

Salmon Development Code

Ordinance No. 17-819

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Chapter 1 - Purpose, Authority, And General Provisions

- 1.1. Purpose.** Pursuant to the Local Land Use Planning Act (LUPA) as found in *I.C 67-65*. The purpose of this act shall be to promote the health, safety and general welfare of the people of the state of Idaho as follows:
- 1.1.1.** To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.
 - 1.1.2.** To ensure that adequate public facilities and services are provided to the people at reasonable cost.
 - 1.1.3.** To ensure that the economy of the state and localities is protected.
 - 1.1.4.** To ensure that the important environmental features of the state and localities are protected.
 - 1.1.5.** To encourage the protection of prime agricultural, forestry and mining lands and land uses for production of food, fiber and minerals, as well as the economic benefits they provide to the community.
 - 1.1.6.** To encourage urban and urban-type development within incorporated cities.
 - 1.1.7.** To avoid undue concentration of population and overcrowding of land.
 - 1.1.8.** To ensure that the development on land is commensurate with the physical characteristics of the land.
 - 1.1.9.** To protect life and property in areas subject to natural hazards and disasters.
 - 1.1.10.** To protect fish, wildlife and recreation resources.
 - 1.1.11.** To avoid undue water and air pollution.
 - 1.1.12.** To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.
 - 1.1.13.** To protect public airports as essential community facilities that provides safe transportation alternatives and contributes to the economy of the state.
- 1.2. Authority.** This code is adopted pursuant to the authority granted by the Local Land Use Planning Act *I.C Title 67 Chapter 65*.
- 1.3. Conflicting Ordinances Repealed.** All prior city ordinances are repealed to the full extent of their inconsistency with adoption of this code.
- 1.4. Vested Rights.** A "vested right" is the right to proceed with development that is in progress or for which all required permits were obtained prior to the adoption of this code [Chapter 3-Nonconforming Uses](#)
- 1.4.1.** Vested rights to proceed with development initiated prior to the adoption of these regulations shall be established only by:
 - 1.4.1.1.** Having obtained a permit in full compliance with the provisions of previous ordinances (such vested rights expire with the permit); or

- 1.4.1.2.** Having recorded a final plat in full compliance with previous ordinances. Recording of a final plat establishes a vested right to the lot layout and road network of the subdivision. It does not establish a vested right for any particular use or the development of any lot.
- 1.4.2.** Vested rights to proceed with development under the provisions of this code shall be established only by:
- 1.4.2.1.** Recording a final plat in full compliance with the provisions of this code;
 - 1.4.2.2.** Executing a development agreement in full compliance with this code; or
 - 1.4.2.3.** Obtaining a permit in full compliance with the provisions of this code. Such vested rights expire with the permit.
- 1.5. Non-Conforming Uses (Grandfathered).** Any use that meets the definition of non-conforming use shall retain all such development rights as provided by [Chapter 3-Nonconforming Uses](#).
- 1.6. Relationship to Other Laws.** Pursuant to *I.C. 67-6522*, no provision of this code shall abrogate the statutory authority of a public health district, state and/or federal agency.
- 1.7. Impact on Private Agreements.** This code does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards that are less restrictive than those of this code, this code shall govern.
- 1.8. Burden of Proof.** The burden of proof, in all proceedings pursuant to this code shall rest with the developer.
- 1.9. Interpretation.** All code provisions shall be interpreted as being the minimum requirements necessary to protect the public health, safety, and general welfare and to implement the Local Land Use Planning Act and the comprehensive plan. This code is designed to be consistent with the comprehensive plan and should be liberally construed to achieve the plan's purposes and intent.
- 1.10. Severability.** If any provision of this code is held to be invalid by any court, the remainder shall continue in full force.
- 1.11. No Waivers.** Any requirements of the code cannot be waived without proper procedures as set forth in this code.

Chapter 2- Planning And Zoning Commission And Zoning Administrator

- 2.1. Purpose.** This chapter provides for the duties of the City Planning and Zoning Commission, the City Zoning Administrator and Floodplain Administrator. A City Planning and Zoning Commission shall be provided for by City Code.
- 2.2. Duties of the Planning and Zoning Commission.** It shall be the duty of the planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, review and update a comprehensive plan, hereafter referred to as the plan. The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable future situations for each planning component.
- 2.3. Zoning Administrator.** The City Zoning Administrator will serve as staff to the Planning and Zoning Commission and will meet all requirements of the job description set for this position by the City Council. This shall include performing the duties of the Floodplain Administrator for the City of Salmon.
- 2.3.1. Interpretations.** The Zoning Administrator shall have the authority to make interpretations of this code and the boundaries of zoning districts on the official zoning map.
- 2.3.2. Appeal.** Appeals of any interpretation under this chapter shall be made in accordance with [Chapter 4 - Administrative Procedures](#) of this code.
- 2.4. Liability.** No individual, including City Council and Planning and Zoning Commission members and the Zoning Administrator or other city employees, who acts in good faith and without malice in the performance of duties assigned by this code shall be held liable for errors or omissions in its administration. A suit brought against such an individual shall be defended by the City and any judgment resulting from such a suit shall be the liability of the City of Salmon.

Chapter 3-Nonconforming Uses

- 3.1. General Provisions.** Pursuant to *I.C 67-6538* No rights or authority granted pursuant to this chapter shall be construed to empower a city or county to enact any ordinance or resolution which deprives an owner of the right to use improvements on private property for their designed purpose based solely on the nonuse of the improvements for their designed purpose for a period of ten (10) years or less. Where an owner or his authorized agent permits or allows an approved or unlawful intervening use of the owner's property, the provisions of this section are not applicable.
- 3.2. Continuation of Nonconforming Uses.** If the nonuse continues for a period of one (1) year or longer, the city or county may, by written request, require that the owner declare his intention with respect to the continued nonuse of the improvements in writing within twenty-eight (28) days of receipt of the request. If the owner elects to continue the nonuse, he shall notify the city or county in writing of his intention and shall post the property with notice of his intent to continue the nonuse of the improvements. He shall also publish notice of his intent to continue the nonuse in a newspaper of general circulation in the county where the property is located. If the property owner complies with the requirements of this subsection, his right to use such improvements in the future for their designed purpose shall continue, notwithstanding any change in the zoning of the property.
- 3.2.1.** The property owner may voluntarily elect to withdraw the use by filing with the clerk of the city or the county, as the case may be, an affidavit of withdrawn use. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any grandfathered right to the prior use of the property.
- 3.2.2.** For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.
- 3.2.3.** The provisions of this section shall not be construed to prohibit a city or a county from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare.
- 3.3. Repair or Maintenance.** There shall be no limit on repair, replacement or maintenance activities for nonconforming uses provided that no such activity shall increase the degree of nonconformity. Repair of a nonconforming use, structure or improvement damaged by flood, fire or other disaster in a Special Flood Hazard area shall be subject to the provisions of [Chapter 18- Flood Hazard Zones](#) of this code.
- 3.4. Changes In and/or Additions to Nonconforming Uses.** Changes in and/or additions to existing nonconforming uses is prohibited.
- 3.5. Nonconforming Signs.** New conforming signs shall be permitted to replace or repair any non-conforming sign on any commercial or industrial lot or parcel on which there is a nonconforming sign pursuant to the requirements of [Chapter 14 - Sign Regulations](#).

3.6. Nonconforming Lots or Parcels. New development of nonconforming lots or parcels shall meet access, setback, building height, lot coverage, building size and all other requirements of the zone in which the property is located.

Chapter 4 - Administrative Procedures

- 4.1. Purpose.** This chapter requires a permit for all land development and establishes procedures for the administration of this ordinance, including the procedures for processing permit applications and the hearing procedures.
- 4.2. Permit Required.** A permit shall be required for any division of land, or any land development or activity regulated by the Salmon Development Code, except as specifically exempted by Section 4.3, below. In addition, any development within a flood hazard area shall require a permit as set forth in [Chapter 18- Flood Hazard Zones](#). Applications for permits shall be processed as described in this chapter. All activities involving land division or development must meet the recording and or platting requirements of this code.
- 4.3. Exemptions.** Activities listed here are not exempt from any requirement of this ordinance, except the requirement for a permit. No permit shall be required for the following activities:
- 4.3.1.** Lot line adjustments, in which no new lot is created, but property lines are adjusted in compliance with standards of this code.
 - 4.3.2.** Accessory buildings that are also exempted from review by the Building Code, except where such accessory buildings or outbuildings are located within a special flood hazard area.
 - 4.3.3.** Fences of seven (7) feet or less in height in compliance with [Chapter 10 - Standards Applicable To All Developments](#) of this code.
 - 4.3.4.** Minor utility installations, except where such installations are in a special flood hazard area.
 - 4.3.5.** Certain signs, as provided in [Chapter 14 - Sign Regulations](#).
 - 4.3.6.** Municipal, county, state or federal services, projects or activities, emergency or essential services and communication facilities on city, county, state or federally owned land, with the exception of jails.
 - 4.3.7.** Aggregation or combination of smaller lots resulting in a larger lot or lots of conforming size and shape, subject to standards of this code and the City Code.
 - 4.3.8.** Any land division that results from the settlement of an estate or a court decree for the distribution of specific parcels of property;
 - 4.3.8.1.** certified copy of settlement or court decree must be provided to the Planning & Zoning Administrator prior to recordation of land division.
 - 4.3.9.** Any land division that results from a condemnation proceeding or the voluntary sale or gift of land for a public purpose;
 - 4.3.10.** A cemetery plat;

4.3.11. Any land division in which all resulting parcels are one hundred-sixty (160) or more acres in size and not intended for development purposes or for the purpose of further lot splits.

4.4. Applications. No incomplete application shall be accepted. Applications shall be submitted on forms provided by the city.

4.4.1. The administrator may delay consideration of any application when inclement weather or snow cover prevents a proper on-site inspection.

4.5. Application Fees. Fees for each type of permit and/or application established herein shall be set by the City Council.

4.6. Hearing Notices. Notice of a public hearing shall be provided (unless otherwise required by this code) as follows:

4.6.1. At least fifteen (15) 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.

4.6.2. Notice shall be posted on the premises not less than one (1) week prior to the hearing.

4.6.3. Notice shall also be provided to property owners or purchasers of record within the land being considered by first class mail, three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission and provided further that;

4.6.3.1. when a special use permit is requested by reason of height allowance, that notice shall be provided individually by mail to property owners or purchasers of record within no less than three (3) times the distance of the height of the allowed height of a structure when more than one hundred (100) feet and within no less than one (1) mile when the peak height of a structure in an unincorporated area is four hundred (400) feet or more and, when four hundred (400) feet or more, the structure's proposed location and height shall be stated in the notice.

4.6.4. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board.

4.6.5. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.

4.6.6. The actual costs of providing the required notice shall be added to the application fee.

4.6.7. Written comments from the public must be submitted seven days prior to the hearing.

4.7. Hearing Procedure. This procedure shall be followed in all hearings involving the Planning and Zoning Commission;

4.7.1. The presiding officer shall announce the purpose and subject of the hearing.

4.7.2. The presiding officer shall determine whether proper notice of the hearing has been provided. That determination shall be based on proof of publication and posting showing full compliance with the notice requirements of this ordinance. If proper notice has not been provided, the hearing shall be re-scheduled.

4.7.3. The presiding officer shall determine whether the application is complete and includes all required supporting materials. The Planning and Zoning Commission may require additional information upon receiving the application. If the application is not complete, the hearing shall be re-scheduled.

4.7.4. The presiding officer shall ask if any Planning and Zoning Commission member wishes to declare a conflict of interest, as defined by *I.C. 67-6506*, in the matter to be heard and excuse any member who declares such a conflict from participation in the hearing.

4.7.5. The presiding officer shall remind those present that all statements given must address the merits of the proposal as measured by its compliance or lack of compliance with the comprehensive plan and this code.

4.7.6. The presiding officer shall ask for a statement from the applicant or his or her representative. The Planning and Zoning Commission may ask questions following this statement. All questions and replies shall be directed through the presiding officer.

4.7.7. The presiding officer shall ask for statements testimony from the public. Persons giving statements shall begin by stating their name and mailing address. Planning and Zoning Commission members may ask questions following any statement. All questions and replies shall be directed through the presiding officer. Public testimony shall be given as follows;

4.7.7.1. In favor

4.7.7.2. Neutral

4.7.7.3. Opposed

4.7.7.4. Rebuttal by the applicant or representative;

4.7.7.4.1. No new evidence may be entered into the record during the rebuttal or the public hearing will be reopened for further testimony.

4.7.8. The presiding officer shall close the public hearing and call for discussion and action by the Planning and Zoning Commission.

4.7.9. Written statements, plans, drawings, photographs, or other materials offered in support of statements at a hearing are part of that hearing's record and shall be

retained by the City. Supporting materials shall be left with the Zoning Administrator after each statement is made.

4.7.10. Additional Hearing Procedures. These procedures may be used to assist in the conduct of large or controversial hearings;

4.7.10.1. The Planning and Zoning Commission may impose time limits on the statements given in order to assure completion of the agenda.

4.7.10.2. The Planning and Zoning Commission may require persons who wish to make a statement to register their intention to do so with the Zoning Administrator. The presiding officer shall use the register to call on persons to present their statements.

4.8. Hearings to be Recorded. As required by *I.C.67-6536*, the Zoning Administrator shall keep a transcribable record of all hearings on file for at least six (6) months after the final hearing on the development.

4.9. Decision. Pursuant to *I.C. 67-6535(1)*, The approval or denial of any application required shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate ordinance or regulation of the city. Such approval standards and criteria shall be set forth in express terms in land use ordinances in order that permit applicants, interested residents and decision makers alike may know the express standards that must be met in order to obtain a requested permit or approval. Whenever the nature of any decision standard or criterion allows, the decision shall identify aspects of compliance or noncompliance with relevant approval standards and criteria in the written decision and shall be effective upon publication in the official newspaper.

