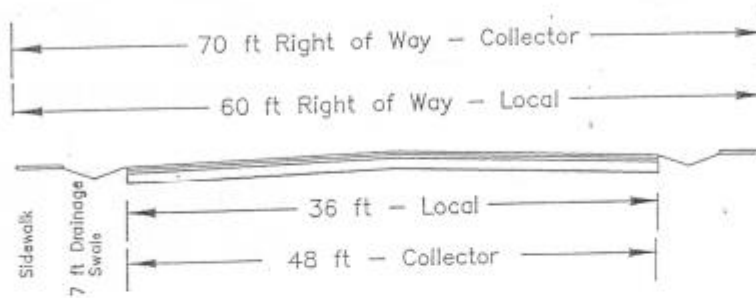
Revision	By	Approved	Date

City of Weston, Idaho

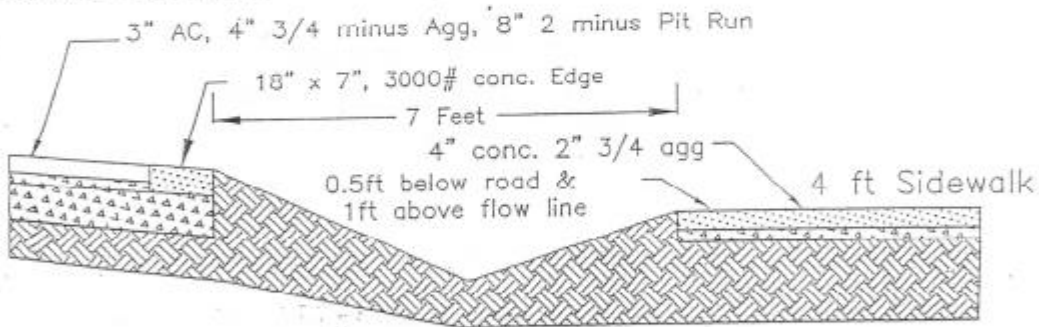
STANDARD SPECIFICATION DRAWING

Figure E

RETAINED STORM WATER  
SWALE DESIGN



SWALE DETAILS



NOTE:

1. DITCH SLOPES 3:1 MAX & 5:1 MIN
2. NO DRAINS UNDER DRIVEWAYS
3. ROADWAY SLOPE 3% OR LESS
4. SOIL WILL PERCOLATE AT 0.5 INCHES PER HOUR OR MORE
5. 4 FT SIDEWALKS TO CROSS SLOPE 2% TOWARD SWALE
6. See OTHER CITY STANDARDS FOR OTHER DETAILS
7. SWALE TO BE IN LIVE SOD OR OTHER CITY APPROVED METHOD



Jan	By	Approved	Date

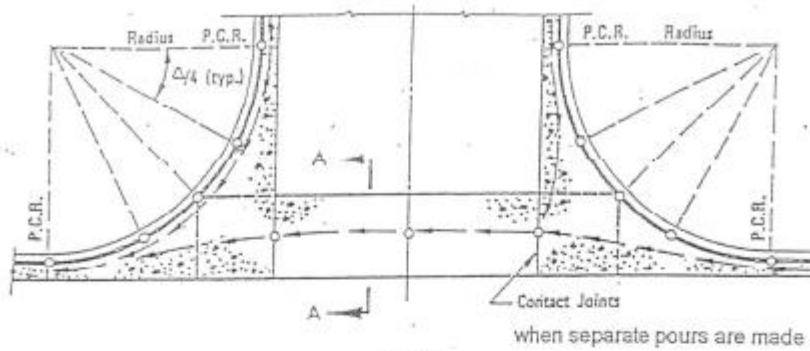
**City of Weston, Idaho**

STANDARDS OF DESIGN AND CONSTRUCTION

Local Subdivision Street Design

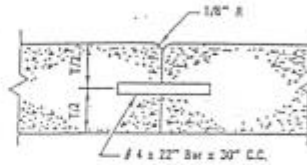
DRAWING

Figure F

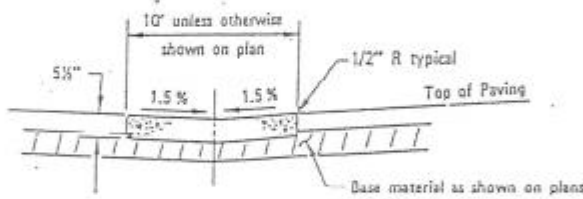


PLAN

Right - of - Way	Curb Radii
99 ft	40 ft
70 ft	35 ft
50 ft	30 ft



CONTACT JOINT



SECTION A-A

No concrete shall be placed until forms and subgrade are inspected by the city.

NOTES:

1. Concrete shall be 3000#
2. --- = Weakened plane joints.
3. --- = Typical flowlines.
4. ○ = Elevations to be shown on plans.
5. Return segments to be 5 1/2" thick.
6. Curb between P.C.R.s shall be considered as part of cross gutter.

CROSS DRAIN DETAILS



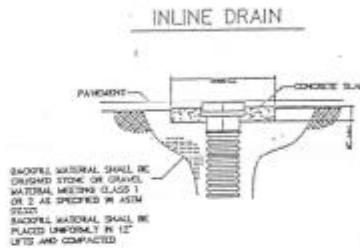
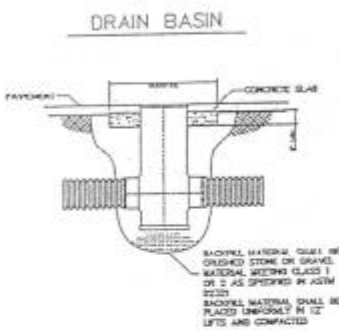
By	Approved	Date