4.9.1.1. Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section [67-8003](#), Idaho Code

4.10. Decision Deadline. This section establishes the "reasonable time" for deliberation on applications by the Commission required by *I.C. 67-6519*. The Planning and Zoning Commission shall make a decision on any application for a permit within sixty (60) days of the hearing, if a hearing is required by this code, or within thirty-five (35) days of the meeting at which the application first appeared on the commission agenda, except that: the Planning and Zoning Commission may table any application for which a development study is required for a period of more than sixty (60) days while the required study is conducted. The maximum time permitted for a development study shall be one-hundred and twenty (120) days.

4.11. Approvals Valid for One (1) year. Unless provided for by a development agreement, or otherwise stipulated in this code, permits shall be void after one (1) year from the date of approval if building or development permits have not been approved, or building permits have expired.

4.12. Conditions. Conditions may be imposed on any development or special use permit approval, or variance, if:

- 4.12.1.** The conditions are clearly designed to assure compliance with one or more specific requirements of this ordinance; and;
- 4.12.2.** A list of all conditions imposed is provided to the developer with notification of the commission's or Council decision. That list shall specifically identify the provision of this ordinance the condition is designed to implement.
- 4.13. Variances.** A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.
- 4.13.1.** The Planning and Zoning Commission may approve a variance only upon finding that:
- 4.13.1.1.** The need for a variance results from physical limitations unique to the property on which the variance is requested; and
 - 4.13.1.2.** Failure to approve the variance will result in undue hardship because no reasonable conforming use of the property is possible without a variance; and
 - 4.13.1.3.** The alleged hardship has not been created by action of the property owner or occupants; and
 - 4.13.1.4.** Approval of the variance will not create a nuisance or result in potential harm to adjoining properties or the neighborhood; and
 - 4.13.1.5.** Approval of the variance will not have an adverse effect on the implementation of the comprehensive plan, development code; and
 - 4.13.1.6.** The variance is the minimum relief from the requirements of this ordinance necessary to permit a reasonable conforming use.
- 4.13.2.** Additional findings are required for variances in Special Flood Hazard Areas, pursuant to [Chapter 18- Flood Hazard Zones](#) of this code.
- 4.13.3.** Conditions may be attached to the approval of a variance.
- 4.14. Appeals.** An application for appeal shall be based on a claim that the true intent of this code or rules legally adopted hereunder have been incorrectly interpreted or the provisions of the code do not apply. The Council and/or Board shall have no authority to waive requirements of this code. Any decision of the administrator may be appealed to the Commission and any decision of the Commission may be appealed to the City Council using the procedure described here.
- 4.14.1. Filing of Appeal.** An official appeals form is available in the office of the City Clerk. The properly completed appeals form, required supporting materials, and fee (if required) shall be filed with the City Clerk after notice of intent to appeal a decision is received. The appellant shall file with the appeals form a written statement of grounds for the appeal.

4.14.2. Procedure. The appellant or affected person shall have bona fide interest as stated in I.C. 67-6521 and shall file a properly completed appeals form, the required supporting materials, and the required appeals fee with the with the City Clerk within fourteen (14) days after publication of the decision.

4.14.2.1. The Zoning Administrator shall place the appeal on the agenda of either a regular Planning and Zoning Commission meeting or a regular City Council meeting. Fee requirements shall be the same as for the application. The cost of providing the required notice shall be borne by the appellants.

4.14.2.2. The Planning and Zoning Commission or the City Council may schedule a public hearing if they determine it is necessary and essential for the good of the public (*I.C 67-6521*). Notice of a public hearing shall follow the requirements of section 4.6 of this chapter. No appeal shall be heard if the appellant or a representative and, when the appellant is not the developer, the developer or a representative are not present.

4.15. Decision. The Planning and Zoning Commission or the City Council shall determine whether the decision being appealed is in compliance with the Comprehensive Plan and this code. The City Council may affirm, modify, or overturn a decision of the Planning and Zoning Commission accordingly, or remand it back to the Planning and Zoning Commission for reconsideration.

4.15.1. The Zoning Administrator shall notify the appellant and interested parties of the decision within fourteen (14) days of the decision.

4.15.2. Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section [67-8003](#), Idaho Code. An affected person aggrieved by a final decision concerning matters identified in section [67-6521\(1\)\(a\)](#), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided by [chapter 52, title 67](#), Idaho Code.

4.16. Violations.

4.17. Failure to Obtain a Permit. Whenever the Zoning Administrator becomes aware of an activity for which a permit is required by this ordinance, but for which a permit has not been approved, he or she shall notify the occupant (and owner, if they are not the same) of the site to immediately cease all unpermitted activity. Notice shall be given by posting on the site and/or first class mail. If activity does not cease, the Zoning Administrator shall ask the city attorney to take prompt action, as authorized by I.C. 67-6527, to end the unpermitted activity and, if a permit is not subsequently issued, to require restoration of the site to its original condition. Required restoration shall include restoration of vegetative cover where sites have been graded in violation of this ordinance.

4.17.1. The Zoning Administrator shall notify the occupant (and owner, if they are not the same) of the violation by first class mail and/or posting on the site. The notice shall describe the violation, cite the sections of this ordinance being violated, and order the occupant to attain compliance within 14 days.

4.17.2. Any person who receives a notice of violation may request inspection by the Zoning Administrator to show that compliance has been attained within the 14 days allowed, or:

4.17.2.1. file a written request with the Zoning Administrator for an extension of time to attain compliance, with such extensions being limited to a maximum of sixty (60) days and culminated by an inspection to show that compliance has been attained; or

4.17.2.2. file an appeal of the Zoning Administrator's notice, following the appeals procedure of 4.11

4.17.3. The Zoning Administrator shall notify any occupant or owner who fails to attain compliance within the specified time, or to show, on appeal, that a violation has not occurred. This notice shall be posted on the site and sent by first class mail, repeat the description of the violation from the original notice, and state the penalties that may be imposed for violations of this ordinance.

4.17.4. The City may proceed with mitigation of the violation at the cost of the property owner. The city will submit an invoice for such mitigation and if unpaid may file a lien against the property until such invoice is paid. City may also restrict further development or other permits for the property until such invoice is paid.

4.17.5. The City reserves the right to deny any permit on property that is not in compliance with this Code. Violations of this ordinance are a misdemeanor in accordance with the Local Land Use Planning Act, Idaho Code Section 67-6527 and 18-113, and punishment for misdemeanor.

4.18. Certificate of Compliance. A certificate of compliance shall be issued before any building or use is occupied. A certificate of compliance indicates that an on-site inspection has shown that the building or use complies with this ordinance, including any conditions imposed upon its approval. Occupancy of a building or use without a certificate of compliance shall be a violation of this ordinance. The issuance of a certificate of compliance shall not be construed as approval of any violation of this ordinance that may have been undiscovered during the inspection.

4.18.1. Temporary Certificate of Compliance. A temporary certificate of compliance may be issued to permit temporary use of a building in cases where weather prevents the prompt completion of such required improvements as landscaping. No temporary certificate of compliance shall be issued for more than one-hundred and eighty (180) days.

4.19. Amendments To Comprehensive Plan and/or Development Code. Any person may petition for the amendment of the comprehensive plan or this ordinance. The amendment procedure shall be as described here and in the Local Planning Act.

4.19.1. The applicant shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator. Public hearings will only be set after all supporting material has been submitted in writing. Written comments from the public must be submitted seven days prior to the hearing. No written material will be accepted from the public within the last seven

days prior to the public hearing. This is to give the applicant a chance to review public concerns.

- 4.19.2.** The administrator shall place a hearing on the application on the agenda of the next regular Commission meeting for which the notice requirements can be met and at which time will allow proper consideration of the proposed amendment. The administrator may contract for professional review of the application, with the cost of that review being in addition to the application fee. Such reviews shall be prepared in the form of a written report submitted to the administrator for use at the hearing. The administrator shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials.
- 4.19.3.** The administrator shall provide notice of the hearing as provided in *I.C 67-6509*
- 4.19.4.** The Commission shall conduct a hearing on the proposed amendment following the procedure established in section 4.7. No application for an amendment shall be reviewed if the applicant is not present.
- 4.19.5.** The Commission shall determine whether the proposed amendment is consistent with the comprehensive plan, development code, and recommend that the City Council approve or disapprove it accordingly.
- 4.19.6.** The Zoning Administrator shall convey the Commission's recommendation to the City Council and, unless the application is withdrawn, place a hearing on the application on the agenda of the next regular City Council meeting for which the notice requirements can be met. Notice shall be provided in the same manner as for the hearing before the Commission.
- 4.19.7.** The City Council shall conduct a hearing on the proposed amendment following the procedure established in section 4.7. No application for an amendment shall be reviewed if the applicant is not present.
- 4.19.8.** The City Council shall determine whether the proposed amendment is consistent with the comprehensive plan, development code and approve or disapprove it accordingly.
- 4.19.9.** The Zoning Administrator shall notify the developer and interested parties of the City Council decision within 14 days, but no amendment to this ordinance shall become effective until that amendment has been adopted as an ordinance and published or published by summary as required by law.

Chapter 5 - Establishment Of Zoning Districts

- 5.1. Purpose.** This chapter creates zoning districts and overlay zoning districts for use in the city and adopts an official map of those districts.
- 5.2. Zoning Districts.** The following zoning districts are established to implement the Comprehensive Plan:
- 5.2.1.** Low Density Residential (LDR) Zoning District.
 - 5.2.2.** Medium Density Residential (MDR) Zoning District.
 - 5.2.3.** Core Commercial (CC) Zoning District.
 - 5.2.4.** Commercial (C) Zoning District.
 - 5.2.5.** Industrial (I) Zoning District.
 - 5.2.6.** Agricultural (Ag) Zoning District.
- 5.3. Zoning District Boundaries.** Zoning district boundaries shall be as shown on the "Official Zoning Map of the City of Salmon". The alteration or creation of zoning district boundaries shall follow property boundaries, as described in a legal description of the involved properties.
- 5.4. Official Zoning Map.** The "Official Zoning Map of the City of Salmon" is adopted as part of this code. A dated copy of the official zoning map and subsequent amendments thereof, certified to be correct by the signatures of the Mayor and City Clerk, shall be maintained for public inspection at the office of the Zoning Administrator.
- 5.5. Change of Zoning Map Designation.** Changes to the zoning map shall be approved by an ordinance adopted by the City Council and may coincide with changes to the Future Land Use Map of the Comprehensive Plan. Changes to the Future Land Use Map may coincide with zoning map changes or text of the Comprehensive Plan. Such changes are based on periodic assessments of development patterns, new information, changing land use patterns, an overall public need for the change, to comply with changes in state land use statutes, or to provide for the continued efficient administration of this code.
- 5.5.1.** An application for a zoning map change may be initiated by the property owner or agent of the owner of the property proposed; by the Zoning Administrator; by the Planning and Zoning Commission; or by City Council.
 - 5.5.2.** The application shall follow the procedures set forth in [Chapter 4 - Administrative Procedures](#) of this code.
 - 5.5.3.** A request for a change of zone designation may be approved if it meets the following criteria:
 - 5.5.3.1.** The proposed change of zone designation is consistent with I.C. 67-6509, the Comprehensive Plan, development code and Future Land Use Map; and

- 5.5.3.2.** The property affected by the proposed change of zone designation is adequate in size and shape to facilitate any uses allowed in conjunction with such zoning; and
- 5.5.3.3.** The property affected by the proposed change of zone designation is properly served by public facilities to adequately serve the types of uses allowed in conjunction with such zoning; and
- 5.5.3.4.** The proposed change of zone designation will have no significant adverse effect on the appropriate use, compatibility and development of adjacent properties.

Chapter 6 - Zoning District Regulations

6.1. Purpose. This chapter establishes the purpose of each zoning district and lists the uses permitted in each district. All new development shall be subject to the standards of this code. See Appendix B for use details.

6.2. Allowed Uses.

6.2.1. Agricultural. All uses other than Industrial

6.2.2. Commercial. All uses other than Industrial and Agricultural

6.2.3. Core Commercial. All uses other than Industrial & Agricultural

6.2.4. Industrial. All uses allowed

6.2.5. Low Density Residential (LDR). All uses limited to Low Density Residential (LDR)

6.2.6. Medium Density Residential (MDR). All uses included within MDR, Low Density Residential (LDR).

6.3. Prohibited Uses. Uses not identified in Appendix B but similar in nature to those specified herein may be cross referenced using the current tables when necessary to resolve any ambiguity in identifying a use per this chapter.

6.3.1. Any use or development not explicitly permitted by this ordinance is prohibited unless granted a conditional use by the commission and council.

6.4. Zoning Districts.

6.4.1. Low Density Residential (LDR) Zoning District. The (LDR) zoning district is designed to accommodate single-family dwellings.

6.4.2. Medium Density Residential (MDR) Zoning District. The (MDR) zoning district is designed to accommodate a diversity of housing types, single family dwellings, duplexes, higher density residential uses such as townhouses, manufactured/mobile home parks, multiple-family apartment dwellings and group quarters on smaller lots.

6.4.3. Core Commercial (CC) Zoning District. The (CC) zoning district is designed to accommodate development of retail and service commercial uses in the city's central business district. It is characterized by multi-story buildings, 100% lot coverage, and shared parking areas. Certain wholesale, manufacturing and heavier retail commercial uses may also be permitted.

6.4.4. Commercial (C) Zoning District. The (C) zoning district is designed to accommodate development of retail and service uses in the city.. Certain wholesale, manufacturing and heavier commercial uses that provide retail or wholesale goods and services, light processing, transportation, warehousing, distribution, manufacturing, or other light industrial uses may also be permitted.

6.4.5. Industrial (I) Zoning District. The (I) zoning is designed to accommodate areas where new industrial uses may be located. New development, changes in

occupancy in or the expansion of existing industrial uses shall comply with the standards of this code.

6.4.6. Agricultural (Ag) Zoning District. The (Ag) zoning district provides a holding zone in which continuing agricultural uses will be permitted until the area is made available for development by an amendment to the official zoning map. Where an existing dwelling is replaced or expanded, it shall conform to the specification standards for the Low Density Residential zoning district. Home Occupations in existing dwellings, expansion or replacement of existing dwellings, accessory uses and buildings for existing dwellings, and minor public utility installations are permitted outright.

6.5. Overlay. The City of Salmon, through amendment to this ordinance may establish zoning overlay zones. Within an overlay area, the City shall establish clear and objective standards for the overlay zoning district while ensuring that application of such standards does not constitute a regulatory taking pursuant to Idaho or federal law.

6.5.1. Public Overlay. The P overlay is designed to accommodate emergency and essential services, municipal services, government offices, administrative and support services, educational services, telecommunications, and other public services on city, county, state and federal lands. All uses allowed in the underlying zone shall also be allowed and at such time the property is not held for public purposes the underlying zone shall prevail.

6.6. Setbacks, Exemptions, Lot Coverage and Density Standards. To assure adequate building and structural separation, minimize potential fire hazards, provide unrestricted vision onto public rights-of-way, and assure that buildings or structures are located a safe distance from public rights-of-way.

6.6.1. Setback Requirements. All setbacks are measured from the property line or road right of way.

6.6.1.1. Corner Lots. For all new development, the front yard shall be designated by the front entrance door.

6.6.1.2. Through Lots. The rear yard setback standards shall apply to all development if the following criteria are met:

6.6.1.2.1. The front and rear of the lot is defined and identified.

6.6.1.2.2. The driveway for primary access to a public street is located in the front yard.

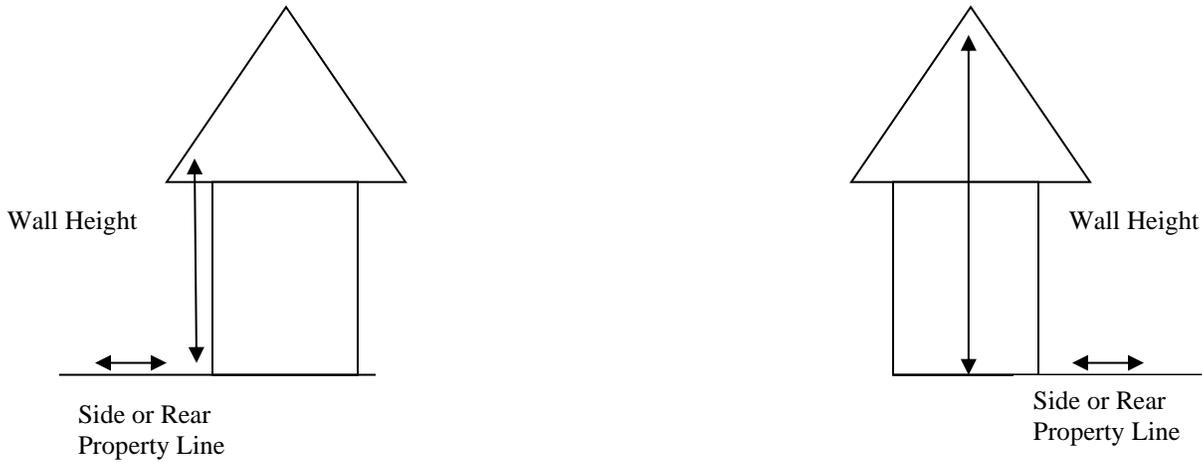
6.6.1.2.3. Where vehicular access is proposed to both the front and rear of the property, the front yard setback requirement shall apply.

6.6.1.3. Eave Encroachment. Eave encroachments into all required setbacks are subject to building code requirements.

**Table 6.1
Setbacks
(measurements in feet)
*See figure 6.1**

Zoning	Front Yard Collector, Local & Arterial Streets (Measured from the road right of way)	Corner Lot Side Yard Intersecting Streets (Measured from the road right of way)	Side Yard	Rear Yard
LDR/MDR/AG	25	15	5 feet for the first 10 feet of wall height. 1:2	5 feet for the first 10 feet of wall height. 1:2
CC, C, ID, PU	0	0	0	0

Figure 6.1



6.6 Maximum Density. Maximum allowable densities in residential zoning districts are specified in Appendix B, standards (maximum lot coverage, street construction, parking and maneuvering, landscaping, height restrictions etc.) shall apply.

Chapter 7- Special Use Permits (Sup) and Conditional Use Permits (Cup)

Special Use Permit

- 7.1. Purpose.** The Special Use Permit procedure implements the Comprehensive Plan by requiring a public review of specific uses and developments to assure compatibility with standards of this code. Requiring that such uses and developments comply with standards of this code also assures their compatibility with neighboring uses, the landscape and buffering setting, and the capacity of public facilities and services.
- 7.2. Basic Provisions.** A Special Use Permit and conditions of approval is site-specific, is not transferable to other property, is binding on the specific use and development, the owner of the property, and to each subsequent owner or person acquiring ownership in the property. A Special Use Permit shall not be considered as establishing a binding precedent to grant other Special Use Permits.
- 7.3. Application.** No incomplete application shall be accepted. Applications shall be submitted on forms provided by the city. Multiple copies of applications and supporting materials shall include a site plan, aerial photo and preliminary plat, and any other items that may pertain to any proposal required by the administrator. All applications shall demonstrate code compliance in writing, by addressing each section applicable to their development. Public hearings will only be set after all supporting material has been submitted in writing.
- 7.4. Conditions.** Conditions may be attached to a special use permit including, but not limited to:
- 7.4.1.** Minimizing adverse impact on other development;
 - 7.4.2.** Controlling the sequence and timing of development;
 - 7.4.3.** Controlling the duration of development;
 - 7.4.4.** Assuring that development is maintained properly;
 - 7.4.5.** Designating the exact location and nature of development;
 - 7.4.6.** Requiring the provision for on-site or off-site public facilities or services;
 - 7.4.7.** Requiring more restrictive standards than those generally required in an ordinance;
 - 7.4.8.** Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.
 - 7.4.9.** Hours of operation
- 7.5. Requirements of Approval.** All new developments including Special Use Permits shall comply with all performance criteria of the Salmon Development Code and City Code.
- 7.5.1.** A Special Use Permit and conditions of approval are binding on the specific use and location of the use, on the owner of the property, each subsequent owner, and each other person acquiring an interest in the property.

7.5.2. A change in the approved use of the property will render a Special Use Permit null and void, and necessitate submittal of a new application for a Special Use Permit unless;

7.5.2.1. Change in use to revert back to an approved use within that zoning district.

7.5.3. The Zoning Administrator shall indicate compliance of all conditions of approval upon issuance of a Certificate of Compliance pursuant to [Chapter 4 - Administrative Procedures](#) of this code.

7.6. Time Limitation. Unless otherwise stipulated in a Development Agreement, a Special Use Permit will become null and void if all development permits and building permits have not been approved within one (1) year of the date of final special use permit approval, or if development permits or building permits have expired.

Conditional Use Permit

7.7. Purpose. The Conditional Use Permit procedure implements the Comprehensive Plan by requiring a public review of specific uses and developments to assure compatibility with standards of this code. Requiring that such uses and developments comply with standards of this code also assures their compatibility with neighboring uses, the landscape and buffering setting, and the capacity of public facilities and services.

7.8. Basic Provisions. A Conditional Use Permit and conditions of approval is site-specific, is not transferable to other property and/or owners, and is binding on the specific use and development. A Conditional Use Permit shall not be considered as establishing a binding precedent to grant other Conditional Use Permits. Conditional Use Permits must be approved by the City of Salmon Planning & Zoning Commission and the Salmon City Council while following the applicable hearing and notices requirements of this code.

7.9. Application. No incomplete application shall be accepted. Applications shall be submitted on forms provided by the city. Multiple copies of applications and supporting materials shall include a site plan, aerial photo and preliminary plat, and any other items that may pertain to any proposal required by the administrator. All applications shall demonstrate code compliance in writing, by addressing each section applicable to their development. Public hearings will only be set after all supporting material has been submitted in writing.

7.10. Conditions. Conditions shall be attached to a conditional use permit including, but not limited to:

7.10.1. Minimizing adverse impact on other development;

7.10.2. Controlling the sequence and timing of development;

7.10.3. Controlling the duration of development;

7.10.4. Assuring that development is maintained properly;

7.10.5. Designating the exact location and nature of development;

- 7.10.6. Requiring the provision for on-site or off-site public facilities or services;
- 7.10.7. Requiring more restrictive standards than those generally required in an ordinance;
- 7.10.8. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.
- 7.10.9. Hours of operation.
- 7.11. Requirements of Approval.** All new developments including Conditional Use Permits shall comply with all performance criteria of the Salmon Development Code and City Code.
 - 7.11.1. A Conditional Use Permit and conditions of approval are binding on the specific use and owner. Any subsequent owner shall apply for a new Conditional Use Permit.
 - 7.11.2. A change in the approved use of the property or subsequent owner of the property will render a Conditional Use Permit null and void, and necessitate submittal of a new application for a Conditional Use Permit unless;
 - 7.11.2.1. Change in use to revert back to an approved use within that zoning district.
 - 7.11.3. The Zoning Administrator shall indicate compliance of all conditions of approval upon issuance of a Certificate of Compliance pursuant to [Chapter 4 - Administrative Procedures](#) of this code.
- 7.12. Time Limitation.** Unless otherwise stipulated in a Development Agreement, a Conditional Use Permit will become null and void if all development permits and building permits have not been approved within one (1) year of the date of final Conditional use permit approval, or if development permits or building permits have expired.

Chapter 8 - Lot Splits, Subdivisions, Platting Requirements

8.1. Purpose. This chapter provides procedures and criteria for the division of land and development.

8.2. Basic Provisions. All lot splits and subdivisions shall comply with the following requirements:

8.2.1. A plat shall be required for all land divisions, and for all areas to be annexed. Plats shall meet all requirements of Title 50, Chapter 13 of the Idaho Code "Plats and Vacations" (*I.C. 50-1301-1334*), as amended, and all requirements and standards of this chapter.

8.2.2. Any lot created shall comply with the applicable lot size and shall be capable of accommodating a permitted use allowed by this code.

8.2.3. Any lot created shall have frontage on and direct access to a public street that meets the standards of this code.

8.2.4. Where a change of lots within an existing subdivision occurs it shall be considered an amended subdivision.

8.2.5. The provision of access and utilities to the lot created, including any necessary extension of streets or utility main lines shall be designed and installed at the expense of the owner or developer.

8.2.6. Pursuant to the standards of [Chapter 10 - Standards Applicable To All Developments](#) of this code, all required improvements shall be installed by the owner or developer to the City's satisfaction before a final plat is recorded or the development is offered for lease, sale, sold, or occupied. All required improvements shall be inspected by the City before acceptance.

8.2.7. Lot splits and subdivisions that are in, or include a portion of, the Special Flood Hazard Area shall comply with the additional requirements of [Chapter 18- Flood Hazard Zones](#) of this code.

8.2.8. Prior to final plat approval, or unless otherwise stipulated in a Development Agreement, all lots shall have direct access to the city's potable water system and sewage collection system, including any extension of mains required to serve the lots created.

8.2.9. Power and telephone connections for each lot, including any extension of lines or cables, shall be required to serve each lot in compliance with the standards established by the utility involved and the city.

8.2.10. Underground power and telephone lines shall be required as a condition of approval in all new developments.

8.2.11. No private street, road, highway or alley shall be deemed a public rights-of-way unless the dedication shall be accepted and confirmed by the City Council. (*I.C. 50-1313*)

8.2.12. Approval of a subdivision shall not constitute acceptance by the City for maintenance of roads, streets, or public sites shown as dedicated on a Final Plat, unless accepted and confirmed by specific action of the City Council upon completion of all required improvements.

8.3. Lot Splits. The lot split procedure assures that the division of land complies with the performance requirements of this code, protects utility easements and public rights-of-way from encroachment.

8.3.1. Required Conditions of Approval.

8.3.1.1. Upon satisfaction of all conditions of approval, a final plat shall be submitted to the Zoning Administrator in accordance with the platting requirements of this chapter and *Title 50, Chapter 13* of the Idaho Code for official signatures and recordation. The City cannot attach new conditions on a final plat.

8.3.1.2. Conditions of approval are binding on the owner of the property, each subsequent owner, and each other person acquiring an ownership interest in the property. All conditions shall appear on the signature page of the final plat.

8.3.1.3. The Zoning Administrator shall indicate satisfaction of all conditions of approval upon issuance of a Certificate of Compliance pursuant to [Chapter 4 - Administrative Procedures](#) of this code.

8.3.1.4. Approval of a lot split does not constitute or imply approval of a permit for any prospective use of the lot created.

8.4. Subdivisions. The subdivision permit procedure is designed to assure compliance with the requirements of this code, that land development is accompanied by installation of the necessary on and off site public facilities, protection of utility easements and public rights-of-way from congestion and encroachment.

8.4.1. A subdivision is the act of dividing land or an area or tract of land into five (5) or more lots.

8.4.2. All subdivisions shall comply with all standards and other applicable provisions of this ordinance and the City Code.

8.4.3. In the case of subdivisions consisting of fifty (50) or more lots, the applicant shall be required to provide a feasibility study showing the intended use is appropriate; to include a soil and geotechnical report, hydrologists report, water rights study and flood hazard mitigation where required.

8.4.4. If subdivision development is proposed to be phased, then a Development Agreement, as delineated in [Chapter 13 - Required Improvements, Development Agreement, Phased Development](#), will be required.

8.4.5. An amended subdivision is the alteration of an existing platted subdivision. Any alteration must follow the platting requirements of this code and the procedures outlined below;

8.5. Lot Split within a subdivision. Any division of property within an existing platted subdivision shall follow the subdivision procedure as outlined in this code.