City of Weston, Idaho

STANDARD SPECIFICATION DRAWING

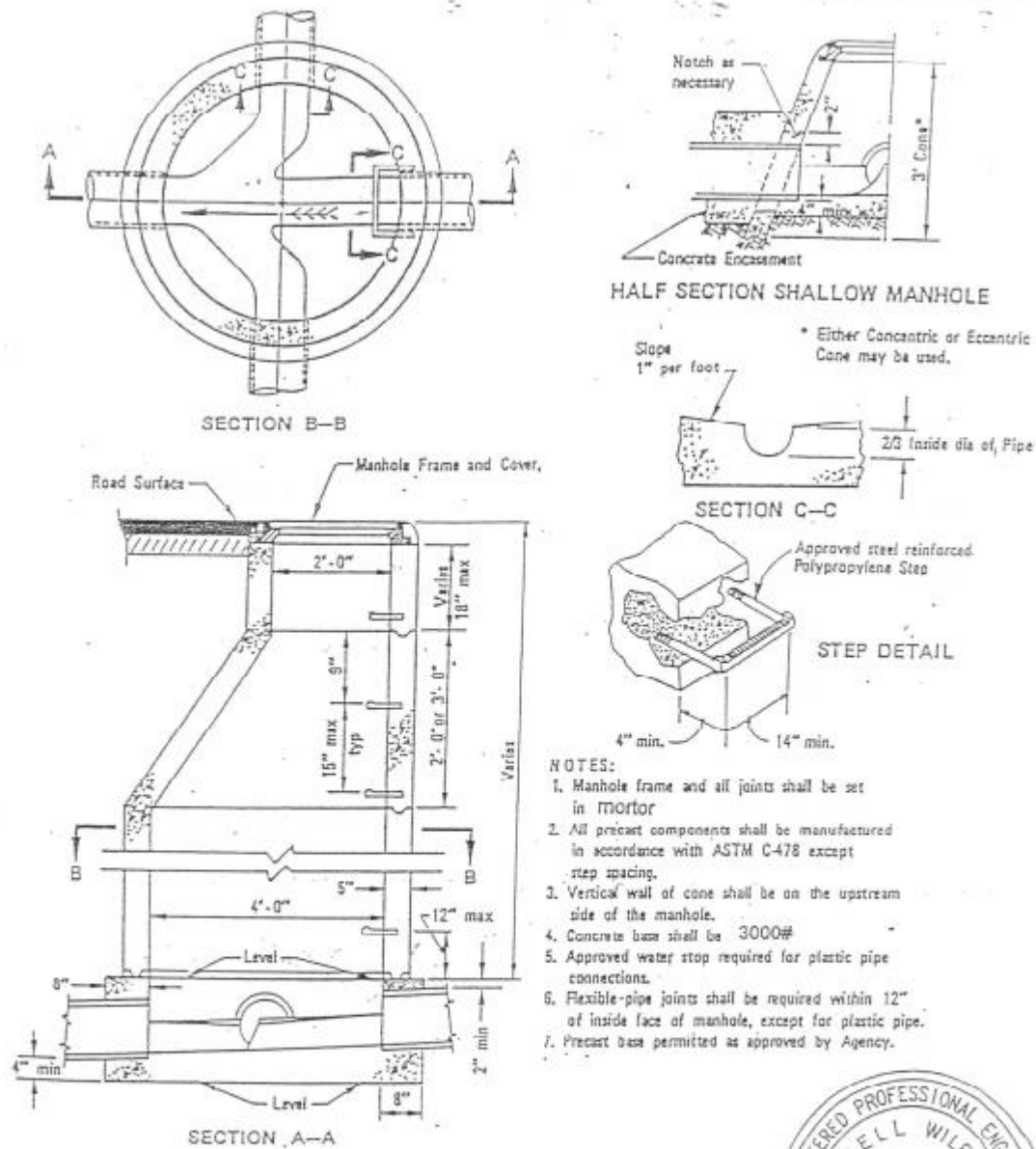
DRAWING

# Storm Sewer Details Nyloplast Connections



By	Approved	Date	City of Weston, Idaho	DRAWING NUMBER

Figure II



MANHOLE DETAILS



By	Approved	Date

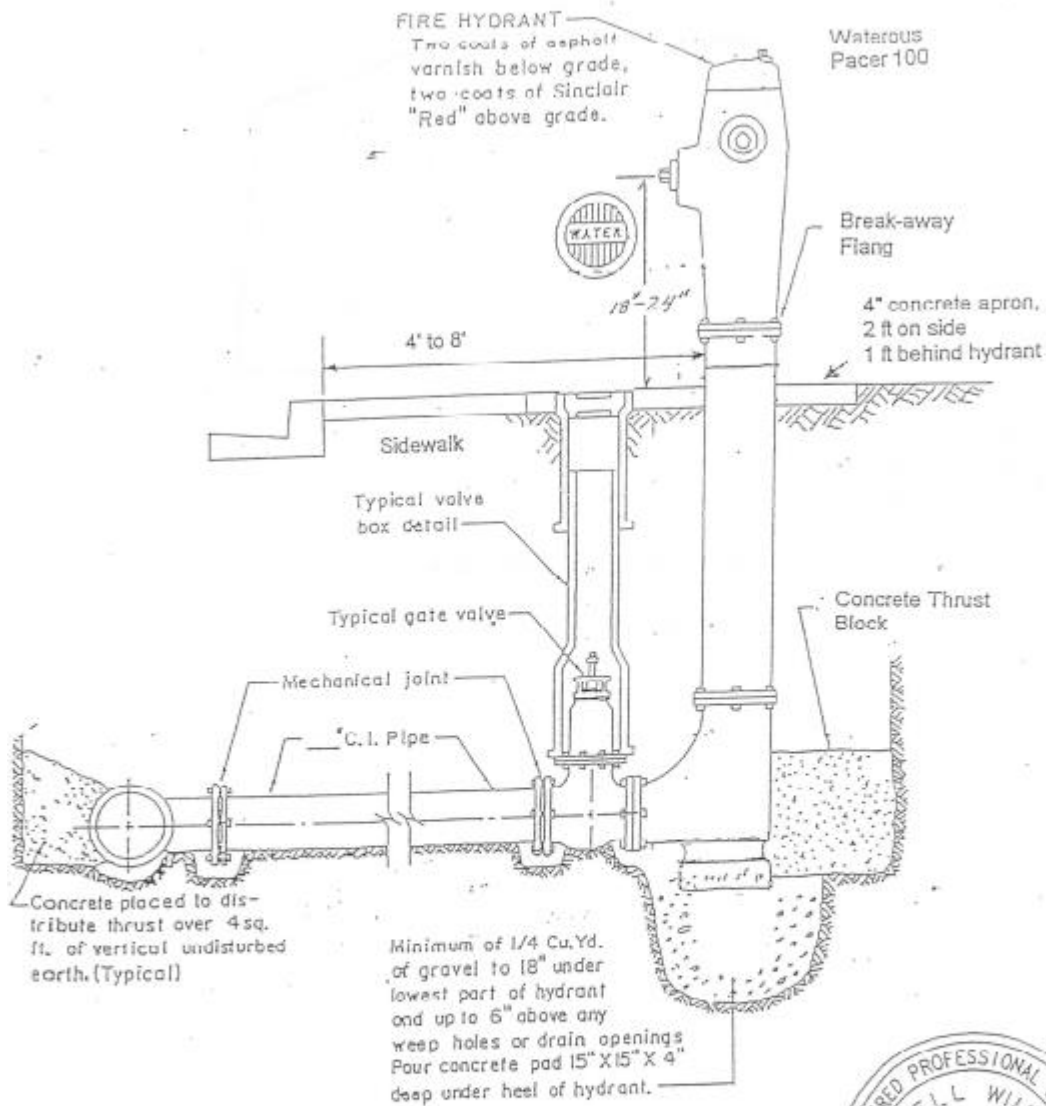
City of Weston, Idaho

STANDARD SPECIFICATION DRAWING

DRAWING



Figure I



FIRE HYDRANT DETAILS

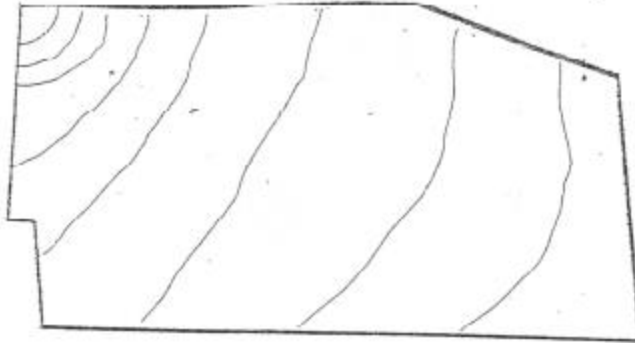


By	Approved	Date

City of Weston, Idaho

STANDARD SPECIFICATION DRAWING

EXAMPLE 1. The terrain has relatively uniform slopes throughout the parcel.

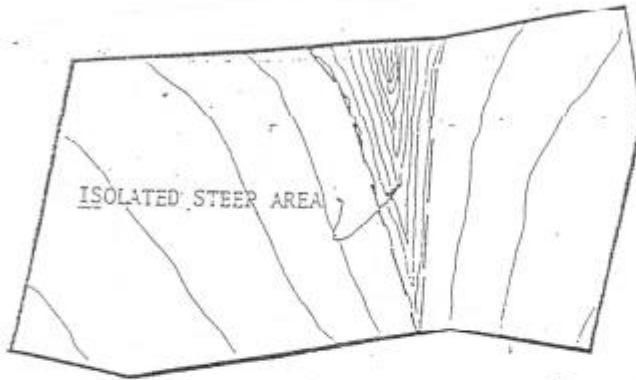


Area = 69 Acres  
Contour Interval = 5 ft  
L=144,270 ft.

$$\%Slope = (i * L) / a * 100 \text{ thus, } \frac{5 \times 144,270}{69 \times 43560} \times 100 = 24\%$$

Therefore, lot sizes must be twice as large.

Example 2 Exclusion of an isolated steep area. Very steep-sided drainage feature divides terrain with other wide relatively uniform slopes.



Calculation, EXCLUDING isolated steep area

Total area = 54 acres, isolated steep slope = 8 acres.

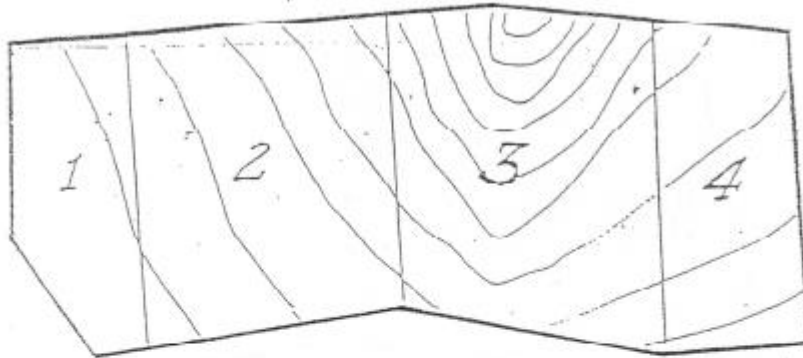
Contour Interval = 5 ft

$L=110,988$  total isolated steep slope = 34,845

thus,  $\%Slope = (i * L) / a * 100$  thus,  $\frac{5 * 76,143}{16 * 43,560} * 100 = 19\%$

Therefore, the isolated steep slope cannot be developed, but the remaining land can be developed without an increase in lot sizes.

Example 3, The terrain slope varies below and above 25%.



Contour Interval = 5 ft.

Lot #	Area (Ac)	L	Slope	Increase Multiplier
1	2.1	3110	17	1
2	4.0	9060	26	4
3	4.3	13112	35	4
4	2.6	5436	24	2

## Title 10 (Reserved)

## Title 11 (Reserved)

## Title 12 (Reserved)

## **Title 13 ZONING**

### ***Chapter 13.01 GENERAL PROVISIONS***

#### **13.01.010 Intent.**

Zoning is established in Weston City to provide for land, building, and commercial regulations based on use. Separation of incompatible uses will allow preserve the health, safety, and welfare of citizens living and working in Weston City.

The following provisions shall be subject to the general regulations of this title and to the special provisions and exceptions in this and the following sections to secure the intent of this title. In all cases of administration and enforcement of this title for which no other specific provisions are made in this section and other provisions herein, the Council shall provide for the same by order, resolution or the adoption of a rule, regulation, or by-law, which provisions shall be in accord with and consistent with the objectives and standards of this title. Uses not specified within use districts are prohibited unless determined by the Council or its authorized representative to be similar in nature to those specified.

#### **13.01.020 Interpretation in case of conflict with other laws.**

It is not intended by this title to impair or interfere with other regulations of state or local law, or with private restrictions on the use of land, improvements, and structures. Where this title imposes greater restriction than that imposed by other law or private restrictions, this title shall prevail.

#### **13.01.030 Interpretation of district boundaries.**

Whenever any uncertainty exists as for the boundary of any district shown on any zoning map, the following rules shall apply:

- A. Where any such boundary line is indicated as following a street, alley or public way, it shall be construed as following the centerline thereof.
- B. Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be such boundary line.
- C. Where a boundary line divides a lot or crosses un subdivided property, the location of such boundary shall be indicated upon the zoning map.

#### **13.01.040 Lots of record.**

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

#### **13.01.050 Yard and setback requirement exceptions.**

Certain structures within and projections into required yard areas are permitted, as herein specified, and shall not be considered to be obstructions or included in the calculation of coverage unless otherwise specified:

- A. Cornices, canopies, eaves, or other projections which do not increase the volume of space enclosed by the building; provided, however, that none of these shall project into any required yard more than two feet;



- B. Exterior stairs of open design; provided, that no such stairs shall project into a required front or side yard more than three feet and into any rear yard more than six feet;
- C. Fences, walls, and hedges are permitted in any required yard or along the edge of any yard to a height of six feet; provided, that no fence, wall, or hedge along the sides or front edge of any front yard shall be over three feet in height; provided, however, that if said fence is a see-through fence, such fence may be built to a height not to exceed four feet. On a corner lot in any residential district, nothing, except see-through fences to a maximum height of four feet which do not materially impede vision, shall be erected, placed, planted, or allowed to grow in any such manner between a height of three feet and ten feet above the centerline grades of intersecting streets bounded by the property lines of such corner lots on a line joining points along said property lines for thirty (30) feet.

**13.01.060 Nonconforming uses.**

- A. **NONCONFORMING USES, PARCELS AND STRUCTURES**  
A nonconforming use, parcel or structure is one that was legally established but that is not in compliance with Title 13 due to a subsequent ordinance amendment, annexation, change of zoning, eminent domain or similar action.
- B. **NONCONFORMING PARCELS**  
Notwithstanding the minimum requirements for parcel size within the various zoning districts, structures may be built, expanded, reconstructed, occupied or used on a nonconforming parcel that existed prior to the enactment of this ordinance provided that such structures and uses meet all other applicable requirements of this ordinance.
- C. **NONCONFORMING STRUCTURES**
  - 1. A structure occupied by a nonconforming use may be maintained and repaired. Examples of allowed maintenance are painting, re-roofing, and steps to ensure safety and compliance with building codes.
  - 2. When a structure housing a nonconforming use is illegally modified or expanded, the nonconforming status of the use shall be lost.
  - 3. A nonconforming structure may not be replaced except in compliance with the zoning code, but may be maintained, repaired, or internally altered provided that there is no increase in the degree of noncompliance with zoning regulations.
- D. **NONCONFORMING USES**
  - 1. Minor expansions of nonconforming uses (and the structures housing them) not exceeding 20 percent of gross floor area may be allowed in accordance with the procedures for approving staff level conditional use modifications. Expansions greater than 20 percent and not considered minor by the Director may be allowed in accordance with the procedures for approving a conditional use permit. Both require compliance with findings ii - iv of 11-03-04.6C(7)(a).
  - 2. Nonconforming uses may be converted to other uses upon issuance of a zoning certificate based on the following findings:
    - i. The conversion will not unduly burden transportation or service facilities.
    - ii. The conversion will not result in adverse impacts to surrounding properties.
    - iii. The use proposed will be equal or less in intensity, impact and demand for services (water, sewer).
  - 3. When a nonconforming use has been impermissibly changed, enlarged or expanded the nonconforming status shall be lost. Thereafter, the lands and structures may only be used in conformance with this ordinance.
  - 4. A nonconforming use that is discontinued for a period of one year shall be deemed to have been purposely discontinued, unless otherwise specified herein. Thereafter, the lands and structures may only be used in conformance with this ordinance.

5. These regulations shall not be used to deprive the use of improvements on private property based solely on nonuse of the improvements for their designed purposes for a period of ten years or less.

E. DESTRUCTION BY CALAMITY

Nonconforming status shall be lost when a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire or other calamity to the extent that the cost of restoration is 50 percent or more of the assessed value, except upon issuance of a conditional use permit. Absent a conditional use permit, the structure and property are subject to extant zoning regulations.

F. DETERMINATION OF NONCONFORMING STATUS

Application for determination of nonconforming status shall be made to the City Council with the appropriate form and fee. The burden of proof falls on the party requesting the determination. Proof may include but is not limited to utility records, photographs, assessor's records, rental receipts, phone directories, notarized statements, and historical records.

**13.01.070 Off-street parking and loading requirements.**

- A. When the intensity of use of any building, structure or premises is increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified as requiring parking facilities as required herein shall be provided for such increase in intensity of use.
- B. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use.
- C. Access to parking spaces as required herein for commercial and industrial uses shall be not less than twelve feet wide and not more than forty feet wide at the curb line.
- D. Parking spaces shall be of sufficient size to accommodate vehicular access to and from the stall and shall be at least twenty (20) feet long and ten (10) feet wide.
- E. No lawfully existing building shall be deemed to be a nonconforming building solely because of the lack of any such required spaces; provided, that space being used for off-street parking or loading in connection with any such building at the time of the effective date of the ordinance codified in this title shall not be further reduced in area or capacity.
- F. When the calculation of the required number of spaces called for herein results in a fractional number, fractions equal to or greater than one-half shall be adjusted to the next higher whole number of spaces.
- G. Parking space requirements for a use not specifically mentioned shall be the same as for a use specified which has similar traffic generating characteristics.
- H. Except as required for dwellings and motels, off-street parking facilities for several buildings, structures or uses, or for mixed uses, may be provided collectively provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each of the buildings or uses.
- I. Every open off-street parking area having more than four parking spaces shall be hard-surfaced, including access driveways.

- J. Lighting used to illuminate off-street parking areas shall be directed away from residential properties, and such parking areas shall be effectively screened on any side adjoining property in a residential zone by a wall, fence, or hedge to a height of six feet except for the front yard setback area of the adjoining residential property, in which case the maximum height shall be three feet.
- K. Required parking spaces for dwellings shall be upon the same premises as the dwelling.
- L. Parking spaces as hereinafter set forth shall be provided for all uses allowed and conditional uses permitted in any zone; provided, that a greater number of spaces may be required in any case where a conditional use permit is involved.
  - 1. For each dwelling unit, two spaces as defined herein, sufficient for a garage or carport.
  - 2. For each dwelling unit in a multiple-family dwelling of four units or less, two spaces as defined herein, sufficient for a garage or carport; provided, however, that for each dwelling unit in a multiple-family dwelling of five units or more, two spaces as defined herein, sufficient for a garage or carport shall be provided for each of the first four units, and one and one-half spaces shall be provided for each additional unit thereafter.
  - 3. For each guest bedroom in a hotel, motel, club, lodging house, fraternity or sorority house, one parking space; plus, one parking space for each three beds in a dormitory in the above.
  - 4. For each four beds in a convalescent, nursing or Assisted Living, sanitarium or home for the care of children or the aged, one parking space; plus, one parking space for each doctor assigned full time to the staff, plus two parking spaces for each three other employees.
  - 5. For a hospital, one parking space for each one thousand square feet of net floor area plus one parking space for each four regular employees.
  - 6. For a church, auditorium, theater, or sports arena, one parking space for each five seats in the principal assembly room or area.
  - 7. For floor space used by the public or by members in a social hall, dance hall, night club, pool hall, restaurant, or other similar enterprise or establishment, a number of parking spaces equal to twenty (20) percent of the capacity in persons. For the purposes of this chapter, capacity in persons shall mean the gross floor area divided by fifteen square feet.
  - 8. For a bowling alley, two parking spaces for each alley.
  - 9. For a drive-in theater, a reservoir space at the entrance containing one parking space for each ten vehicles accommodated within.
  - 10. Business offices, not otherwise specified, one parking space for each two hundred fifty (50) square feet of net floor area.
  - 11. Medical or dental office or clinic, one parking space for each two hundred fifty (50) square feet of net floor area.
  - 12. Mortuary, twelve parking spaces.
  - 13. Retail stores, banks, and shops other than as specified below, one parking space for each two hundred square feet of net floor area in excess of two thousand square feet; and for drive-in banks, three additional parking spaces for each teller window.
  - 14. Retail sales establishments handling only durable goods or bulky merchandise such as machinery, furniture or vehicles, personal service and repair shops, wholesale stores, one parking space for each six hundred square feet of net floor area in excess of two thousand square feet.

15. For manufacturing establishments, one parking space for each employee, based on the greatest number of employees at any one time.
16. For every building hereafter erected containing more than fifteen thousand square feet in area and which is designed to be occupied by any use requiring regular receipt or dispatch of merchandise by truck, there shall be provided and maintained with adequate design to provide safe and efficient means of access and maneuvering, one loading space not less than thirty (30) feet in length and ten feet in width exclusive of access platforms and maneuvering areas.

### **13.01.080 Mobile homes and recreational vehicles.**

Provisions pertaining to mobile homes and recreational vehicles shall not apply to the storage of recreational vehicles or campers on the site of a permanent residence. Mobile homes may be located on construction sites for a period not to exceed one year when the council finds that the location of the same is necessary to secure the construction site. The city may direct that mobile homes be located on properties owned by the city and dedicated for use as an airport or park facilities for purposes of security.

## ***Chapter 13.02 DEFINITIONS***

### **13.02.010 Generally.**

For the purposes of this title, certain terms are defined as set forth in this chapter. All words in the present tense include the future tense; the plural includes the singular, and all words in the singular include the plural unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory.

### **13.02.020 Accessory building.**

"Accessory building" means a building which is subordinate to and incidental to the principal building on the same lot but does not include any building containing a dwelling unit as hereinafter defined, or which is used for human occupancy. Any person desiring to construct, build, or locate an accessory building or structure within a rear yard shall comply with all provisions of the International Building Code and the International Residential Code as adopted by the city, shall not construct on any portion of a written easement or prescriptive easement, and shall obtain a building or a zoning permit from the city building inspector. All portions of the accessory building or structure such as eaves, steps or other protrusions from the building or structure shall be set back the required distance from the side or rear yard lot lines or easements.

### **13.02.030 Accessory Use.**

"Accessory use" means a use incidental and subordinate to the principal use of the premises.

### **13.02.040 Agriculture.**

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

### **13.02.050 Airport.**

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

### **13.02.060 Animal hospital.**

"Animal hospital" means any building or portion thereof designed or used for the care or treatment of cats, dogs or other animals.

### **13.02.070 Apartment.**

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

### **13.02.090 Area of special flood hazard.**

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**13.02.100 Automobile sales lot.**

"Automobile sales lot" means premises on which new and used passenger automobiles, trailers, mobile homes or trucks in operating condition are displayed in the open for sale or trade, and where no repair or service work is done.

**13.02.110 Automobile service station.**

"Automobile service station" means premises used primarily for the retail sale and delivery to the vehicle of motor vehicle fuel and of lubricating oils, tires and incidental vehicular accessories, and providing vehicular lubrication and related services, including minor motor vehicle repairs and/or manual or automatic car washes.

**13.02.120 Automobile wrecking yard.**

"Automobile wrecking yard" means any use of premises, excluding fully enclosed buildings, on which two or more motor vehicles not in operating condition are standing more than thirty days, or on which used motor vehicles, or parts thereof, are dismantled or stored.

**13.02.130 Base flood.**

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

**13.02.140 Block.**

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

**13.02.150 Boarding house.**

"Boarding house" means a building other than a hotel or restaurant where meals are provided for compensation to three or more persons, but not more than twelve persons who are not members of the householder's family.

**13.02.160 Building.**

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

**13.02.170 Building, detached.**

"Detached building" means a building surrounded by open space on the same lot.

**13.02.180 Building, nonconforming.**

"Nonconforming building" means any building which does not conform to the requirements of this title.

**13.02.190 Building, government.**

"Government building" means a building owned or used by the federal, state, county, or city government, or any political subdivision, agency or instrumentality thereof.

**13.02.200 Business or commerce.**

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

**13.02.210 City.**

"City" means the City of Weston, Idaho.

**13.02.220 City clerk.**

"City clerk" means the city clerk of the city.

**13.02.230 Comprehensive plan.**

"Comprehensive plan" means the comprehensive plan for the city officially adopted by the council as such.

**13.02.240 Conditional use.**

"Conditional use" means a use or occupancy of a structure, or use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.

**13.02.250 Council.**

"Council" means the City Council of the city.

**13.02.260 Day care.**

"Day care" means the care and supervision provided for compensation during part of a twenty (20)-four-hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home or homes.

**13.02.261 Day care center.**

"Day care center" means a place or facility providing day care for compensation for thirteen or more children.

**13.02.270 Development.**

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

**13.02.280 Drive-in establishment.**

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

**13.02.290 Dwelling.**

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

**13.02.300 Dwelling, high-rise multiple-family.**

"High-rise multiple-family dwelling" means a multiple-family building, or portion thereof, containing five or more stories and which may include off-street parking facilities, and having at least one passenger elevator to serve the dwelling units.

**13.02.310 Dwelling, multiple-family.**

"Multiple-family dwelling" means a multiple-family building, or portion thereof, containing three or more dwelling units.

**13.02.320 Dwelling, single-family.**

"Single-family dwelling" means a building designed for use and occupancy by no more than one family. Single-family dwellings may include manufactured homes, so long as they are constructed according to HUD/FHA construction and safety standards, are transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or is forty body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

**13.02.330 Dwelling, two-family.**

"Two-family dwelling" means a detached building designed for and occupied exclusively by two families living independently of each other.

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### **13.02.340 Dwelling unit.**

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

### **13.02.342. Easement.**

"Easement" means a non-possessory right to use the land of another for a limited purpose such as access to construct, reconstruct, maintain and repair utility lines.

### **13.02.350 Flood or flooding.**

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface water from any source.

### **13.02.360 Flood hazard boundary map.**

"Flood hazard boundary map (FHBM)" means the official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated.

### **13.02.370 Flood insurance study.**

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood hazard boundary map, and the water surface elevation of the base flood.