- 8.6. Minor Lot Line Adjustments within a subdivision.** Any lot line adjustment within a platted subdivision that would change the external boundaries of a subdivision will be considered an amended subdivision and will follow the permit process of a subdivision or plat vacation as outlined in I.C. 50-13 as amended. A Minor Lot Line Adjustment within a subdivision must not affect more than four (4) lots within the subdivision. A Minor Lot Line Adjustment within a subdivision shall not change the size of the parcel by more than ten (10) percent. A Minor Lot Line Adjustment shall occur only once per parcel. Minor Lot Line Adjustments occurring more than once shall be considered a Major Lot Line Adjustment.
- 8.7. Procedures.** The Planning and Zoning Commission and City Council shall follow the hearing procedures of [Chapter 4 - Administrative Procedures](#) this code.
- 8.8. Required Conditions of Approval.**
- 8.8.1.** Upon satisfaction of all conditions stipulated in the approval process, a final plat shall be submitted to the Zoning Administrator in accordance with the platting requirements of this chapter and Title 50 Chapter 13 of the Idaho Code for official signatures and recordation. The City cannot attach new conditions on a final plat.
- 8.8.2.** Conditions of approval are binding on the owner of the property, each subsequent owner, and each other person acquiring an ownership interest in the property. Evidence of such shall appear on the signature page of the final plat.
- 8.8.3.** The Zoning Administrator shall indicate satisfaction of all conditions of approval upon issuance of a Certificate of Compliance pursuant to [Chapter 4 - Administrative Procedures](#) of this code.
- 8.8.4.** Approval of a subdivision plat does not constitute or imply approval of a permit for any prospective use of any lot created.
- 8.9. Required Improvements.** The following required improvements shall be provided in all subdivisions:
- 8.9.1.** Construction or improvement of all roads including base, sub-base, surface paving, sidewalks, curbs and gutters. See [Chapter 20- Detailed Standards For The Design And Construction Of Streets](#)
- 8.9.2.** Street lights meeting requirements of [Chapter 16- Lighting Standards](#) of this code where all exterior lighting shall be full cut-off fixtures with the light source fully shielded.
- 8.9.3.** Any other improvement required for compliance with this code.
- 8.9.4.** Open space, landscape and buffering as required by [Chapter 15- Landscaping And Buffering](#) of this code.
- 8.10. Platting Requirements.** As defined by [Chapter 4 - Administrative Procedures](#) of this code, both a preliminary and final plat for a lot split, land alteration or subdivision shall accompany a completed application form and all other supporting materials. Both stages of the plat (preliminary and final) shall contain the following information:
- 8.10.1.** Preliminary and final plats shall be professionally prepared by an Idaho licensed surveyor or engineer, to scale with all dimensions shown in feet and decimals

thereof. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and a sheet index map, which may be combined with the vicinity map. The vicinity and index maps shall appear on the first of the serially numbered sheets.

8.10.2. The developer shall provide the City with at least one (1) copy of the preliminary plat suitable for reproduction, and one electronic copy.

8.10.3. Preliminary and final plats shall include:

8.10.3.1. the streets and alleys, with widths and courses clearly shown; each street named;

8.10.3.2. all lots numbered consecutively in each block, and each block lettered or numbered, provided however, in a platted cemetery, that each block, section, district or division and each burial lot shall be designated by number or letter or name;

8.10.3.3. each and all lengths of the boundaries of each lot shall be shown, provided however, in a platted cemetery, that lengths of the boundaries of each burial lot may be shown by appropriate legend;

8.10.3.4. the exterior boundaries shown by distance and bearing; descriptions of survey monuments; point of beginning with ties to at least two (2) public land survey corner monuments in one (1) or more of the sections containing the subdivision, or in lieu of public land survey corner monuments, to two (2) monuments recognized by the surveyor; and also, if required by the city or county governing bodies, give coordinates based on the Idaho coordinate system;

8.10.3.5. the easements; basis of bearings, bearing and length of lines, graphic scale of plat and north arrow; subdivision name.

8.10.3.6. all final plats submitted shall be prepared in compliance with *Chapter 13, Title 50* of the Idaho Code, as amended, and shall include, in addition to the requirements listed in 8.11, all information listed below.

8.10.3.6.1. A signed and dated owner's certificate which includes a complete legal description of the resultant properties, and in which the owners of record dedicate all public ways and other public spaces to public purpose use; and

8.10.3.6.2. A public notary's acknowledgment of the owner's certificate; and

8.10.3.6.3. A public notary's acknowledgment of the certificate of consent; and

8.10.3.6.4. Certificates for final plat approval by the City Council; and

8.10.3.6.5. Lines and titles for official signatures; and

8.10.3.6.6. A statement of "sanitary restriction", as required by I.C. 50-1326; and

8.10.3.6.7. A certificate for use by the County Recorder in recording the plat after its approval; and

8.10.3.6.8. Any other information required for compliance with this code.

8.11. Public Rights-of-Way Dedication. The creation of all public rights-of-way, including streets and alleys, shall be dedicated to the public in accordance with *Title 50 Chapter 50-1313* of the Idaho Code.

Chapter 9- Planned Unit Development (PUD)

- 9.1. Purpose.** A Planned Unit Development allows a measure of design flexibility by permitting variation of the distribution of land use density, variation of building placement standards, individual lot area, lot frontage requirements, access requirements, and variation of other standards required within a zoning district or combination of zoning districts when a development is planned in its entirety and when the variations can be demonstrated to benefit the development for those who will reside and conduct business affairs within the proposed development and for the community in general. The intent of the PUD process is to allow innovation in design that should prove superior to compliance with standard development requirements that are not the product of site-specific integrated design.
- 9.2. Authority.** Pursuant to Idaho Code Title 67 Chapter 6515, A Planned Unit Development if approved will be permitted as a Special Use Permit.
- 9.3. General Criteria.** A combination of residential, commercial, or industrial land uses may be permitted within a PUD. Any such mixed use planned unit development must follow the same procedures as those required for a change of zoning district boundaries.
- 9.3.1.** Proposed uses and manner of implementation of such uses may be permitted within a PUD, upon finding that the proposal:
- 9.3.1.1.** Provides internal or external benefits that would not be achievable through compliance with the normally required zoning standards & regulations.
 - 9.3.1.2.** Is and will be compatible with surrounding land uses, both existing and future.
 - 9.3.1.3.** Furthers compliance with the goals and policies found in the City of Salmon Comprehensive Plan.
- 9.3.2.** A PUD that includes residential land use must provide open space of not less than ten percent (10%) of the gross land area designated for residential land use within project boundaries for the benefit of residents of the project or for the benefit of the community in general. The location and design of common space should be practically usable for outdoor activities. Open space with a slope in excess of twenty percent (20%) may be discounted from the required common open space required for a PUD project. Common open space provided in a PUD may be held and maintained privately for the use of owners or residents within the development, and/or may be designated as open for shared public use. The responsibility for and the method of maintaining common open space shall be identified by the applicant as a facet of approval of any final PUD development plan.
- 9.3.3.** Planned Unit Developments that include a subdivision shall be considered concurrently as a subdivision and PUD.
- 9.3.4.** A planned unit development must provide for integrated and harmonious design and arrangement of buildings, uses, public facilities and open space. PUD proposals must provide adequate and properly arranged facilities for internal traffic

circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient. Buffering or screening commercial/industrial uses from residential uses within or adjacent to the development must be incorporated into the design.

9.4. Plan Review. The processing of a PUD shall require compliance with administrative processes required by the Administrator. The administrator submission necessary to complete an application for a PUD shall include;

9.4.1. A plan of the existing site of the proposed development showing the dimensions and bearings of the property lines, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses.

9.4.2. Engineered construction plans for water, sewer, storm drainage, street improvements, and the nature and extend of earth work required for site preparation and development;

9.4.2.1. Scalable plans showing buildings(s) and their placement, various functional use areas, common open space, circulation details, and landscaping.

9.4.2.2. Preliminary building plans including exterior elevations.

9.4.2.3. Phasing plans that depict the scope of each phase and a timetable for implementation

9.4.2.4. Landscape design, streetscapes, nonresidential layouts and general features must be included.

9.4.3. Project documents to be used to designate the use, development and maintenance of the land, and the improvements thereon, including those areas that are to be commonly owned and maintained. The intent of designating such responsibility shall not be included with the scope of the City of Salmon's enforcement authority but rather to determine where responsibility lies for maintaining compliance with terms of approval of any planned unit development.

9.5. Recommendation. The Planning & Zoning Commission shall review a proposed Planned Unit Development and conduct a public hearing. The Planning & Zoning Commission shall determine if the proposed PUD complies with the requirements of this chapter and forward a recommendation to the governing board. The criteria to be applied to such review are:

9.5.1. Standards applicable to Special Use Permits and if applicable subdivision standards

9.5.2. General concepts of community design addressed by the Comprehensive Plan.

9.5.3. Achieving compatibility and buffering internally and with neighboring uses.

9.5.4. Demonstrate design techniques preferable to strict adherence to terms of this ordinance.

9.6. Decision by Governing Board. The Governing Board, upon receipt of a recommendation from the Planning & Zoning Commission, may review the record and determine whether to hold a subsequent public hearing or decide whether to approve,

modify or disapprove the PUD. After the Governing Board action concerning the PUD the applicant and City of Salmon must complete a development agreement for the proposed PUD. Such development agreement shall outline the obligations of the developer to the extent that they represent a departure from typical ordinance requirements. Construction standards must comply with adopted standards unless expressly authorized by the terms of the PUD approval.

- 9.7. Approval Criteria.** The Governing Board must approve any final PUD application before construction may begin. Each individual phase of the development, as well as the total development, must be capable of existing as an independent unit capable of creating an environment of desirable aesthetics or adequate assurance will be provided that such objective will be attained. Individual phases of any such development must conform to the overall density and use considerations required by the City of Salmon Zoning Ordinance and its Comprehensive Plan. Any exception from standard zoning district requirements must be justified by design and other amenities incorporated in the development plans.
- 9.8. Time Limitations.** The approval of a final development plan for the first phase of a PUD shall be for a period not to exceed one (1) year, or as expressly authorized in a development agreement approved by the Governing Board. The time limit for a planned unit development construction may be extended once for no more than twelve (12) additional months by the Administrator or for a maximum of two (2) years by action of the Governing Board.
- 9.9. Modification.** Any proposed modification of the approved development plan of a PUD must be submitted in writing by the applicant to the Administrator. The request shall specify what modifications are proposed and why the changes are necessary to the Governing Board. If the Governing Board determines the proposed change is a major modification a public hearing will be required in accordance with procedures specific in this chapter.

Chapter 10 - Standards Applicable To All Developments

10.1. Purpose. This chapter establishes standards for all development activity in the city.

10.2. Access to Streets, Improvements, Responsibility, Dedication, Agreement. All development and all lots or parcels within a development shall have safe direct primary access to a dedicated public street. Primary access from an alley to an existing lot is permitted when there is no physical access to an existing improved street. Secondary access to an alley or to streets fronting side yards is permitted.

10.3. Clear Vision Triangle.

10.3.1 At all street intersections, a clear vision triangle of twenty (20) feet shall be maintained.

10.3.2 At all driveway intersections, a clear vision triangle of fifteen (15) feet along the edge of a driveway and a street shall be maintained.

10.3.3 No solid fence or wall, planter, hedge, shrub, or other visual obstruction blocking more than $\frac{2}{3}$ of the visual area and not over three (3) feet in height above grade shall be permitted within a clear vision triangle.

10.3.4 No parking area shall be permitted in a clear vision triangle.

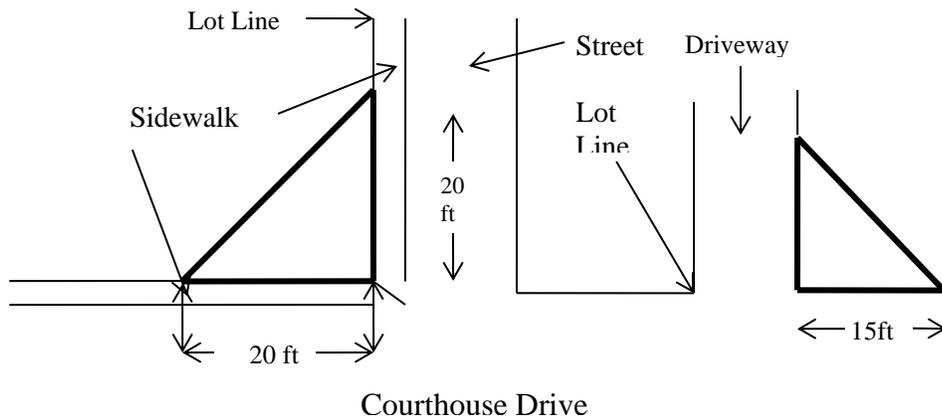
10.3.5 Trees shall be permitted in clear vision triangles, but only if all branches are removed to a height of at least seven (7) feet above grade.

10.3.6 Clear vision triangles are determined as follow:

10.3.6.1 At street intersections, the clear vision triangle includes the area defined by extending a line between two points, one on each lot line paralleling the street or the interior boundary of a sidewalk, each of which is twenty (20) feet from the lot corner at the intersection; and

10.3.6.2 At other points of access, the clear vision triangle includes the area defined by extending a line between two points, one on the lot line paralleling the street, and one on the outer edge of the driveway, each of which is fifteen (15) feet from the point where the driveway crosses the lot line.

Figure 10.1 Clear Vision Triangle



10.4 Acquisition of Streets. Existing lots or portions thereof that extend into an improved street used by the general public may, upon initiation of due process and negotiation by the City, are subject to acquisition and dedication by the City on a case by case basis.

10.5 Utilities.

10.5.1 Pursuant to the City Code, all developments, and all lots or parcels within a development, shall have direct access to all utilities.

10.5.2 Extensions and improvements of all City water and sewer main lines to all new development shall be designed and installed to City standards at the expense of the owner(s) or developer(s) of the property being developed.

10.5.3 Underground power and telephone lines shall be required as a condition of approval in all new subdivisions.

10.6 Utility Easements.

10.6.1 All public utility easements shall be shown on the plat, recorded and a copy be kept on file in the office of the City Clerk.

10.6.2 No building or solid concrete wall or fence shall be placed in any utility easement, public or private. Only wire or rail fences, or solid wood fences with a separable section across the easement may be constructed across utility easements. Private utilities may impose even more restrictive requirements on fences crossing their easements.

10.7 Hazardous Areas.

10.7.1 When locating developments in areas of known natural hazards, as established by the comprehensive plan, the density or intensity of the development could be limited based upon the degree of the natural hazard.