### **13.02.380 Floodplain overlay district.**

"Floodplain overlay district" means an overlay zoning district that regulates building construction and improvements, in addition to the zoning requirements of the underlying zone, in flood-prone areas as set forth by the National Flood Insurance Program.

### **13.02.390 Floodway.**

"Floodway" means 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 one foot.

### **13.02.400 Floor area, gross.**

"Gross floor area" means the sum of the gross horizontal areas of the several floors including the exterior walls of a building or portion thereof.

### **13.02.410 Floor area, net.**

"Net floor area" means that portion of the gross floor area of the building occupied by the listed use or uses and shall include hallways, storage and packaging space, dressing or restrooms and laboratory or work rooms; provided however, that floor space within the building reserved for parking or loading of vehicles, and basement space used only for building maintenance and utilities shall be excluded.

### **13.02.415 Group day care facility.**

"Group day care facility" means a home, place, or facility providing day care for three to twelve children.

### **13.02.420 Habitable floor.**

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

### **13.02.430 Height, building.**

"Building height" means the vertical distance from the existing or natural grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the height gable of pitch or hip roof.

### **13.02.440 Home occupation.**

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"Home occupation" means any gainful occupation engaged in by an occupant of a dwelling unit including handicrafts, dressmaking, millinery, laundering, preserving, clerical, home office, office of a clergyman, teaching of music, dancing and other instruction when limited to attendance of one pupil at a time and other like occupancies which meet all the following conditions:

- A. The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes;
- B. The use is conducted entirely within a dwelling and is carried on by the inhabitants thereof;
- C. No article shall be sold or offered for sale on the premises, except such as is produced by the occupants on the premises, and no mechanical or electrical equipment shall be installed or maintained other than such is customarily incidental to domestic use;
- D. The use does not change the character of the dwelling or adversely affect the uses permitted in the residential district;
- E. The use creates no additional traffic and requires no additional parking space;
- F. No persons are employed other than those necessary for domestic purposes;
- G. Not more than one-fourth of the gross area of one floor of said dwelling is used for such use;
- H. The entrance to the space devoted to such use is from within the building and no internal or external alterations or construction features not customary in dwellings are involved.

**13.02.445 Hotel.**

"Hotel" means an establishment that provides lodging and usually meals, entertainment, and various personal services for the public.

**13.02.450 Junk yard.**

"Junk yard" means an outdoor space where junk, waste, discarded or salvaged materials are stored or handled, including automobile wrecking yards, and yards for used building materials and places or yards for storage of salvaged building and structural steel materials and equipment; excluding yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition, and the processing of used, discarded or salvaged materials as part of a permitted manufacturing operation on the same premises.

**13.02.460 Kennel, commercial.**

"Commercial kennel" means any lot or premises or portion thereof, on which three or more dogs, cats and other household domestic animals are maintained, harbored, possessed, boarded, bred or cared for in return for compensation or kept for sale.

**13.02.470 Loading and unloading space, off-street.**

"Off-street loading and unloading space" is an open off-street area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alley.

**13.02.480 Lot.**

"Lot" means a unit of land described by metes and bounds or a part of a recorded subdivision so recorded for transfer of ownership.

**13.02.490 Lot, corner.**

"Corner lot" means a lot which is bounded on two or more sides by street lines, where the angle of intersection does not exceed one hundred thirty-five degrees.

**13.02.500 Lot coverage.**

"Lot coverage" means the area of a lot occupied by the principal building or buildings and accessory buildings.

**13.02.510 Lot line.**



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

**13.02.520 Lot width.**

"Lot width" means the horizontal distance between side lot lines measured at the right angles to the depth at a point midway between the front and rear lot lines.

**13.02.525 Manufactured home.**

"Manufactured home" means a structure constructed according to HUD/FHA construction and safety standards, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or is forty (40) body feet or more in length, and when erected on-site is one thousand square feet or more in size, and which is built on a permanent chassis, and designed to be used as a dwelling unit with a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. Manufactured homes shall not include mobile homes, travel trailers, or other similar recreational vehicles.

In order to qualify for the status of a single-family dwelling, a manufactured home must meet the following minimum standards:

- A. Mass produced in a factory;
- B. Designed and constructed for transportation to a site for installation and use when connected to required utilities, and be permanently connected to city utilities;
- C. Built on a permanent chassis;
- D. Be at least twenty (20) feet wide at the narrowest point, with a minimum of five hundred square feet per section. The total square footage minimum shall equal one thousand square feet;
- E. Shall be certified as meeting the construction and safety standards of the U.S. Department of Housing and Urban Development;
- F. Have a roof constructed of materials equal to and comparable in quality to those used on site-built homes, with a minimum slope or pitch of sixteen percent, 2:12 (two inches of rise to twelve inches of run);
- G. Have an eave of a minimum of six inches attached to the entire perimeter of the roof;
- H. Have siding which is equal to and comparable with standard site built siding materials;
- I. Be placed upon and permanently affixed to a permanent foundation of cement, or masonry block, with running gear and towing hitch removed. No metal skirting shall be allowed. No gaps or openings shall appear between the bottom of the manufactured home and the permanent foundation. The permanent foundation shall be constructed of concrete or masonry block in accordance with I.C. § 44-2205, System A or System B, and in accordance with I.C. § 44-2205(3). Masonry block foundations shall be acceptable, so long as the appearance is that of a concrete foundation. The foundation shall surround the entire perimeter of the structure and completely enclose the space between the siding and the finished grade. Foundation facia shall be immediately installed at the time of placement of the manufactured home upon the premises;
- J. Shall be permanently affixed in accordance with manufacturer's specifications and this section set upon a foundation base having an anchoring system that is totally concealed under the structure;
- K. Shall obtain a building permit and supply the city with a set of manufacturer's blocking and anchoring requirements to ensure that the manufactured home is assembled on-site to standards regulating the anchoring of the structure to its foundation and other building requirements;

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- L. The exterior covering and roofing materials of a garage or carport to be attached to the manufactured home must be similar to those of the main portion of the manufactured home;
  - M. Concrete steps shall be required for all entry ways into a manufactured home;
  - N. The architecture and design of the manufactured home shall not be incompatible with the surrounding homes and area;
  - O. The roof shall have a snow load tolerance of thirty pounds per square foot;
  - P. All manufactured homes shall be constructed according to FHA and HUD construction and safety standards. No manufactured home shall be placed or located within the city other than newly manufactured homes, which shall be defined as manufactured homes which have been constructed within one year prior to date the same is located upon a permanent foundation within the city, and has not been previously used or located as a single-family dwelling or other dwelling at any other location;
  - Q. The owner shall record with the county recorder of Franklin County, Idaho, a nonrevocable option declaring the manufactured home as real property, and the manufactured home shall be thereafter taxed as real property.

#### **13.02.530 Mobile home.**

"Mobile home" means a detached single-family dwelling unit with all the following characteristics:

- A. Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections for attachments to outside systems.
- B. Designed to be transported after fabrication on its own wheels or on flat bed or other trailers or detachable wheels;
- C. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to facilities and the like.
- D. It is not built to current HUD/FHA standards.

#### **13.02.540 Mobile home park.**

"Mobile home park" means any area, tract, plot, or site of land, whereupon two or more mobile homes are placed, located, and maintained for dwelling purposes on a permanent or semi-permanent basis and for which a fee, rental or contract for payment for such use is collected by or collectable to the person holding the land.

#### **13.02.550 Mobile home subdivision.**

"Mobile home subdivision" means a subdivision of land for the exclusive placement of mobile homes for single-family residential dwelling, provided each mobile home shall have a minimum size of six hundred square feet and; provided, that all mobile homes placed upon said lots shall be placed upon a masonry foundation and the tongue, undercarriage and wheels shall be removed from said mobile home upon placement.

#### **13.02.560 Motel.**

"Motel" means an establishment which provides lodging and parking for travelers and in which the rooms are usually assessable from an outdoor parking area.

#### **13.02.570 New construction.**

"New construction" means structures for which the start of construction, as defined in Section 13.02.680, commenced on or after the effective date of the ordinance codified in this title.

#### **13.02.580 Nonconforming use.**

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"Nonconforming use" means any use lawfully occupying a building, structure or land at the effective date of the ordinance codified in this title, or of subsequent amendments thereto, which does not conform to the regulations for the district in which it is located.

**13.02.590 Nursery school.**

"Nursery school" means an institution providing care, with or without instruction, for more than five children of preschool age.

**13.02.600 Nursing home, convalescent home.**

"Nursing home" or "convalescent home" means a building housing any facility, however named, whether operated for profit or not, the purpose of which is to provide skilled nursing care and related medical services for two or more individuals suffering from illness, disease, injury, deformity or requiring care because of old age.

**13.02.610 Assisted living, elderly housing.**

"Assisted living" or "elderly housing" means where medical care is not administered.

**13.02.620 Parking lot.**

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

**13.02.630 Parking space.**

"Parking space" means usable space within a public or private parking area or building, not less than one hundred and eighty square feet, (nine feet by twenty (20) feet), exclusive of access drives, aisles or ramps for the storage of one passenger automobile or commercial vehicle.

**13.02.636. Prescriptive easement.**

"Prescriptive easement" means an easement, not in writing, established by usage, and which shall be ten feet on each side of a utility line not having a written or recorded easement and having a maximum easement width of twenty-five (25) feet in the event that there are two utility lines running parallel to each other and are within a proximity of fifteen feet to each other, twelve and one-half feet from the center line between the two utility lines.

**13.02.640 Recreation vehicle park.**

"Recreational vehicle park" means a tract of land used for parking five or more self-contained recreational vehicles and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities and any tract of land that is subdivided for lease or other contract of the individual lots for the express or implied purpose of placing self-contained recreational vehicles for recreation, vacation, or business purposes.

**13.02.645 Recycling collection center.**

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

**13.02.650 Restaurant.**

"Restaurant" means any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including, among others, such uses as cafe, cafeteria, coffee shop, lunchroom, tea room and dining room.

**13.02.660 Setback area.**

"Setback area" means the space on a lot required to be left open and unoccupied by buildings or structures, either by the front, side, or rear yard requirements of this ordinance, or by delineation on a recorded subdivision map.

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### **13.02.665 Shipping container.**

"Shipping container" means a motor vehicle cargo container or other container normally used for the shipment of freight, cargo or other items in ship or motor vehicular transportation.

### **13.02.670 Sign.**

"Sign" means any structure or natural object, such as tree, rock, bush and the ground itself, or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of announcement, direction or advertisement. For the purpose of this definition, the word sign does not include the flag, pennant or insignia of any nation, state, city or other political unit, or any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.

### **13.02.680 Start of construction.**

"Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

### **13.02.690 Story.**

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

### **13.02.700 Street.**

"Street" means a public right-of-way which provides vehicular and pedestrian access to adjacent properties, acceptance or grant of which has been officially approved by the council. The term street also includes the terms highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place and other such terms.