10.7.2 No development shall channel storm or melt water runoff so as to adversely affect neighboring properties or public ways.

10.8 Slopes. No development shall be permitted on slopes of thirty (30) percent or more, or other slopes identified as unstable, unless a licensed engineer certifies that such development creates no significant hazard of slope failure or accelerated soil erosion.

10.9 Expansive Soils. No development shall be permitted on soils identified as soil types that may require engineering for such development, except where a licensed engineer certifies that the development has been properly designed to prevent damage from soil erosion.

10.10 Runoff and Erosion Control. A runoff and erosion control plan prepared and certified by a licensed professional engineer in accordance with EPA and DEQ regulations shall be submitted to the Public Works Superintendent for comment whenever any street or impervious commercial parking lot surface will be created. Any comments received shall be filed with the Planning and Zoning Commission. The plan shall include the following:

10.10.1 On a detailed topographic map, identify the runoff and erosion hazard areas on the site, and those properties, areas and facilities, both on and downstream from the site, that are vulnerable to damage from accelerated runoff or erosion; and

10.10.2 Show how existing vegetation will be retained and land disturbance minimized; and

10.10.3 Show how existing trees that are to be retained will be protected from damage during construction; and

10.10.4 Show how the area disturbed by construction at any one time will be minimized; and

10.10.5 Show how disturbed areas will be stabilized during the construction period; and

10.10.6 Show how disturbed areas will be promptly, permanently stabilized by re-vegetation or structural techniques; and

10.10.6.1 Show how runoff velocities will be minimized and drainage ways will be prepared to handle any acceleration or increase of runoff; and\

10.10.6.2 Show how any additional runoff generated will be retained on-site and absorbed, evaporated, or released from the site at a rate not exceeding the pre-development rate of release; and

10.10.6.3 Show how sediment resulting from accelerated soil erosion will be retained on site; and

10.10.6.4 Show how water quality in adjoining or nearby streams and wetlands will be protected by retention of existing vegetation, installation of vegetative filter strips, and similar means.

10.11 Buffers for Special Uses. The standards for landscaped buffers appear in [Chapter 15-Landscaping And Buffering](#) of this code.

10.12 Fences. To assure that the construction of fencing does not create hazards caused by fences obstructing vision to a public rights-of-way contributing to traffic accidents, and to assure that the location of new fences does not project into a public right of way or onto neighboring private property.

10.12.1 Any fences over 7 feet in height deemed to be necessary are allowed only by special use permit. Criteria to be considered for the issuance of such permit may be but not limited to;

10.12.1.1 The location of the fence is specific to the affected side or rear yard; and

10.12.1.2 Where neighboring multi-story residential, commercial or industrial uses creates unobstructed vision into property; or

10.12.1.3 Where neighboring residential, commercial or industrial uses or structures are located on a hill slope overlooking the residence; and

10.12.1.4 Where neighboring residential, commercial or industrial uses or structures are otherwise demonstrated to compromise the privacy of an existing residence.

10.12.2 No sight-obscuring fence shall conflict with the site distance requirements of section 10.3 of this chapter. The construction of fences that obstruct views at intersections or points of access to public roads is prohibited.

10.13 Hazardous Substances. Any use that is, or may reasonably be expected to be, subject to the reporting requirements of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) shall demonstrate continuing compliance with state and federal requirements for the storage and handling of hazardous substances.

10.14 Livestock. No livestock shall be kept or maintained within an area of less than six thousand (6,000) square feet.

10.14.1 One (1) large animal (one (1) horse, cow, llama, sheep, or goat, including offspring until weaned) may be kept for each six thousand (6,000) square feet of lot area. All areas in which livestock are kept shall be maintained so as not to create a nuisance impacting neighboring properties with noise, odors, insects, or dust. The six thousand (6,000) feet required per animal shall remain open to the sky, with additional area provided for stables, sheds, and the storage of feed.

10.14.2 Chickens, geese, rabbits, bee keeping, and other small domestic animals keeping are also permitted, but all areas in which any livestock, bees, or domestic animals are kept shall be maintained so as not to create a nuisance impacting neighboring properties with noise, odors, insects, or dust.

10.15 Nuisances.

10.15.1 No development shall create excessive levels of noise beyond its property line. Excessive noise, as measured at the property line, is any noise that exceeds the standards of Table 10.15 of this chapter.

Table 10.15
Detailed Standards for Noise

<i>land use category</i>	<i>exterior design noise level - ^{L10}</i>
Residences, motels, meeting rooms, schools, libraries, hospitals, parks, and similar uses	70 dBA
Other developed lands	75 dBa

Notes: ^{L10} means the noise level may be exceeded 10% of the time each day from 7:00 Am. to 7:00 Pm. local time.
DBA = decibels. Taken from standards of the Federal Highway Administration

10.15.2 No development shall direct light (in accordance with [Chapter 16- Lighting Standards](#), glare, or heat beyond its property line. All lights must be downward directed. Welding equipment and other sources of intense light or glare shall be shielded from the view of neighboring properties or public ways by enclosure in a building, location on the property, or construction of a fence or wall.

10.15.3 No development shall generate dust, smoke, odors, or other airborne pollutants that travel beyond its property line, except as permitted by state and federal air quality standards.

10.15.4 Solid waste shall be stored in enclosures or containers and in such a manner as not to attract rodents or other vermin, be susceptible to spillage by dogs or cats, generate odors beyond the property line or liquid runoff; or permit blowing of paper and other lightweight waste. No solid waste, including construction or demolition debris shall be buried within the city, except where permitted by the Building Code as rubble fill for a construction site.

10.15.5 Commercial and industrial solid waste that is not stored in a secure container and commercial and industrial solid waste handling areas (i.e., a recycling center) shall be effectively screened from the public view by enclosure in a building, location on the property, or construction of a fence, wall, or landscaped buffer.

10.15.6 Outdoor materials storage that generates excessive unpleasant odors at the property line; harbors rats, flies, or other vermin; is stacked or piled so it could fall or roll onto an adjoining property; or places hazardous substances or other highly flammable materials at the property line.

10.16 Off-Street Parking and Loading. All uses shall provide the off-street parking and loading areas required by Chapter 18 of this code. Parking spaces in all new commercial developments within any commercial zoning district shall be hard surfaced.

10.17 Outdoor Materials Storage.

10.17.1 There shall be no outdoor materials storage in front yards within the LDR or MDR, zoning districts, except the temporary storage of materials required for construction authorized by a building permit issued in accord with this code or the Building Code.

10.17.2 Outdoor materials storage shall be permitted within side and rear yards in the LDR or MDR, zoning districts, provided that such storage does not constitute a fire hazard or create a nuisance, and that all materials except those required for construction authorized by a building permit issued in accord with this code or the Building Code.

10.18 Shipping Containers. Portable storage units/containers, metal or otherwise, designed for the shipment of cargo, shall not be permitted as buildings or as permanent or temporary storage units unless they are sited on a permanent perimeter foundation, comply with all requirements of the Building Code and meet all standards of the Salmon City Code.

10.19 Points of Access to Streets. The number of points of access to arterial and collector streets shall be minimized.

10.20 Connections. All developments shall be designed to maximize functional connections with adjoining developments, including shared access to streets, shared parking and service access, shared buffering and open space, and shared pedestrian circulation.

10.21 Landscaped Buffers and Minimum Landscaped Areas. Landscaped buffers and landscaped areas shall be provided as required by [Chapter 15- Landscaping And Buffering](#) of this code.

10.22 Pedestrian Circulation. New development shall provide any sidewalks needed to link between existing sidewalks on adjacent or abutting properties.

10.22.1 Maximum Floor Area. A home occupation may be located within a dwelling or an accessory building, but no home occupation shall occupy a floor area larger than that of the dwelling to which it is accessory.

10.22.2 Nonresident Employees. No home occupation shall have more than one (1) employee who is not a member of the resident family.

10.22.3 Off-Street Parking. Home occupations shall provide off-street parking for all non-resident employees and customers and any other vehicles associated with the home occupation in compliance with the requirements of Chapter 18

10.22.4 Outdoor Storage. The storage of any materials or solid waste associated with a home occupation shall be screened from public view.

10.22.5 Signs. Home occupations shall display only the following signs:

10.22.5.1 One non-illuminated wall sign of no more than six (6) square feet, and

10.22.5.2 One non-illuminated on-site directional sign of no more than four (4) square feet.

10.23 Standards for the Design and Construction of Streets. standards for the design and construction of streets are found in [Chapter 20- Detailed Standards For The Design And Construction Of Streets](#).

Chapter 11- Specific Uses

11.1. Purpose. This chapter provides regulations for specific uses within the City of Salmon.

11.2. Home Occupations. These standards are designed to permit limited commercial activity associated with dwellings, while assuring that such activity does not diminish the residential character of the neighborhood in which it is located. Should such home occupation increase in size or operation beyond the conditions set forth in this ordinance it shall become a commercial use and shall be subject to the requirements and approval of a commercial operation under this ordinance. Approval of a home occupation does not change any specification or standard applicable to the dwelling to which it is accessory.

11.2.1. Home Occupation Standards. Home occupations shall comply with the following standards as well as any other section within this code.

11.2.1.1. Home occupations can be, but are not limited to:

11.2.1.1.1. Accounting, Beauty Salon and Cabinetry, Bed and breakfast inn that occupies no more than 50% of the floor area of the residence may be permitted as a home occupation, Family daycare home with six (6) or fewer children

11.2.1.2. No Home Occupation shall be:

11.2.1.2.1. Junk Yard, Auto Salvage, Restaurant, Gravel Pit, Convenience Store.

11.2.1.2.2. Any type of business that accumulates outdoor storage

11.2.1.2.3. Transient lodgings, including hotels, motels, guest cabins, campgrounds, and recreational vehicle parks shall not be permitted as home occupations unless transient lodging meets the definition of a Short Term/Vacation Rentals.

11.2.1.2.4. Any industrial uses

11.2.1.3. Home Occupations shall be limited to 20 A.D.T (Average Daily Trips).

11.2.1.4. No equipment or process will be used in such home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

11.2.1.5. In home occupations located within subdivisions there will be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than allowed signs.

11.2.1.6. Must comply with all applicable federal and state applications and requirements

11.3 Accessory Dwelling Units

11.3.1 Purpose and Intent: This section provides standards for an accessory dwelling unit (ADU) to be added to a single family dwelling. The intent of permitting ADU is to:

11.3.1.1. Promote growth management goals by providing infill housing in close proximity to existing infrastructure and services, including public transportation, schools, parks, employment centers, and other public areas and to conserve land, house more people within urban growth areas, and prevent sprawl;

11.3.1.2. Add moderately priced rental units to the housing stock to meet the needs of smaller households, moderate income households, elderly, and persons with disabilities;

11.3.1.3. Provide older homeowners with a means of obtaining rental income, companionship, and security thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;

11.3.1.4. Protect stability, property values, and the residential character of a neighborhood.

11.3.2 Definitions: Accessory Dwelling Unit (ADU): An accessory dwelling unit is a self-contained housing unit that is clearly a subordinate to the single-family dwelling and complies with each of the requirements contained in this chapter. An ADU shall include a kitchen, a separate bathroom, and a separate entrance/exit.

11.3.3 Conditions for an ADU:

11.3.3.1. A single-family dwelling exists on the lot or will be constructed in conjunction with the ADU. The ADU may be attached to, or detached from, the principal unit. Any new separate outside entrance serving an ADU shall be located on the side or in the rear of the building. There shall be no more than one ADU per main residence.

11.3.3.2 An ADU must be less than 70% of the square footage of the ground floor of the principal structure and no more than 1,200 square feet.

11.3.3.3. Parking: One off-street parking space, in addition to that which is required by the ordinance for the underlying zone, shall be provided. ADU's shall not have an additional carport to that of the main residence.

11.3.3.4. Setbacks and Lot Coverage: Any additions to an existing building shall not exceed the allowable lot coverage or encroach into the existing setbacks. If the ADU is detached there shall be a minimum of 10 feet between the primary residence and the ADU.

11.3.3.5. Building Height and Stories.

- a. A one (1) story detached ADU shall be no more than thirteen (13) feet in height.
- b. A one and one-half (1.5) to two (2) story detached ADU shall be no more than twenty-two (22) feet in height measured to the roof peak.
- c. An attached ADU may occupy a basement, first, or second story of a main residence if it is designed as an integral part of the main residence and meets the setbacks required for the main residence.

11.3.3.6. The design of the ADU is incorporated into the primary unit's design with matching materials, colors, window style, and roof design. The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence.

11.3.3.7. All ADU's shall have water and sewer connections that are independent from the primary residence. Unless the ADU is attached to part of the existing residence and utilities already exist in the garage or dwelling unit the ADU will be attached to or placed above.

11.3.3.8. No home occupations or daycare facilities may be undertaken in the accessory unit.

11.3.3.9. The ADU shall be built on a permanent foundation and meet the requirements of the applicable building code.

11.3.3.10 ADU's shall only be rented on a monthly or longer basis.

11.4 Short Term/Vacation Rentals. Pursuant to Idaho Code 67-6539, these standards are designed to allow short term/vacation rentals associated with a dwelling, while protecting the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate. All short-term/vacation rentals shall comply with all standards of this code.

11.4.2. Only one dwelling per lot may be used as a short-term/vacation rental

11.4.3. Landlords are to encourage renters to treat the neighborhood as their own and to have regulations that would protect the residential characteristic of the neighborhood including but not limited to the following;

11.4.3.1. No excessive noise levels

11.4.3.2. Quiet hours from 10pm-6am

11.4.3.3. Designated parking

11.4.3.4. Prohibit encroachment on neighboring property and prohibit blocking neighboring driveways while complying with off-street parking within this code.

11.4.3.5. Discourage excessive lighting and comply with the lighting standards within this code.

11.4.3.6. Encourage adequate containment of trash, garbage and rubbish

11.4.3.7. Limit 20 ADT (Average Daily Trips).

11.4.3.8. Approved Business licenses must be obtained from the City Clerk prior to establishing a Short-Term/Vacation Rental.