### **13.02.710 Structure.**

"Structure" means anything constructed or erected, except, fences, not exceeding three feet in height, which requires permanent location on the ground or is attached to something having location on the ground.

### **13.02.720 Substantial improvement.**

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether that alteration affects the external dimensions of the structure.

### **13.02.730 Tavern or lounge.**

"Tavern" or "lounge" means a building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.

### **13.02.740 Trailer.**

"Trailer" means any vehicle designed to be towed or transported by another vehicle. The term trailer includes a mobile home (see mobile home).

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### **13.02.750 Trailer park.**

"Trailer park" means a mobile home park (see mobile home park).

### **13.02.760 Variance.**

"Variance" means a modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side 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.

### **13.02.762 Wildlife park.**

The term "wildlife park" means an enclosed area of land where uncaged wild non-carnivorous animals roam in conditions designed to mimic their natural habitat as closely as possible and where the same are designed for public exhibition.

### **13.02.767 Written or express easement.**

"Written or express easement" means an easement which is in writing, usually in a deed or other document of transfer, usually recorded in the county recorder's office, or which is established in the official plat of the city or on a subdivision plat thereof, and/or which may be disclosed in a policy of title insurance issued to the owner or the owner's lender.

### **13.02.770 Yard.**

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

### **13.02.780 Yard, front.**

"Front yard" means the yard extending across the full width of the lot adjacent to the front street line.

### **13.02.790 Yard, rear.**

"Rear yard" means the yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

### **13.02.800 Yard, side.**

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

### **13.02.810 Zoning map.**

"Zoning map" means the map incorporated into this title designating the use district zones.

### **13.02.820 Zoning permit.**

"Zoning permit" means a permit required by the city when a proposed building or other structure does not meet the minimum square footage requirements necessary to require a building permit. Said permit shall be required to verify that the proposed building or structure is in compliance with City Code requirements as to the size of said structure, the setbacks from front, rear and side yard lot lines, area coverage on said lot, and whether the building or structure would encroach upon any easement. The city building inspector may require such documentation from the person intending to construct, build or locate a building or structure as the inspector deems necessary to ensure compliance with the Municipal Code and the International Building and Residential Codes adopted by the City, including, but not limited to, a "dig line locate".

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## **Chapter 13.03 USE DISTRICTS**

### **13.03.010 Purpose—Districts established.**

For the purpose of promoting pride of ownership, health, safety, morals and general welfare within its area of jurisdiction, the city of Weston and city impact area is divided into the following use districts:

- A. A Agricultural;
- B. RA Residential Agricultural;
- C. R-1 Single-family Residential;
- C. CB Central Business;
- D. M-1 Manufacturing;
- E. I Institutional;

### **13.03.020 Boundaries determined by zoning map.**

The boundaries of the use districts shall be determined and defined by the adoption of a zoning map on which are shown the boundaries of use districts so adopted for each portion of Weston, on which map is adopted as part of this title.

### **13.03.030 Land or premises—Conformance required.**

Land or premises shall be used, unless otherwise adopted in this title, only in conformity with the regulations herein set forth for the use districts in which such land or premises are located.

### **13.03.040 Building or structure—Conformance required.**

No building or structure shall be erected or structurally altered or used, unless otherwise provided in this title, except in conformity with the regulations herein set forth for the use districts in which such building or structure is located.

### **13.03.050 Residence or commercial building—Regulations generally.**

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

- A. Minimum easement width of twenty (20) feet;
- B. Maximum easement length of four hundred feet;
- C. Minimum turn-around radius of forty feet;
- D. Maximum grade of ten percent;
- E. The easement must serve land which otherwise would have no access to a public road.

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## ***Chapter 13.04 ZONING MAP AND COMPREHENSIVE PLAN***

### **13.04.010 Zoning map—Use district boundaries.**

The boundaries of the use districts shall be established and clearly indicated upon the zoning map adopted as part of this title.

### **13.04.020 Zoning map—Amendment procedure.**

All amendments of the official zoning map shall follow the procedure set forth in Chapter 13.64 of this title.

### **13.04.030 Area classification.**

Areas are to be classified according to the established use districts and such zoning shall give due consideration as to conformity with an adopted comprehensive plan and its stated goals and objectives where these exist.

## ***Chapter 13.05 (A) AGRICULTURAL ZONE***

### **13.05.010 Purpose.**

The purpose of the (A) Agricultural zone is to set aside land to properly guide growth of the fringe areas of the community deemed to be important for preservation at rural standards.

The City of Weston values its rich agricultural heritage and values agricultural activities as a component of the City's community fabric, quality of life amenities and contributions to the City. The City of Weston places value on its agricultural area and desires to provide for the protection and preservation of agricultural activities.

The purpose of the agricultural zone is to preserve appropriate areas of Weston City for permanent agricultural use. These regulations are intended to assure areas are provided which will allow for the raising of farm animals while preserving quality land for agricultural activities and to reduce the loss of agricultural activities by limiting the circumstances under which agricultural activities may be deemed a nuisance.

It is the policy of the City of Weston to preserve and protect agricultural activities and to reduce the occurrence of conflicts between agricultural activities and non-agricultural land uses and to protect the public health. It is the responsibility of the purchasers and tenants of non-agricultural land close to agricultural activities to promote a good-neighbor policy by being informed of this Ordinance of non-agricultural land of the effects associated with living close to agricultural activities and operations. All new developments adjacent to agricultural activities or operations shall reduce the potential conflicts between agricultural and non-agricultural land uses.

This Ordinance shall apply to all existing agricultural activities, agricultural operations, and agricultural lands before the date of adoption of this Ordinance.

### **13.05.020 Permitted uses.**

The following uses are allowed in the A zone:

- A. Agriculture;
- B. Golf course;

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- C. Single-family dwelling as regulated in the R-1 zone with the exception that the minimum lot size for such use shall be three acres;
  - D. Accessory uses as regulated in Section 13.05.070;
  - E. Home occupations, as defined in Chapter 13.02.440.

### **13.05.030 Conditional uses.**

The following conditional uses are permitted in the A zone:

- A. Airport;
- B. Cemetery;
- C. Commercial kennel, animal hospital;
- D. Broadcasting tower for radio or television;
- E. Mining, dredging, and excavation of sand, dirt, gravel or other aggregate;
- F. Public utility installation;
- G. Private amusement park, ballpark, racetrack, or similar uses;
- H. Public building, school, hospital, or church;
- I. Fish hatcheries;
- J. The manufacturing of elemental phosphate furnace wooden plugs;
- K. Zoos/wildlife parks.

### **13.05.040 Height regulations.**

Any building or structure or portion thereof hereafter erected shall not exceed thirty-five (35) feet in height unless a greater height is approved by conditional use permit.

### **13.05.050 Setback requirements.**

The following are setback requirements for the A zone:

- A. Front Yard. No building or structure shall be erected nearer than thirty (30) feet from the right-of-way line of the street.
- B. Side Yard. No building shall be erected closer than twenty (20) feet to any side property line, except corner lots shall maintain a thirty (30) foot side yard adjacent to the street which intersects the street upon which the building fronts.
- C. Rear Yard. No main buildings or dwellings shall be erected closer than thirty (30) feet to any rear property line.
  - 1. Garages and accessory buildings located at least ten feet (10) behind the main building may have a rear yard of ten feet (10).
  - 2. Corner lots rearing on the side yard of another lot, the minimum rear yard for all *accessory* buildings shall be ten feet (10).
- D. Distance Between Buildings Housing Animals: Building, structure or enclosure housing animals or fowl (excluding small pets) shall be constructed at least one hundred feet (100) to a dwelling on the same or adjacent lot.



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**13.05.060 Area requirements.**

<u>Zone</u>	<u>Min Lot Size</u>	<u>Min Width at ROW (In Feet)</u>	<u>Front Setback (In Feet)</u>	<u>Side Setbacks (In Feet)</u>	<u>Rear Setback (In Feet)</u>	<u>ROW Adjacent Setback (In Feet)</u>
A	3 acres	100	30	20	30	30

**13.05.070 Accessory uses.**

Accessory uses are permitted.

**13.05.080 Off-street parking requirements.**

The following are off-street parking requirements for the A zone:

- A. For each single-family residence, two spaces as defined in Chapter 13.02.630.
- B. For other uses in the A zone, refer to Section 13.01.070.

***Chapter 13.06 RA RESIDENTIAL AGRICULTURAL ZONE***

**13.06.010 Purpose.**

The purpose of the RA combined residential zone is to provide low density residential development, well designed and properly located in the community pattern adjacent to shopping, recreation, cultural and other community facilities.

**13.06.020 Permitted uses.**

The following uses are allowed in the RA zone:

- A. Those uses allowed in the R-I district as regulated therein;
- B. Two-family dwellings;
- C. Accessory uses as regulated in Section 13.06.070;
- D. Farm Animals as regulated in Section 13.22;
- D. Group day care facility.

**13.06.030 Conditional uses.**

The Council may, after proper notice and public hearing as prescribed in Chapter 13.64, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment:

- A. Those uses requiring conditional use permits and as regulated therein in the R-1 district;

- B. Multiple-family dwellings limited to not more than six units;
- C. Boarding and rooming house;
- D. Convalescent home, nursing home;
- E. Homes for ambulatory aged, Assisted Living, elderly housing;
- F. One sign not to exceed thirty-two square feet in area pertaining to the identification, rent, sale or lease of the building or premises where the sign is located. Signs shall be nonrevolving and indirectly lighted. Signs may be permitted to exceed this size if allowed by conditional use permit;
- G. Day care center.

**13.06.040 Height regulations.**

Any building or structure or portion thereof hereafter erected shall not exceed thirty-five (35) feet in height unless a greater height is approved by conditional use permit.

**13.06.050 Setback requirements. The following are setback requirements in the RA zone:**

- A. Front Yard. No building or structure shall be erected nearer than thirty (30) feet from the right-of-way line of the street.
- B. Side Yard. No building shall be erected closer than twenty (20) feet to any side property line. Corner lots shall maintain a twenty (20) foot side yard adjacent to the street which intersects the street upon which the building fronts.
- C. Rear Yard. There shall be a thirty (30) foot rear yard setback from the rear lot line for all principal buildings and a five (5) foot setback for all accessory buildings. No building or structure shall be placed, constructed, or located in a prescriptive easement or on any written easement.

**13.06.060 Area requirements.**

The following are area requirements in the RA zone:

- A. The minimum lot area for single-family and two-family dwellings shall be one (1) acre.
- B. Not more than thirty-five percent of the lot area may be covered by buildings or structures.