11.5. Mobile Vendors. Any moveable service unit, trailer, vehicle, wagon, motorized or non-motorized vehicle or similar device which is designed specifically for walk-up service. All mobile vendors shall comply with all standards of this code and may be located in commercial, core commercial and industrial zones.

11.5.1. A Special Use Permit or Conditional Use Permit will be required for all other zones.

11.5.2. Three (3) Off-Street parking spaces must be provided for each individual vendor.

11.5.3. Private garbage facility must be provided by the operator of the mobile vendor and must be removed daily.

11.5.4. All mobile vendors must comply with all regulatory requirements.

11.6. Communications Towers and Antennas. The City of Salmon declares that the purposes of this section are to:

A. establish standards for the siting of telecommunications towers and antennas;

B. encourage the use of existing structures as an alternative to new tower construction;

C. encourage the joint use of towers;

D. encourage the design and construction of towers and antennae which minimize adverse visual impacts;

E. ensure compliance of all telecommunications facilities with current federal, state, and local regulations;

F. facilitate the provision of wireless telecommunications services; and prevent harm to the health, welfare, and visual environment of Salmon, ID and its citizens.

11.6.1 Requirements for facility permit submissions.

In addition to any other materials required for a standard permit under this section or any other ordinance of the City of Salmon, all applicants for permits to construct a telecommunications tower or antenna shall submit visual impact demonstrations using photo simulations of the proposed facility as it would be seen from residential areas, public rights of way, and public parks and other sites as deemed appropriate by the Planning and Zoning Department.

11.6.2 Location of facilities on or near historic structures historic districts, and scenic corridors. Towers and antennae may be approved on or near historic structures and districts and designated scenic corridors by special exception and only if so concealed as to be substantially invisible. The views of, and vistas from, such structures, districts, and corridors shall not be impaired or diminished by the placement of telecommunications towers and antennae.

11.6.3. Height Restrictions

A. No new telecommunications facility shall exceed 100 feet in height. However, in the event of dense vegetation or other substantial obstacles to signal propagation, facilities can extend to a height of no more than 20 percent above the average tree canopy height within 1,000 feet of the proposed facility.

B. Telecommunications facilities that simulate objects that typically occur in landscapes similar to the proposed location (except billboards, electrical transmission, or telecommunications towers) may exceed 100 feet in height if, based on the judgment of the City Planning Department, it would appear in undisguised facility.

C. Telecommunications facilities located atop or within existing buildings or structures may result in an overall increase in height of the structure of no more than ten percent of the structure's height without the facility.

11.6.4. Co-location

A. In all applications for construction of a new facility, the applicant must prove by substantial evidence that a bona fide need exists for the facility and that no reasonable combination of locations, techniques, or technologies will obviate the need. The applicant must further prove that it has made all reasonable efforts to procure antenna space on existing facilities and that the cost of co-location exceeds the cost of a new facility by at least fifty percent.

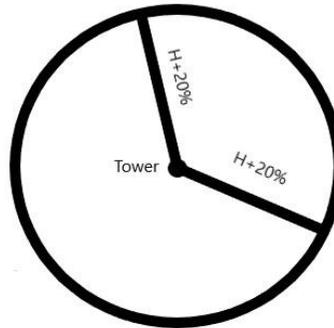
B. Prior to the issuance of a permit for a new tower, the applicant shall demonstrate commitment to joint use as follows.

1. The applicant requesting the permit shall submit evidence to the city demonstrating that a genuine effort has been made to solicit additional users for the proposed new tower. Evidence of this shall include, at a minimum, copies of notices sent by registered mail, return receipt requested, to all other providers of cellular and wireless communications services within Lemhi County, advising of the intent to construct a new tower, identifying the location, inviting the joint use and sharing of costs, and requesting a written response within fifteen business days.

2. The applicant shall sign an instrument, maintained by the city, agreeing to encourage and promote the joint use of telecommunications towers within the city and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing or delaying joint use of any tower where fair and just market reasonable compensation is offered for such use.

11.6.5 Setbacks

Any new tower constructed must maintain a setback of tower height plus 20 percent from any property line, building, or road.



11.6.6. Equipment shelters

Telecommunications facility shall not exceed 750 square feet in area nor 12 feet in height. All such sheds shall be screened with vegetation or other aesthetically pleasing materials. Furthermore, all such sheds shall be secured with approved fencing and a locked gate.

11.6.7. Signs

No commercial messages nor any other signs beyond safety warnings and an identification sign of not greater than 6 square feet shall be placed on any tower or facility.

11.6.8. Electronic emissions and electromagnetic radiation

A. Prior to commencing regular operation of the facility, all facility owners and operators must submit a certificate of compliance with all current Federal Communications Commission regulations concerning electromagnetic radiation and other electronic emissions applicable to the facility.

B. All facility operators and owners must sign an agreement, to be maintained by the city, agreeing to bring facilities into compliance with any new federal, state, or local laws or regulations concerning electromagnetic radiation and other electronic emissions applicable to the facility within 120 days of the effective date of the regulations.

11.6.9 Removal of facilities.

The owner of a facility shall establish a \$10,000 cash security fund or provide the City with an irrevocable letter of credit in the same amount to secure the cost of removing an antenna, antenna array, or tower that has been abandoned. In the event of a transfer of ownership, the seller shall be responsible for notifying the buyer of this requirement and for notifying the City of the transfer.

Chapter 12- Manufactured Home Standards, Manufactured Home Park And Recreational Vehicle Park Regulations

12.1. Purpose. This chapter provides regulations for the placement of manufactured homes, and development of manufactured home parks.

12.2. Placement Of Manufactured/Mobile Homes.

12.2.1. Manufactured and mobile homes that are placed, replaced, or substantially improved within all Special Flood Hazard Areas shall comply with the provisions of [Chapter 18- Flood Hazard Zones](#) of this code.

12.2.2. Manufactured/mobile homes are allowed on individual lots zoned for single-family residential uses in addition to manufactured homes on lots within designated manufactured/mobile home parks or manufactured home subdivisions.

12.2.3. Pursuant to Appendix B of this code, manufactured home parks may be allowed only in the MDR zoning district upon approval of a Special Use Permit.

12.2.4. In zoning districts, outside manufactured home parks, only multi-sectional manufactured housing shall be allowed.

12.2.5. Pursuant to Appendix B of this code, single wide manufactured homes may be allowed in all zoning district upon approval of a Special Use Permit.

12.3. Manufactured Home and Mobile Home Placement Standards.

12.3.1. Placement of a manufactured home on a lot shall comply with the zoning district standards; and

12.3.2. Pursuant to *I.C.44-2201* the manufactured home and Mobile Home shall comply with the Idaho Manufactured Home Installation Standards and the Building Code; and

12.3.3. Have all hitches, wheels and other running gear removed; and

12.3.4. Shall be permanently attached to an enclosed permanent perimeter foundation (wood, masonry or poured concrete). The foundation fascia shall be similar in appearance and durability to the masonry foundation or other foundation systems comparable with site-built dwellings. It shall completely enclose the space between the siding and the finished grade; and

12.3.5. Shall have a pitched roof that complies with the snow load standards of the Building Code.

12.3.6. Mobile homes constructed prior to June 15, 1976 shall comply with the Idaho Division of Building Safety *Idaho Mobile Home Rehabilitation Act* and receive an approved building permit prior to being sited on a lot; and

12.4. Temporary placement. Temporary placement of a recreational vehicle, mobile or manufactured home on a residential lot for use of occupancy shall be allowed only in the

case of a catastrophic event or if a building permits has been issued for the construction of a permanent structure and only for a period not to exceed one (1) year. Mobile, manufactured homes and recreational vehicles allowed as temporary use shall not be placed on a permanent foundation. No extensions shall be issued.

12.5. Recreational Vehicles.

12.5.1. Occupancy. Recreational vehicles, as defined by state law, may not be used as a permanent residence. Continuous occupancy in a recreational vehicle on the same property for more than thirty (30) days in a calendar year is prohibited except when located within an approved recreational vehicle park as defined by this code or in compliance with 11.4 above. Recreational vehicles may not be connected to city water or sewer unless within a recreational vehicle park, or if being used as allowed by section 11.4.

12.5.2. Special Flood Hazard Areas. Recreational Vehicles in all Special Flood Hazard Areas shall comply with the provisions of [Chapter 18- Flood Hazard Zones](#) of this code and FEMA regulations.

12.6. Manufactured Home/Recreational Vehicle Parks. The following standards shall apply to all manufactured home (mobile home) and recreational vehicle parks:

12.6.1. Special Flood Hazard Areas. Pursuant to Chapter 17 of this code, manufactured home (mobile home) parks are prohibited in all Special Flood Hazard Areas.

12.6.2. Site Selection:

12.6.2.1. Topography. The topography must be favorable to good site drainage, minimum grading, manufactured/mobile home/recreational vehicle placement, and ease of maintenance.

12.6.2.2. Utilities. The site must be readily accessible to public utilities, including water, sewerage, and electricity.

12.6.2.3. Land Area. The area of the manufactured home/recreational vehicle park must be sufficient in size to accommodate:

12.6.2.3.1. The number of manufactured home/recreational vehicle spaces desired; and

12.6.2.3.2. Roads and parking areas for motor vehicles; and

12.6.2.3.3. Service areas, buildings and playgrounds; and

12.6.2.3.4. On site utilities where public utilities are not available.

12.6.2.4. Site Improvements. The physical improvements of the site must be arranged to provide:

12.6.2.4.1. A convenient means of pedestrian and vehicular access to each manufactured/mobile home/recreational vehicle space, parking areas, and accessory buildings; and

12.6.2.4.2. An adequate supply of potable water; and

12.6.2.4.3. A safe method of sewage disposal; and

12.6.2.4.4. Electrical service for lighting and power; and

12.6.2.4.5. Diversion of surface water away from buildings, manufactured/mobile home/recreational vehicle spaces, service and recreational areas, and its disposal from the site.

12.6.2.5. Site Planning. A plan of the proposed manufactured home park must be developed for approval of the City indicating the layout of manufactured/recreational vehicle spaces, roads, walks, service buildings, service areas, utilities, and necessary grading. Determination must be made in the initial planning stage on the number of manufactured/mobile homes/recreational vehicles to be accommodated.

12.6.2.5.1. Spacing.

12.6.2.5.1.1. Each manufactured/mobile home/recreational vehicle space must be not less than one thousand two hundred fifty (1250) square feet in area and should be at least twenty-five (25) feet wide.

12.6.2.5.1.2. The minimum spacing between manufactured/recreational vehicles and between manufactured/mobile homes and buildings shall be a minimum of 15 feet on all sides.

12.6.2.5.2. Roads, walks and parking areas.

12.6.2.5.2.1. General circulation. Safety and convenience must be a major consideration in the layout of roads, walks, and parking areas within the manufactured home park. All roads must be continuous and provide connectivity to a public rights-of-way street.

12.6.2.5.2.2. Service vehicle access. Suitable vehicular access for fire-fighting equipment, delivery of fuel, removal of garbage and refuse, and for other necessary services must be provided.

12.6.2.5.2.3. Width of roads and parking areas. Main access roads, excluding parking, must be two lane and at least twenty-four (24) feet wide and meet standards of the Salmon Fire Protection District and the City of Salmon road construction standard.

12.6.2.5.2.4. Parking area. The same number of motor vehicle parking spaces must be provided as the number of manufactured home recreational vehicle spaces. These must be provided in additional parking areas.

12.6.2.5.2.5. Walks. The manufactured home recreational vehicle park walk system must include a walk from the manufactured home to service facilities.

12.6.2.5.2.5.1. Width of Walks

12.6.2.5.2.5.1.1. Public Walks: Minimum four (4) feet.

12.6.2.5.2.5.1.2. Entrance Walks: Minimum three (3) feet from public walk to manufactured home/recreational vehicle.

12.6.2.6. Service Buildings. Each manufactured home/recreational vehicle park that is planning on serving recreational vehicles must be provided with one (1) or more service buildings containing the requisite number of plumbing fixtures and other service equipment. The service buildings must conform in general to the following requirements:

12.6.2.6.1. Location. The building should be located not more than two hundred (200) feet from any recreational vehicle space.

12.6.2.6.2. Construction. The materials and methods used in the construction of service buildings must conform to the building code. It must have an interior finish which is moisture resistant and can be easily cleaned. All rooms of service buildings must be ventilated and all exterior openings provided with screens.

12.6.2.6.3. Facilities (Recreational Vehicle Park Only). Separate men's and women's restrooms shall be ADA (American Disability Act) compliant and distinctly marked. These facilities must be separated by a sound-resistant wall. A vestibule or screen wall must be provided to prevent direct view into the restrooms when exterior doors are open.

12.6.2.6.4. Plumbing fixtures. Every manufactured home/recreational vehicle park must provide adequate sanitation and laundry facilities. In no instance should there be less than one laundry unit (laundry or washing machine); one water closet, one lavatory and one shower for women; and one water closet, one lavatory and one shower for men. A water closet must be provided in each service building. The water closet should be in a separate room of the service building with a single direct opening to the outside.

12.6.2.6.4.1. The facilities listed above will accommodate the planned number of recreational vehicle spaces. One (1) water closet must be provided for each sex for every ten (10) additional recreational vehicles. (Urinals for men may be substituted for two-third (2/3) of these water closets).

12.6.2.6.4.2. One lavatory must be provided for each sex for every ten (10) additional recreational vehicles; and one (1) shower or bathtub for each sex for every twenty (20) additional recreational vehicles. A laundry unit must be provided for every twenty (2) additional spaces.

12.6.2.7. Fire Prevention. The court area shall be subject to the rules and regulations of the Salmon Fire District.

12.6.3. Regulations.

12.6.3.1. No permanent additions of any kind shall be built onto, nor become a part of, any manufactured/recreational vehicle and be set up in accordance with the Idaho Mobile/Manufacture Home set up guide as amended.

12.6.3.2. Skirting of manufactured home is required. Such skirting shall not permanently attach the manufactured/mobile home or recreational vehicle to the ground, provide a harborage for rodents, or create a fire hazard.