<u>Zone</u>	<u>Min Lot Size</u>	<u>Min Width at ROW (In Feet)</u>	<u>Front Setback (In Feet)</u>	<u>Side Setbacks (In Feet)</u>	<u>Rear Setback (In Feet)</u>	<u>ROW Adjacent Setback (In Feet)</u>
RA	1 acre	100	30	20	30	30

**13.06.070 Accessory uses.**

Accessory uses are permitted if constructed either at the same time or subsequent to the main building. Such uses shall be limited to one story in height and shall not encroach upon the front or side yards.

**13.06.080 Off-street parking requirements.**

The following are off-street parking requirements for the RA zone:

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- A. For up to four units on a single lot, two spaces for each unit as defined in Chapter 13.02.630.
  - B. For other uses and additional residential units in the RA zone, refer to Section 13.01.070.

## ***Chapter 13.07 R-1 SINGLE-FAMILY RESIDENTIAL ZONE***

### **13.07.010 Purpose.**

The purpose of the R-1 single-family residential zone is to preserve residential neighborhoods, to prevent overcrowding of the land and to encourage the development of low-density areas which are best suited for residential purposes.

### **13.07.020 Permitted uses.**

The following uses are allowed in the R-1 zone:

- A. Single-family dwellings;
- B. Home gardening and other horticultural uses not operated as a commercial enterprise and where no building is involved, excluding livestock;
- C. Home occupations as defined in Section 13.02.440;
- D. Accessory uses as regulated in Section 13.07.070;
- E. Temporary buildings and shipping containers necessary for use for construction, damage mitigation, remodeling, restoration and moving purposes shall be allowed on driveways, side yards, and back yards of the subject property upon the property owner obtaining a permit from the city for such purpose. Said permit shall be limited to a period of six months but may be renewed for just cause as determined solely by the city upon application to the city for extension. Such temporary buildings or containers shall be subject to all setback restrictions and easements in accordance with this Code.
- F. Schools;
- G. Churches;
- H. One sign not to exceed four square feet in area pertaining to the lease or sale of buildings or premises where the sign is located. This provision shall also apply to political signs during campaign periods. Signs for home occupations shall be limited to two square feet in area, shall be unlighted and attached flush to the building.

### **13.07.030 Conditional uses.**

The Council may, after notice and public hearing as prescribed in Chapter 13.64, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment:

- A. Club or lodge of a service, fraternal or community nature when not operated for profit;
- B. Rest and convalescent home;
- C. Building for governmental or public utility functions;
- D. Hospitals;
- E. Office or clinic of a medical, professional, administrative, or healing character;

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- F. Parks and playgrounds;
  - G. Group day care facility.

#### **13.07.040 Height regulations.**

Any building or structure or portion thereof hereafter erected shall not exceed thirty-five (35) feet in height unless a greater height is approved by conditional use permit. 13.07.050 Setback requirements.

#### **13.07.060 Area requirements.**

The following are area requirements in the R-1 zone:

- A. The minimum lot area for each residential structure shall be one (1) acre and a lot width at the established building line of not less than seventy-five feet.
- B. Not more than thirty-five percent of the lot area may be covered by buildings or structures.

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**13.07.070 Setback requirements. The following are setback requirements in the RA zone:**

- A. Front Yard. No building or structure shall be erected nearer than thirty (30) feet from the right-of-way line of the street.
- B. Side Yard. No building shall be erected closer than ten (10) feet to any side property line. Corner lots shall maintain a twenty (20) foot side yard adjacent to the street which intersects the street upon which the building fronts.
- C. Rear Yard. There shall be a twenty (20) foot rear yard setback from the rear lot line for all principal buildings and a five (5) foot setback for all accessory buildings. No building or structure shall be placed, constructed, or located in a prescriptive easement or on any written easement.

<u>Zone</u>	<u>Min Lot Size</u>	<u>Min Width at ROW (In Feet)</u>	<u>Front Setback (In Feet)</u>	<u>Side Setbacks (In Feet)</u>	<u>Rear Setback (In Feet)</u>	<u>ROW Adjacent Setback (In Feet)</u>
R-1	1 acre	100	30	10	20	20

**13.07.080 Accessory uses.**

Accessory uses are permitted if constructed either at the same time or subsequent to the main building. Such uses shall be limited to one story in height and shall not encroach upon the front or side yards.

**13.07.090 Off-street parking requirements.**

The following are off-street parking requirements in the R-1 zone:

- A. For each single-family residence, two spaces as defined in Section 13.02.630.
- B. For other uses in the R-1 zone, refer to Section 13.01.070.

***Chapter 13.08 CB CENTRAL BUSINESS ZONE***

**13.08.010 Purpose.**

The purpose of the CB Central Business zone is to provide distinct zones regulated to provide local commercial service needs and to restrict incompatible uses which may be better located in community or highway-oriented shopping areas due to size of the shopping center location within the community, residential neighborhood areas being served and other factors.

**13.08.020 Permitted uses.**

The following uses are allowed in the CB zone:

- A. Those uses allowed in the RA district.
- B. Retail stores and retail or personal service shops;
- C. Clinics;

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- D. Commercial and private off-street parking lot for passenger automobiles;
  - E. Nursery school, school for students of art, dancing, dramatics, music, business, or secretarial work;
  - F. Building for governmental or public utility functions;
  - G. Theater, indoor;
  - H. Mortuaries;
  - I. Boarding and rooming houses;
  - J. Automobile service station;
  - K. Radio, television and FM broadcasting stations including aerials when made an integral part of a principal building;
  - L. Accessory uses to uses allowed;
  - M. Motels and hotels;
  - N. Restaurants.

### **13.08.030 Conditional uses.**

The Council may, after proper notice and public hearing, as prescribed in Chapter 13.64, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance, or other detriment.

- A. Bowling alley, dancehall or similar commercial establishments for public gatherings or recreational use;
- B. Auction establishment;
- C. Travel trailer park;
- D. Automobile, truck and trailer sales, repairs and or rentals;
- E. Church;
- F. Club or lodge;
- G. Drive-in theater;
- H. Hospital;
- I. School;
- J. Multiple-family dwelling;
- K. Commercial storage buildings for individual storage units for storage of personal belongings and effects;
- L. Contractor's shop within a building and including outside incidental storage adequately screened by view obscuring fences from surrounding properties;
- M. Low speed vehicle (LSV), utility terrain vehicle (UTV), all-terrain vehicle (ATV), recreation off-highway vehicle (ROV), boat, snowmobile and other outdoor recreational vehicle sales, service and repair.

### **13.08.040 Height regulations.**

Any building or structure or portion thereof hereafter erected shall not exceed forty-five (45) feet in height unless approved by conditional use permit.

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### **13.08.050 Setback requirements.**

- A. No front or side yard shall be required, except that when a building or group of buildings abuts upon a residential district, a yard shall be provided on the side of a lot abutting the residential district having a width of not less than ten feet.
- B. There shall be a rear yard with a depth of not less than fifteen feet when abutting upon a residential zone. The rear yard may be used for off-street parking and loading.
- C. Residential uses within this zone shall have same setback and side yard requirements as set forth in the R-1 zone.

### **13.08.060 Area requirements.**

There shall be no minimum lot sizes except that residential uses shall have the same area requirements as set forth in the R-1 zone.

### **13.08.070 Accessory uses.**

Accessory uses are permitted if constructed either at the same time or subsequent to the main building. Such uses shall be limited to two stories in height and shall not encroach upon required setback areas.

### **13.08.080 Off-street parking requirements.**

The following are off-street parking requirements in the CB zone:

- A. For up to four residential units on a single lot, two spaces for each unit as defined in Chapter 13.02.630.
- B. For other uses and additional residential units in the CB commercial zone, refer to Section 13.01.070.

## ***Chapter 13.09 M-1 MANUFACTURING ZONE***

### **13.09.010 Purpose.**

The M-1 Manufacturing district is established to provide for and encourage the grouping together of Manufacturing uses capable of being operated under such standards as to location and appearance of buildings and the treatment of the land about them, that they will be unobtrusive and not detrimental to surrounding commercial or residential uses.

### **13.09.020 Permitted uses.**

The following uses are allowed in the M-1 zone:

- A. Those uses allowed and conditional uses permitted in the CB district, except single-family, two-family and multiple-family dwellings, schools, churches, hospitals, convalescent home, home for ambulatory aged, Assisted Living, elderly housing and recycling collection centers;
- B. Manufacturing, assembling, fabricating, processing, packing, repairing, or storage uses which have not been declared a nuisance by statute, resolution, or any court of competent jurisdiction and provided these uses shall not cause:
  - 1. Dust, smoke, gas, fumes, noise, vibration, or odor beyond the boundaries of the site on which such use is conducted that is unduly hazardous or injurious to other properties in the vicinity or to the general public as shall be determined by the Commission;
  - 2. Hazard of fire, explosion, or other physical damage to any adjacent building or plant growth.

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- C. Wholesaling, warehousing, storage and distribution;
  - D. Contracting equipment, maintenance or operating equipment of public agencies or public utilities or materials and equipment of a similar nature including lumber, coal, sand and gravel yards;
  - E. Food processing;
  - F. Laundry and dry cleaning of an industrial character;
  - G. The manufacturing of elemental phosphate furnace wooden plugs.

### **13.09.030 Conditional uses.**

The Council may, after proper notice and public hearing as prescribed in Chapter 13.64, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance, or other detriment.

- A. Commercial kennel, animal hospital;
- B. Broadcasting tower for radio or television;
- C. Storage, for wholesale or for distribution in bulk, of any flammable liquid above or below ground;
- D. Grain elevator and bulk storage such as for potatoes, hay and other similar uses;
- E. Sewerage treatment plant and similar facilities;
- F. Railroad box cars, motor vehicle cargo containers or other containers normally used for the shipment of freight, cargo or other items, by rail, ship or motor vehicular transportation, wherein the applicant desires to cause the same to be located upon property within the city for storage or other purposes. Said containers are specifically prohibited from being located within any other zone within the city or the area of city impact of the city, except as a conditional use in (I) heavy industrial zone;
- G. Recycling collection center;
- H. Horses;
- I. Boarding and rooming houses;
- J. Group day care facility, day care center;
- K. Low speed vehicle (LSV), utility terrain vehicle (UTV), all-terrain vehicle (ATV), recreation off-highway vehicle (ROV), boat, snowmobile and other outdoor recreational vehicle sales, service and repair.

### **13.09.040 Height regulations.**

Any building or structure or portions thereof hereafter erected shall not exceed five stories or forty-five (45) feet, whichever is greater unless permitted to exceed this height by a conditional use permit.

### **13.09.050 Setback requirements.**

The following are setback requirements for the M-1 zone:

- A. Front Yard. The front yard setback shall be a minimum of twenty (20) feet when a lot abuts, touches or adjoins, or is across the street from a residential district, otherwise no front yard setback is required.
- B. Side Yard. The side yard shall be minimum of twenty (20) feet when a lot abuts, touches or adjoins a residential district, otherwise no side yard setback is required.



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- C. Rear Yard. The rear yard shall be a minimum of twenty (20) feet when a lot abuts, touches, or adjoins a residential district, otherwise no rear yard setback is required.