12.6.3.3. The wheels of a recreational vehicle shall not be removed, except temporarily when necessary for repairs.

12.6.3.4. Jacks or stabilizers may be placed under the frame of the manufactured home or recreational vehicle to prevent movement on the springs while the manufactured home or recreational vehicle is parked and occupied.

12.6.4. Maintenance.

12.6.5. All land visible from the public rights-of-way including exterior premises and vacant land whether improved or unimproved and exterior areas under any roof, not enclosed by walls, doors, or windows of any building shall be maintained free of:

12.6.5.1. Any accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse or waste material. Garbage services shall be provided.

12.6.5.2. Abandoned, discarded, broken or inoperable commercial or industrial equipment, appliances or other equipment that could a hazard to children, animal and the public.

12.6.5.3. Any unguarded and unprotected or abandoned pit, well, cellar, hole, trench or other excavation of more than two feet in depth on any unenclosed lot that may constitute a threat or public hazard.

12.6.6. All fences, screens, and retaining walls visible from a public rights-of-way shall be structurally sound and not constitute a hazard or condition of disrepair.

12.6.7. All premises shall be maintained to prevent the accumulation of stagnant water which otherwise may cause a hazardous or unhealthy condition, become a breeding area for insects; or allow the soil erosion or damage to foundations walls.

12.6.8. All swimming pools, spas, hot tubs and fountains shall be maintained so as to not create a health or safety hazard, harbor insect infestation or a deteriorated condition. Fencing required for swimming pools or spas shall be maintained in good condition.

12.6.9. Vacant and unsecured buildings, structures and premises shall be actively maintained and monitored including the removal of exterior trash, debris and graffiti. Steps shall be taken to prevent criminal activities in these areas.

Chapter 13 - Required Improvements, Development Agreement, Phased Development

13.1. Purpose. This chapter defines the tools to require that an owner or developer make a written commitment concerning the use or development of a subject parcel and may include provisions governing the creation, form, recording, modification, enforcement and termination of conditional commitments.

13.2. Required Improvements. A required improvement is any public or private improvement that must be provided to comply with this code and the City Code.

13.3. Standards for Required Improvements. All required improvements shall be installed in compliance with this code including any design and engineering standards separately adopted by the City or other agencies responsible for providing service to the development.

13.4. Responsibility. Required improvements to all new development shall be designed and installed to City standards at the expense of the owner(s) or developer(s) of the property being developed. As provided by City Code, the City may, at its discretion, participate in the costs of adding capacity to required improvements in order to provide for anticipated future developments.

13.5. Cost Share. As provided by City Code, costs for required improvements installed at the expense of the owner or developer may be reimbursed to the owner or developer by the owners or developers of properties benefiting from said public improvements at the rate set by the City per lineal foot of each property frontage.

13.6. Inspection and Acceptance of Improvements.

13.6.1. All required public improvements shall be installed by the owner or developer to the City's satisfaction before a final plat is recorded or the development is offered for lease or sale, leased, sold, or occupied. All required improvements shall be inspected by the City before acceptance.

13.6.2. Required improvements shall be inspected by the City before acceptance. Acceptance of required improvements shall be by action of the City Council following submission of the developer's written request for acceptance and receipt of the Public Works Superintendent's report that all improvements have been inspected and are in compliance with all regulations.

13.7. Inspection Fees. Inspection fees for all required improvements shall be paid before any work on required improvements is permitted.

13.8. Development Agreement.

13.8.1. Effect of Development Agreement. The City Council may require or permit as a condition of approval that an owner or developer makes a written commitment concerning the approved use or development of the subject parcel. Development Agreements do not insulate developments from changes in state, local or federal regulations or changes in building and/or fire codes.

13.8.2. Commitment. Such commitments shall be recorded in the office of the county recorder and shall take effect upon the adoption of the amendment to the zoning ordinance. Unless modified or terminated by the governing board after a public hearing, a commitment is binding on the owner of the parcel even if it is unrecorded; however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

13.8.3. Modifications. A commitment may be modified only by the permission of the governing board after complying with the notice and hearing provisions of section [67-6509](#), Idaho Code.

13.8.4. Termination. A commitment may be terminated, and the zoning designation upon which the use is based reversed, upon the failure of the requirements in the commitment after a reasonable time as determined by the governing board or upon the failure of the owner; each subsequent owner or each other person acquiring an interest in the parcel to comply with the conditions in the commitment and after complying with the notice and hearing provisions of section [67-6509](#), Idaho Code.

Chapter 14 - Sign Regulations

14.1. Purpose. The purpose of this chapter is to support the use of signs to be maintained in a safe and attractive condition, to promote the public health, safety and welfare of the community, and to preserve, promote and enhance the City's scenic and commercial environment.

14.2. Permits. Except as otherwise provided in this chapter, a permit is required for the placement of certain signage. A building permit may also be required for compliance with the building code.

14.3. Applications. Applications for a sign permit shall be obtained from the Zoning Administrator, and shall include the following:

14.3.1. In the case of an application for any off-premise signage, written permission obtained from the business owner within whose business frontage the sign is located.

14.3.2. Multiple Signs may be permitted on one (1) sign permit application, subject to one (1) sign permit fee, provided the application includes all information relevant to all signs being permitted at that time.

14.4. Exempt Signs. No sign permit shall be required for the following signage in all zoning districts, and building permits may be required:

14.4.1. One (1) on premise, non-illuminated sign for home occupations per 10.23.5.

14.4.2. Real estate signs not exceeding four (4) by eight (8) feet.

14.4.3. Temporary general information signs including but not limited to "For Sale" signs, "Sale" signs, etc., not exceeding thirty-two (32) square feet per sign face.

14.4.4. Temporary signs may be displayed for up to forty-five (45) consecutive days and shall not exceed thirty-two (32) square feet per sign face.

14.4.5. Banners, pennants, and festoons advertising special events may be displayed up to forty-five (45) consecutive days. Such signs shall not be strung between utility poles or overhang the rights-of-way without approval by the City Council.

14.4.6. Any changes of message, display or face of the sign that does not alter the exterior dimensions of the existing sign cabinet. Electrical permits shall be required for electrical hookups.

14.4.7. Any political signs as controlled by state law. Such signs will be removed within forty-eight (48) hours after the end of the election day for which the sign was installed.

14.5. Signs Prohibited in all Zoning Districts.

14.5.1. Signs attached to trees, telephone poles or streetlights may not be posted for more than five (5) days and must be removed by owner.

14.5.2. Signs which make use of words such as "Stop", "Look", "Danger", or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.

14.5.3. Any sign which obstructs free ingress to or egress from door, window, fire escape, other exit way, or standpipe.

14.5.4. Any sign or other advertising structure containing any obscene, indecent or immoral matter.

14.5.5. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is capable of causing electrical shock to persons likely to come in contact with it.

14.5.6. Search and/or strobe lights.

14.6. Signs Permitted in all Zoning Districts.

14.6.1. Subdivision Identification Signs. Such signs may be erected for the purpose of identifying a residential development. Sight triangle regulations must be followed.

14.6.2. Real estate development project signs. Such signs shall be permitted when erected for the purpose of selling or promoting a residential project. Sight triangle regulations must be followed.

14.6.3. Non-illuminated home occupation signs as provided for by 10.23.5 of this code.

14.7. General Placement and Standards in all Zoning Districts.

14.7.1. Maintenance. The owner of a sign and the owner of the premise on which such sign is located shall be jointly liable to maintain such signs in compliance with this chapter.

14.7.1.1. Unmaintained signage for abandoned or relocated business shall be removed from the site.

14.8. General Structural, Placement and Illumination Requirements.

14.8.1. Signs and sign structures shall meet the requirements in the Building Code and this chapter.

14.8.2. Beams from lights illuminating a sign shall be directed away from adjacent properties and public rights-of-way.

14.8.3. Electronic message signs shall incorporate dimming capability.

14.8.4. All signage shall be subject to the site distance triangle requirements of 10.3 of this code.

14.8.5. No sign shall be constructed in such a manner as to block any other sign from street level.

14.9. Total Sign Area. The total sign area allowed per individual business site shall not exceed three hundred (300) square feet in area in all commercial, industrial and agricultural zones unless otherwise provided for by this chapter.

14.10. Portable and Sandwich Board Signs.

14.10.1. Subject to the provisions of this sub-section, any business owner having a business located within a commercial or industrial zoning district may erect and maintain not more than two (2) portable sandwich board commercial signs within the business frontage of the business for which the advertisement or solicitation is made.

14.10.2. In addition to 13.10.1 above, the owner of any business located within the CC zoning district may also erect one additional portable sandwich board off-premise commercial sign upon Main Street, provided that written permission is obtained from the business owner within whose business frontage the sign is located.

14.10.3. All portable or sandwich board signs shall not obstruct the vision of vehicular traffic, the sign shall not exceed 2 ½ feet in width and 4 feet in total height per side, shall not impede American with Disabilities Act (ADA) requirements, shall not exceed one-half (1/2) the width of the sidewalk or walkway on which such sign is placed, and shall be removed after the conclusion of business hours.

14.11. Wall Signs. A wall sign shall be attached flat against the wall and project no further than eighteen (18) inches from the building.

14.12. Projecting Signs. A projecting sign shall not extend beyond the top of the wall on which it is placed. A minimum eight (8) foot clearance from grade is required and may extend no more than four (4) feet over a public sidewalk.

14.13. Roof Signs.

14.13.1. Roof signs shall not project further than eighteen (18) inches from the building.

14.13.2. Roof-mounted signs shall not exceed the highest point of a roof or parapet unless granted an exception by the Planning and Zoning Commission.

14.14. Pole/Ground Signs.

14.14.1. The maximum height of a pole/ground sign shall be twenty-five (25) feet.

14.14.2. Any individual pole/ground sign structure shall not contain in excess of two hundred (200) square feet of signage when located within twenty-five (25) feet of any property line.

14.14.3. One pole/ground sign per site shall be permitted not exceeding twenty-five (25) feet in height from finished grade.

14.14.4. All wiring serving pole/ground signs shall be underground.

14.14.5. No pole/ground sign shall be located in a public street.

14.14.6. The base of the sign cabinet within a sight distance triangle shall be a maximum three (3) feet in total height from finished grade.

14.15. Suspended/Hanging Signs. Such signs may accessorize awning structures and shall have a minimum clearance of seven feet (7') to the sidewalk.

14.16. Displays. Requests for temporary displays should specify the location of the display, the typed, size, number, and location of devices in the display, and the intended starting and ending dates. All displays over forty-five (45) days, shall be reviewed and approved by the Planning and Zoning Commission prior to issuance of a permit.

- 14.17. Reader Boards (changeable copy panels).** Reader boards, including changeable electronic message boards, are permitted in all commercial zones, but must be counted into the total sign area allowed on a lot.
- 14.18. Multi-use Malls, Shopping Centers, Commercial, Professional plazas.** The following provisions shall apply to a complex containing two (2) or more businesses in all commercial zoning districts:
- 14.18.1. Individual Business.** Each individual business within such a complex may have a total signage area of sixty-four (64) square feet
- 14.18.2. Common Signage.** Such a complex may also share additional pole ground signage which collectively advertises the name of the complex and/or the names of the individual businesses. See also the definition of "common signage".
- 14.19. Nonconforming Signs.** Nonconforming signs may retain existing size and location, regardless of content. Any new signage for uses shall be in conformance with the requirements of this chapter.
- 14.19.1.** Existing nonconforming signs shall be counted toward the total signage allowed on property or business.
- 14.19.2.** The continued use of a nonconforming sign shall be subject to provisions of [Chapter 3-Nonconforming Uses](#). Nonconforming signs and sign structures shall lose their nonconforming status if a sign cabinet, face, or structure is removed, refurbished, replaced, or relocated without a permit, or a sign has been improperly maintained or has become structurally unsound.
- 14.20. Compliance.**
- 14.20.1.** If the Zoning Administrator finds that any sign regulated in this chapter is unsafe or insecure, or has been constructed or erected in violation of the provisions of this chapter, he shall begin enforcement actions pursuant to [Chapter 4 - Administrative Procedures](#) of this code.
- 14.20.2.** Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise. These remedies shall be in addition to any other penalties described in this chapter.
- 14.21. Appeals.** A decision of the Zoning Administrator or Planning and Zoning Commission may be appealed using the procedure of [Chapter 4 - Administrative Procedures](#) of this code.

Chapter 15- Landscaping And Buffering

- 15.1. Purpose.** Buffering requirements are an essential element in mitigating potential land use conflicts and enhancing the visual appeal of the City. The purpose of this Chapter is to assure that negative impact of special uses is mitigated through the use of buffering. The purpose of landscaping is to enhance the esthetic values and appearance of the properties within the city.
- 15.2. General Provisions:** A landscaping and/or buffering plan shall be submitted with the application for a special use permit. That plan shall show:
- 15.2.1.** The width of the buffer.
 - 15.2.2.** The number, size, and species of all proposed plant materials.
 - 15.2.3.** How the proposed buffer will be graded (i.e. level, berm, swale).
 - 15.2.4.** How irrigation will be provided.
 - 15.2.5.** The location of any fences, walls, sign poles or pedestals, or other structures that will be placed in the buffer.
 - 15.2.6.** Existing vegetation shall be retained to serve required buffering or screening functions wherever possible.
 - 15.2.7.** The developer of property shall provide the buffer.
 - 15.2.8.** In the event a lower intensity development is placed next to an existing high intensity property, the lower intensity developer would be required to provide the buffer.
 - 15.2.9.** No buffers are required on those sides of property adjoining agricultural zones.
 - 15.2.10.** Buffering shall be sufficient to mitigate all negative impacts on the surrounding area.
 - 15.2.11.** All buffers and/or landscaping are to be maintained and owners will be deemed in violation of the code if maintenance is not thorough and regular. Maintenance of landscaping and buffering shall be the responsibility of the owner. Natural vegetation and xeriscapes are encouraged.
- 15.3. Buffers adjoining roads.** Areas of high intensity property that are used for ingress or egress or building frontage do not require buffers. Planting and landscaping are encouraged in the building frontage area. The maximum fence height is seven (7) feet and Clear Vision Triangles must be maintained.