**13.09.060 Area requirements.**

There shall be no minimum lot size.

**13.09.070 Accessory uses.**

Accessory uses are permitted.

**13.09.080 Off-street parking requirements.**

Refer to Section 13.01.070.

***Chapter 13.10 INSTITUTIONAL ZONE***

**13.10.010 Purpose.**

The purpose of the I Institutional zone is to provide a distinct zone regulated to provide institutional uses and needs and to restrict incompatible uses which may create a negative impact.

**13.10.020 Permitted uses.**

The following uses are allowed in the I zone:

- A. Churches
- B. Schools
- C. Clinics;
- D. Building for governmental or public utility functions;
- E. Accessory uses to uses allowed;

**13.10.030 Conditional uses.**

The Council may, after proper notice and public hearing, as prescribed in Chapter 13.64, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance, or other detriment.

- A. Club or lodge;
- B. Hospital;

**13.10.040 Height regulations.**

Any building or structure or portion thereof hereafter erected shall not exceed forty-five (45) feet in height unless approved by conditional use permit.

**13.10.050 Setback requirements.**

- A. No front or side yard shall be required, except that when a building or group of buildings abuts upon a residential district, a yard shall be provided on the side of a lot abutting the residential district having a width of not less than ten feet.
- B. There shall be a rear yard with a depth of not less than fifteen feet when abutting upon a residential zone. The rear yard may be used for off-street parking and loading.
- C. Residential uses within this zone shall have same setback and side yard requirements as set forth in the R-1 zone.

**13.10.060 Area requirements.**

There shall be no minimum lot sizes except that residential uses shall have the same area requirements as set forth in the R-1 zone.

**13.10.070 Accessory uses.**

Accessory uses are permitted if constructed either at the same time or subsequent to the main building. Such uses shall be limited to two stories in height and shall not encroach upon required setback areas.

**13.10.080 Off-street parking requirements.**

The following are off-street parking requirements in the CB zone:

- A. For up to four residential units on a single lot, two spaces for each unit as defined in Chapter 13.02.630.
- B. For other uses and additional residential units in the CB commercial zone, refer to Section 13.01.070.

***Chapter 13.11 AREA REQUIREMENTS***

AREA REQUIREMENT TABLE FOR ALL ZONES

<u>Zone</u>	<u>Min Lot Size</u>	<u>Min Width at ROW (In Feet)</u>	<u>Front Setback (In Feet)</u>	<u>Side Setbacks (In Feet)</u>	<u>Rear Setback (In Feet)</u>	<u>ROW Adjacent Setback (In Feet)</u>
A	3 acres	100	30	20	30	30
RA	1 acre	100	30	20	30	30
R-1	13,000 Square Feet	100	30	10	20	20
CB	No Minimum	No Minimum	25	25	25	25

M-1	No Minimum	No Minimum	25	25	25	25
I-1	No Minimum	No Minimum	25	25	25	25

## Chapter 13.22 ANIMALS

13.22.010 Purpose

13.22.020 Definitions

13.22.030 Animals and Property Maintenance

13.22.040 Continuance Of Nonconforming Animal Rights

13.22.050 Distance Between Buildings Housing Animals

13.22.060 Regulations Of Feeding And Housing Animals

13.22.070 Trespass by Animals and Fowls

13.22.080 Penalties

### 13.22.010 Purpose

The purpose of this chapter is to provide for the keeping of animals, other than household pets, within City limits so long as certain provisions and conditions are met as outlined herein. Animal rights are not permitted with multi-family housing.

### 13.22.020 Definitions

For the purposes of this chapter:

1. ANIMAL: Any member of the animal kingdom except members of humans. Exclusive of household pets.
2. ANIMAL RIGHTS: The right to keep, maintain, or board animals for personal or recreational use.
3. BONAFIDE AGRICULTURAL, COMMERCIAL, OR COMPETITIVE ENTERPRISES: An enterprise involving the raising or keeping of animals, as specified in this code, wherein the owner derives monetary compensation or raises animals for competition.
4. HOUSEHOLD PETS: Commonly accepted domesticated cats, dogs, fish, birds, reptiles, rodents, and other animals ordinarily kept or allowed within dwellings except as otherwise prohibited by Weston Municipal Code. Household pets are not considered when calculating AEU's.
5. NONCONFORMING ANIMAL RIGHTS: The right to keep, maintain, or board animals in greater numbers than allowed by this code.

### 13.22.030 Animal and Property Maintenance

Property owners keeping livestock in accordance with the standards in the city ordinance must maintain such animals in a manner that does not cause adverse impact to neighboring properties. Potential negative impacts on adjacent properties include but are not limited to odors, noise, drainage, erosion, and flies. Each property owner who keeps livestock is responsible for the regular removal and disposal of animal waste, and control of insects, erosion, and odor. Non-domesticated animals such as wolves, bobcats, raccoons, etc. must be kept in fully enclosed structures and be in compliance with all State and Federal licensing requirements in addition to the provisions of this ordinance. Failure to maintain the property in accordance with these requirements shall be considered a violation of the ordinance.

### 13.22.040 Continuance Of Nonconforming Animal Rights

Property owners of parcels with legally established nonconforming animal rights may continue if established legally and lawfully before the enactment of this code. If the use of a parcel changes, then it must conform to the provisions

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of this title. If the nonconforming animal rights are not maintained for any reason, for a period of ten (10) consecutive years, the provisions of this chapter shall apply to the property. Nonconforming rights are tied to a property, not to a property owner.

### **13.22.050 Distance Between Buildings Housing Animals**

No building, structure or enclosure housing animals or fowl (excluding small pets) shall be constructed closer to a dwelling on the same or adjacent lot than one hundred feet (100').

### **13.22.060 Regulations Of Feeding And Housing Animals**

1. Where permitted under the provisions of Weston Municipal Code, any large and medium animals shall be fed and corralled at least forty-five (45) feet (45') from any neighboring building with regular human occupancy, or building with regular human occupancy, as measured from the closest point of the corral or enclosure to the closest point of the dwelling.
2. Using a common fence between adjoining lots for the purpose of pasturing, corraling, or otherwise containing large or medium animals shall be prohibited unless the adjoining property owner gives consent. If consent is not given, the owner of the animals must provide a secondary fence or other acceptable means to restrict animals from the joint fence.
3. Feeding and housing animals shall be subject to all other sections of Weston Municipal Code.

### **13.22.070 Trespass By Animals Or Fowls**

It is unlawful for the owner or any person in charge of any animal or fowl to allow such animal or fowl to trespass upon the premises of another.

### **13.22.080 Penalties**

Violation of any section of this code shall be subject to the provisions of Weston Municipal Code.

1. If there are allegations of a violation of this code, the ordinance enforcement officer, or designee of the chief of police, may take enforcement action. If the enforcement officer determines there is a violation, action may be taken per the provisions of Weston Municipal Code.

## ***Chapter 13.63 SIGNS AND FLAGPOLES***

### **13.63.010 Applicability.**

This chapter shall regulate any and all signs constructed within the CB, C-2, C-3, M-1, or A zones, and area of city impact as adopted by the city. See residential zones for other regulations. Any person or entity constructing, building, changing, or altering a sign shall submit an application to the city, which shall be reviewed by the city staff or planning and zoning commission, where appropriate, prior to receiving a permit for the same. The permit application shall be submitted by the property owner where the sign will be located or by the designated contractor of the property owner. Sign permit fees will be set by resolution of the City Council.

This chapter shall also regulate the installation of flagpoles.

### **13.63.030 Construction—Height—Size—Location—Maintenance.**

- A) A freestanding sign, that being a sign erected on a freestanding frame, mast or pole, and not attached to any building, shall not exceed twenty-five (25) feet in height measured from the ground.

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- B) Flagpoles shall not exceed the height regulation for buildings/structures in the zone district in which they are located. The city administrator or building official can review and approve a height in excess of the regulation if necessary due to a unique circumstance. The greater of thirty-six inches or ten percent of the exposed height shall be the in-ground depth of the pole. If deemed necessary by the city administrator or the building official, plans from a licensed engineer will be required to provide information as to the effects of wind, seismic forces, allowable stresses, combined loads, overturning movement from lateral forces, and the stresses of wire, rope and their fastenings. Governmental flags shall be displayed according to the guidelines of the U.S. Flag Code (U.S.C. 133-138). All other flags shall be considered signage and shall be regulated as such.
  - C) Any sign shall be proportional to the building on which it is to be mounted and the length of a sign shall not exceed the building frontage. Up to two free standing signs shall be permitted per business. Each sign shall not exceed two hundred square feet of total sign area per one side which includes the border, trim, cutouts and extensions, but does not include supports and decorative bases.
  - D) No sign shall project closer to a street than eighteen inches from the back of the adjacent street curb, and if there is no curb, said sign shall project no closer to a street than eighteen inches from the inside of the property line. Under no circumstances shall a sign be permitted to project into a street which would interfere with the clear, unobstructed view of approaching or merging vehicular traffic thereon and no sign is permitted to project within the right-of-way of any highway. No projecting sign shall be lower than eight feet above any pedestrian walkway or parking lot.
  - E) All signs shall be Underwriter Laboratory (UL)-approved except for signs typically not requiring Underwriter Laboratory approval, such as wood signs that are indirectly lighted. All other signs shall comply with the most current printing of the National Electric Code or International Building Code. Drawings of all signs showing size, location, type, materials of construction and support, method of lighting and content shall be submitted to the city prior to receiving a permit for said sign. All plans for freestanding signs, including roof-mounted signs, shall be submitted with the signature and stamp of a licensed engineer, if deemed necessary by the city administrator to provide information as to the effects of wind, seismic forces, allowable stresses, combined loads, overturning movement from lateral forces, and the stresses of wire, rope and their fastenings.
  - F) No sign shall display any red, blue or blinking intermittent light likely to be mistaken for a warning or danger signal or be illuminated with such brilliance and so positioned as to blind or dazzle the vision of travelers.
  - G) Any nonconforming sign, that being a sign which was placed or erected prior to the effective date of the ordinance codified in this chapter, which does not conform to the provisions of this chapter, shall be allowed to remain so long as it advertises a bona fide business in operation and being conducted upon said premises. Nonconforming signs of a bona fide ongoing business changed in height, size or placement shall thereafter comply with all the provisions of this chapter.
  - H) All signs shall be maintained in a safe, neat and presentable condition. Those signs damaged by weather conditions, or by accident shall be repaired, replaced or removed at the land owner's expense.
  - I) All signs located along a state highway shall comply with all state requirements and permitting.

### **13.63.040 Political signs.**

All signs of a political nature within the above designated zones shall be no larger than thirty-two square feet in area. For political sign regulations in residential zones please see permitted uses for the appropriate zone. All political signs within the city shall be removed within five days after the date of election to which said signs pertain.

### **13.63.050 Violation—Penalty.**

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

## ***Chapter 13.64 ZONE AND ORDINANCE AMENDMENT AND ADOPTION PROCEDURE***

### **13.64.010 Purpose—Procedure generally.**

This title may be amended whenever the council deems that amendment is required for public convenience or necessity, or for general welfare. Any amendment shall be enacted pursuant to this section, and for purposes of this section, includes any measure to change district boundaries, establish or disestablish districts, to change district regulations, to add, repeal or amend any other provisions of this section or the whole of this title.

### **13.64.020 Initiation of proceedings.**

An amendment to the text of this title or to the official zoning map may be initiated by the City Council or by an application of one or more of the owners of property affected by the proposed amendment.

### **13.64.030 Property owner application filing—Requirements—Resubmittal limitations.**

Applications from a property owner shall be filed with the Council on forms prescribed by the Council, accompanied by such data and information necessary to assure the fullest presentation of facts. Applications shall contain the following information:

- A. Name, address and phone number of applicant;
- B. Proposed amending ordinance, approved as to form by the council;
- C. Present land use;
- D. Present zoning district;
- E. Proposed use;
- F. Proposed zoning district;
- G. A vicinity map at a scale approved by the commission showing property lines; thoroughfares, existing and proposed zoning and such other items as the commission may require;
- H. A list of all property owners and their mailing addresses who are within one thousand feet of the external boundaries of the land being considered;
- I. A statement on how the proposed amendment relates to the comprehensive plan, availability of public facilities, utilities and compatibility with the surrounding areas.

### **13.64.040 Initiation of proceedings—Conditions.**

No application from an owner of property for the same general purpose concerning the same property which has been denied by the city shall be received or processed by the secretary of the commission within twelve months of such denial except by unanimous action of the Council, unless there is an amendment to the comprehensive plan which applies to the property in question.

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### **13.64.050 Filing fee required when.**

A filing fee shall be paid at the time of the filing by the owner or owner's representative, but no fee will be required in the case of proceedings instituted by either the council or the Council.

### **13.64.060 Zoning district amendment procedure.**

Zoning districts shall be amended in the following manner:

- A. Requests for an amendment to the zoning ordinance shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested.
- B. If the request is in accordance with the adopted comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided.
- C. If the request is not in accordance with the adopted comprehensive plan, the request shall be submitted to the planning and zoning commission or, in its absence, the council, which shall recommend and the council may adopt or reject an amendment to the comprehensive plan under the notice and hearing procedures provided in Section 67-6509, Idaho Code. After the comprehensive plan has been amended, the zoning ordinance may then be amended as hereinafter provided for. The hearing on the comprehensive plan and the proposed change to the zoning ordinance may be held concurrently.

### **13.64.070 Public hearing—generally.**

The commission shall hold at least one or more workshop meetings and make recommendations on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

### **13.64.080 Public hearing—Procedure for text amendment.**

The commission, prior to recommending a zoning ordinance text amendment to the council shall conduct at least one or more workshop meeting in which interested persons shall have an opportunity to be heard. Notice of the time, place and summary of the amendment or ordinance shall be published on the city's website and placed on the door of city hall at least fifteen days prior to the workshop. Following the commission's workshop shall forward the amendment, ordinance or petition with its recommendation to the council.

### **13.64.090 Public hearing—Procedure for map amendment.**

The commission, prior to recommending a zoning ordinance map amendment that is in accordance with the comprehensive plan to the council shall conduct at least one workshop in which interested persons shall have an opportunity to be heard. At least fifteen days prior to the hearing, workshop notice of time and place and a summary of the amendment shall be published on the city's website and placed on the door of city hall at least fifteen days prior to the workshop. Additional notice of the hearing shall be provided by the applicant by regular mail to property owners and residents within the land being considered, one thousand feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Property owners or residents who reside outside the postal service zip code mailing limits of the city, and whom the commission determines may be impacted by the proposed change, shall be given notice by the applicant of the public hearing by certified mail. When notice is required to two hundred or more property owners or residents, in lieu of the mail notification three notices in the official newspaper or paper of general circulation is sufficient; provided, that the third notice appears ten days prior to the public hearing. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing; further notice

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and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

**13.64.100 Recommendation by commission.**

Within sixty days from the receipt of the proposed amendment, the commission shall transmit its recommendation to the council. The commission may recommend that the amendment be granted as requested, or it may recommend that the amendment be denied. The commission shall insure that any favorable recommendations for amendments are in accordance with the comprehensive plan and established goals and objectives.

**13.64.110 Action by council.**

A. The council, prior to adopting, revising or rejecting the amendment to the zoning ordinance, as recommended by the commission, shall conduct at least one public hearing. At least fifteen days prior to the hearing, notice of time and place and a summary of the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. If there is no newspaper or paper of general circulation with the County the Notice shall be published on the City's website and place on the door at city hall. Following the council hearing, if the council makes a material change from what was presented at the public hearing; further notice and hearing shall be provided before the council adopts the amendment.

B. The council shall accept the recommendation of the commission's report unless rejected by a vote of one-half plus one of the members.

C. Upon granting or denying an application to amend the zoning ordinance, the council shall specify:

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

D. In the event the council shall approve an amendment, such amendment shall thereafter be made a part of this title upon the preparation and passage of an ordinance.

***Chapter 13.64 CONDITIONAL USE PERMITS***

**13.64.010 Application—Filing—Contents.**

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

- A. Name, address and phone number of applicant;
- B. Legal description of property (with street address, if possible);
- C. Description of existing use;
- D. Zoning district;
- E. Description of proposed conditional use;
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas,



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utilities, signs, yards and such other information as the commission may require to determine if the proposed conditional use meets the intent and requirements of this title;

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

### **13.64.015 Concurrent applications.**

An application for a conditional use permit and for a zoning map amendment for the same property may be made concurrently, subject to the fees applicable to both a conditional use permit and a zoning map amendment. The planning and zoning commission may hold the public hearing on the zoning map amendment and the conditional use permit at the same meeting and may combine the two hearings. In such cases, the effective date of an ordinance changing the official zoning map shall also be the effective date of the council's decision on the conditional use permit application, provided that if the City Council modifies a recommendation of the planning and zoning commission on a concurrent zoning map amendment, the conditional use permit application shall be reconsidered by the planning and zoning commission in the same manner as a new application; provided, however, that no additional fee shall be required.

### **13.64.020 General standards applicable to conditional uses.**

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

- A. Will, in fact, constitute a conditional use as established in this title for the zoning district involved, in that it is not already defined as a permitted use in Chapters 13.12 through 13.60;
- B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or the zoning ordinance;
- C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protections, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- I. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

### **13.64.030 Supplementary conditions and safeguards may be required.**

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In granting any conditional use, the commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this title.

#### **13.64.040 Public hearing required—Notice of time and place.**

Prior to granting a conditional use permit, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held before the commission. At least fifteen days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio or television stations serving the jurisdiction for use as a public service announcement. Notice of the hearing shall also be provided by the applicant by regular mail to property owners and residents within the land being considered, one thousand feet beyond the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed conditional use as determined by the commission. Property owners or residents who reside outside the postal service zip code mailing limits of the city, and whom the commission determines may be impacted by the proposed change, shall be given notice of the public hearing by certified mail. When notice is required to two hundred or more property owners or residents, in lieu of the mailing notification, three notices in the newspaper or paper of general circulation is sufficient; provided, the third notice appears ten days prior the public hearing.

#### **13.64.050 Commission action.**

A. Within thirty days after the public hearing, the commission shall recommend to the council approval, conditional approval, or disapproval of the application for conditional use permit as presented. If the application is recommended to be approved or approved with modifications, the commission shall direct the administrator to transmit its recommendation to the council listing the specific conditions specified by the commission for approval.

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

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

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

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

#### **13.64.060 Council action.**

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A. Within thirty days after receiving the recommendations of the commission, the council shall either approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications, the council shall direct the administrator to issue a conditional use permit listing the specific conditions specified by the council for approval.

- B. Upon granting or denying an application the council shall specify:
1. The ordinance and standards used in evaluating the application;
  2. The reasons for approval or denial;
  3. The actions, if any, that the applicant could take to obtain a permit.

### **13.64.070 Applicant notification.**

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

## ***Chapter 13.70 VARIANCES***

### **13.70.010 Procedure generally.**

The provisions of Sections 13.70.020 through 13.70.060 shall apply in considering variances.

### **13.70.020 Granted when.**

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

- A. That the granting of the variance will not be in conflict with the spirit and intent of the comprehensive general plan for the city, and will not effect a change in zoning;
- B. That there are exceptional or extraordinary circumstances or conditions, applicable to the property involved, or the unintended use thereof, which do not apply generally to the property or class of use in the district, so that a denial of the relief sought will result in:
  1. Undue loss in value of the property,
  2. Inability to preserve the property rights of the owner,
  3. Undue hardship because of characteristics of the site.
- C. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property or improvement.

### **13.70.030 Application—Filing—Requirements.**

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An application for a variance may be initiated by one or more property owners. Such application shall be filed with the Council on forms prescribed by the Council accompanied by such data and information necessary to assure the fullest presentation of facts and should include:

- A. Name, address, and phone number of applicant(s);
- B. Legal description of property (and street address, where possible);
- C. Description of nature of variance requested;
- D. A narrative statement demonstrating that the requested variance conforms to the standards set forth in Section 13.70.020 above;
- E. Name and address of all property owners and residents within three hundred feet of the exterior boundaries of the land being considered.

#### **13.70.040 Filing fee.**

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

#### **13.70.050 Public hearing required—Notification.**

The Council shall hold at least one public hearing on each variance request following the same hearing and notice procedures as set forth in Section 13.64.040, except notification to property owners shall be by ordinary mail and need not extend beyond three hundred feet of the external boundaries of the land being considered.

#### **13.70.060 Commission action.**

Within thirty days after the public hearing for a variance request, the commission shall transmit its recommendations for approval or disapproval to the council.

#### **13.70.070 Council action—Applicant notification.**

Within thirty days after receiving the recommendations of the commission, the council shall approve, disapprove, or approve with conditions, the application for variance and shall give notice to the applicant within ten days after the decision has been rendered.

### ***Chapter 13.76 FILING FEES***

#### **13.76.010 Designated.**

All applications for amendment, reclassification, conditional use, or variances, shall be accompanied by a filing fee as set by the City Council, and the applicant shall reimburse the city for all costs incurred in plan review, publication and/or mailing.

### ***Chapter 13.80 ENFORCEMENT***

#### **13.80.010 Enforcement.**

An enforcing officer shall be appointed by the mayor and City Council and such officer shall be responsible for the enforcement of the provisions of this title.

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**13.80.020 Violation—Penalty.**

A. Any person, firm or corporation violating any of the provisions of this title is guilty of a misdemeanor and is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued or permitted.

B. Upon conviction of any violation of any of the provisions of this title, such person shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than six months or both such fine and imprisonment.