Chapter 16- Lighting Standards

- 16.1. Purpose.** The general purpose of this Chapter is to protect and promote the public health, safety and welfare of the public by establishing regulations and a process of review for exterior lighting. Exterior lighting is subject to the following standards:
- 16.1.1.** To protect against direct glare of excessive lighting; and
 - 16.1.2.** To provide safe roadways for motorists, cyclists and pedestrians; and
 - 16.1.3.** To prevent light trespass in all areas of the City; and
 - 16.1.4.** To promote efficient and cost effective lighting; and
 - 16.1.5.** To ensure that sufficient lighting can be provided where needed to promote safety and security; and
 - 16.1.6.** To allow for flexibility in the style of lighting fixtures; and
 - 16.1.7.** To provide lighting guidelines.
- 16.2. Scope.** All exterior lighting installed after the effective date of this code shall be in conformance with the requirements established by this Chapter and any other code requirements. All existing lighting installed prior to the effective date of this Chapter shall not be required to change until such time the entire lighting unit is being replaced.
- 16.3. Definitions.** Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section it's most reasonable application.
- 16.3.1. Area light** - Area light includes, but is not limited to, street lights, parking lot lights and yard lights.
 - 16.3.2. Eighty-five (85) degree full cut-off type fixtures** - Fixtures that do not allow light to escape above an eighty-five (85) degree angle measured from a vertical line from the center of the lamp extended to the ground.
 - 16.3.3. Existing lighting** - Any and all lighting installed prior to the effective date of this code.
 - 16.3.4. Exterior lighting** - Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this code.
 - 16.3.5. Flood lights** - Lights that are designed to flood a well-defined area with light.
 - 16.3.6. Full cut-off fixtures** - Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture and downward directed either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

- 16.3.7. Glare** - Intense light that results in discomfort and/or a reduction of visual performance and visibility.
- 16.3.8. Holiday lighting** - Festoon type lights, limited to small individual bulbs on a string.
- 16.3.9. Light** – A form of radiant energy acting on the retina of the eye to make sight possible; brightness, illumination, a lamp, as defined above.
- 16.3.10. Light pollution** - Any adverse effect of manmade light including, but not limited to, light trespass, lighting directed upwards (up lighting), the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.
- 16.3.10.1. Light Reflection**- Light reflected off buildings or structures
- 16.3.10.2. Indirect Lighting**- Reflected or diffused light used to avoid glare or shadows
- 16.3.10.3. Area lighting**- A light used to illuminate an area but not go beyond that area
- 16.3.11. Light trespass** - Light falling where it is not wanted or needed, generally caused by a light on a property of others.
- 16.3.12. Luminaries** - The complete lighting unit, including the lamp, the fixture, and other parts.
- 16.3.13. Recessed** - A light that is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.
- 16.3.14. Shielded** - Light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cut-off fixture.
- 16.3.15. Temporary lighting** - Lighting that is intended to be used for a special event for seven days or less.

16.4. Criteria.

- 16.4.1. Exterior lighting.** All exterior lighting shall be full cut-off fixtures with the light source fully shielded.
- 16.4.2. Flood lights.** Flood lights are to be directional shielded. Flood lights with external shielding shall be angled providing that no light escapes above a twenty-five (25) degree angle measured from the vertical line from the center of the light extended to the ground, and so light cannot cause glare or light to shine on adjacent property or public rights-of-way. Photocells with timers that allow a flood light to go on at dusk and off by eleven (11) p.m. are encouraged.
- 16.4.3. Sensor activated lighting.** Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public rights-of-way, and provided the light is set to only go on

when activated and to go off within five (5) minutes after activation has ceased, and the light shall not be triggered by activity off the property.

16.4.4. Vehicular and temporary emergency lighting. Vehicular lights and all temporary emergency lighting needed by emergency services shall be exempt from the requirements of this Chapter.

16.4.5. Flag Poles. Upward flagpole lighting is permitted.

16.4.6. Area Lights. All area lights, including street lights and parking area lighting, shall be full cut-off fixtures and are encouraged to be eighty-five (85) degree full cut-off type fixtures.

16.4.7. Luminaries Mounting Height. Freestanding luminaries shall be no higher than twenty-five (25) feet above the stand/pole base, except that luminaries used for playing fields shall be exempt from the height restriction provided all other provisions of this code are met and the light is used only while the field is in use, and except that street lights used on major roads may exceed this standard if necessary as determined by the City, as advised by a lighting engineer. Building mounted luminaries shall be attached only to walls, and the top of the fixture shall not exceed the height of the parapet or roof, whichever is greater.

16.4.8. Up lighting. Up lighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky and will not cause light to extend beyond the structural shield, and except as specifically permitted in this code.

16.4.9. Canopy Lights. All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

16.4.10. Towers. All radio, communication and navigation towers that require lights shall have dual lighting capabilities pursuant to the requirements of state and federal laws.

16.4.11. Temporary Lighting. Temporary lighting that conforms to the requirements of this code shall be allowed.

Chapter 17- Annexations

17.1. Purpose. To provide for the orderly allocation of land into the city limits, to provide assurances to the governing bodies that the annexation of land into the city limits will not have an adverse effect on the City's ability to provide and maintain a high level of municipal service within the existing city limits, will not have an adverse effect on the existing municipal infrastructure, will not have an adverse fiscal impact to the city, and will provide and maintain a high level of municipal service to lands being annexed.

17.2. General Criteria to Qualify for Annexation. All annexation requests must comply with I.C 50-222

17.3. De-Annexations - Qualifications and Criteria. Pursuant to *I.C. 50-225 - Exclusion of Territory*, the City Council has the authority to enact ordinances for the purpose of de-annexation. At a regular meeting, the City Council may deliberate as to whether or not they are interested in the petition of de-annexing the property. If not, the City Council shall take formal action to deny the petition. If the City Council decides to consider the request, a completed application shall be submitted to the Zoning Administrator pursuant to this chapter.

17.4. General Qualifications for Application Completeness.

17.4.1. All applications shall follow procedures set forth in Idaho Code 50-222.

17.4.2. A completed application, supporting materials, and fee shall be filed with the Zoning Administrator by the owner of the real property or representative. Incomplete applications will not be accepted, and will cause delay in the processing and scheduling of the public hearing.

17.5. Zoning Designation, Future Land Use Plan Map, and Jurisdiction. The City shall, concurrently with the application for annexation or de-annexation, consider the Comprehensive Plan, the Future Land Use Plan Map, and a zoning designation consistent with the requirements of *Idaho Code 67-6509* and the Salmon Development Code. The City may consider, but not approve any other application for development on the subject property under the City's zoning or subdivision ordinance until the application for annexation has been approved and an annexation ordinance has been adopted and published in accordance with state law.

17.6. Requirements for Submittal.

17.6.1. The applicant will be required to pay any fees for such application as set by the City.

17.6.2. A legal description of the annexation area, by electronic and hard paper copy

17.6.3. A statement of the existing and proposed use of the land.

17.6.4. The application and signed affidavit of ownership shall include the owner(s) and agent(s) of the owner, and all holders of title interest within the proposed area to be annexed.

- 17.6.5.** A title report and/or warranty deed demonstrating legal ownership(s) of the property(s) to be annexed.
- 17.6.6.** Existing or proposed deed restrictions on the property(s) to be annexed, if any.
- 17.6.7.** A description and map(s) of the proposed area, including:
- 17.6.8.** A vicinity map drawn to scale identifying the area to be annexed and existing city limits.
- 17.6.9.** The size of the area to be annexed in square footage or acres.
- 17.6.10.** Contour map depicting slope lines.
- 17.6.11.** FEMA Flood Insurance Rate Map(s) (FIRM) showing delineation of floodplain boundaries and elevations. In the event that base flood elevations are not delineated; it shall be the responsibility of the applicant to provide such information upon submittal of an application for subdivision or development.
- 17.6.12.** All rivers, streams, drainages, canals, drains, ditches, and other watercourses within the area to be annexed.
- 17.6.13.** Identification of irrigation districts and provisions for delivering irrigation water to the proposed development, if any.
- 17.6.14.** Identification of all rivers, streams, drainages, canals, drains, ditches, culverts, wells and other watercourses used in the transportation and/or conveyance of water to any holders of water rights identified within the area to be annexed or downstream users affected by the annexation.
- 17.6.15.** Approximate direction of surface water drainage.
- 17.6.16.** If applicable, a wetlands delineation map.
- 17.6.17.** Location of existing domestic and irrigation wells.
- 17.6.18.** Evidence that the applicant has contacted Eastern Idaho Public Health District regarding locations of existing septic systems and groundwater levels.
- 17.6.19.** A soils map and narrative describing the Natural Resources Conservation Service (NRCS) soils classification(s) or a report describing soil classification from a licensed geologist or Idaho State licensed soil engineer of the area to be annexed.
- 17.6.20.** If applicable, a Level I environmental study showing the presence of any hazardous waste.
- 17.6.21.** If part of a phased development, a phasing plan of the area to be annexed including proposed dates all other development.
- 17.7. Development Agreement.** Pursuant to [Chapter 17- Annexations](#) of this code, annexed property shall be required to connect to city water and sewer and other necessary city services as a condition of a signed and executed Development Agreement. In addition to any other conditions of approval, said Agreement shall stipulate specifically that:
 - 17.7.1.** All development shall comply with criteria enumerated in [Chapter 13 - Required Improvements, Development Agreement, Phased Development](#) of this code.

17.7.2. Unless otherwise stipulated in the terms of agreement, an annexation ordinance may be repealed and the property de-annexed by action of the City Council if the terms and conditions of the Development Agreement have not been met.

17.7.3. Said Development Agreement shall be signed and executed by the parties prior to the third and final reading of the Annexation Ordinance at a regularly scheduled City Council Meeting.

17.8. Consent to Annex.

17.8.1. Prior to the third and final reading of an annexation ordinance, all consenting property owners within the proposed annexation area must sign their consent to be annexed as required by Idaho Code 50-222. Such evidence shall be recorded by the City at the County Recorder's office with official notary seal signatures prior to publication of the Ordinance pursuant to state law.

17.8.2. Consent to annex shall follow requirements of Idaho Code 50-222.

17.9. Annexation Ordinance, Zoning Ordinance and Future Land Use Plan Map.

17.9.1. The implementation of any annexation proposal wherein the City Council determines that annexation is appropriate shall be concluded with the passage of an ordinance of annexation. (*I.C. 50-902*).

17.9.2. Concurrently or immediately following the adoption of an annexation ordinance, the City Council shall by resolution, amend the Comprehensive Plan and Future Land Use Plan Map (*I.C. 67-6525*).

17.9.3. After the Plan has been amended or adopted, the zoning ordinance may then be considered (*I.C. 67-6511(b)*).

17.9.4. The Annexation Ordinance and Zoning Ordinance shall be recorded by the City with official notary seal and signatures prior to publication of the Annexation Ordinance pursuant to state law.

17.10. Notice of Ordinance. The City Clerk shall send a certified copy of the annexation ordinance to the Lemhi County auditor, assessor and treasurer, and Idaho State Tax Commission within ten (10) days following the effective date of annexation ordinance.

17.11. Appeals. Pursuant to [Chapter 4 - Administrative Procedures](#) and Idaho Code 50-222 of this code, a notice of appeal may be filed with the City Clerk within fourteen (14) days after the Record of Decision has been published. The decision of the City Council to annex and zone lands as a category B or category C annexation shall be subject to judicial review in accordance with the procedures provided in *Chapter 52, title 67, Idaho Code*, and pursuant to the standards set forth in section 67-5279, Idaho Code. Any such appeal shall be filed by an affected person in the appropriate district court no later than twenty-eight (28) days after the date of publication of the annexation ordinance.

Chapter 18- Flood Hazard Zones

18.1. Statutory Authority. The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020 through 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property. Therefore, the Salmon City Council of the City of Salmon, Idaho does hereby ordain as follows:

18.2. Findings of Fact

18.2.1. The flood hazard areas of the City of Salmon are subject to periodic inundation that results in:

18.2.1.1. loss of life and property;

18.2.1.2. health and safety hazards;

18.2.1.3. disruption of commerce and governmental services;

18.2.1.4. extraordinary public expenditures for flood relief and protection; and

18.2.1.5. impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

18.2.2. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

18.2.3. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.

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

18.3.1. Protect human life, health, and property;

18.3.2. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;

18.3.3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;

18.3.4. Minimize expenditure of public money for costly flood control projects;

18.3.5. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;

18.3.6. Minimize prolonged business interruptions;

18.3.7. Ensure potential buyers are notified the property is in an area of special flood hazard; and

18.3.8. Ensure those who occupy the areas of special flood hazard assume responsibility for their actions.

18.4. Objectives and Methods of Reducing Flood Losses. In order to accomplish its purpose, this ordinance includes methods and provisions to:

18.4.1. Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;

18.4.2. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

18.4.3. Control filling, grading, dredging, and other development which may increase flood damage or erosion;

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

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

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

Accessory Structure (appurtenant structure): a structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

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

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

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

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

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

Base Flood Elevation (BFE): a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from

a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.

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

Building: see Structure.

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

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

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

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

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

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

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

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

Encroachment: the advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

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

Existing Manufactured Home Park or Manufactured Home Subdivision: a manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community, May 14, 1984

Existing Structures: see existing construction.

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

Flood or Flooding:

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

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

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

Flood Elevation Determination: See Base Flood Elevation (BFE)

Flood Elevation Study: See Flood Insurance Study (FIS)

Flood Fringe: Per Idaho Code §46-1021: "Flood fringe" is that portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood.

Flood Hazard Boundary Map (FHBM): an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

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

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

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

Floodplain or Flood-Prone Area: any land area susceptible to being inundated by water from any source (see definition of "flooding").

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

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

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

Floodplain Management Regulations: zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

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

- a. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1.5 feet of freeboard; and
- b. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least 1.5 feet above the highest adjacent grade. .

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

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

Freeboard: a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be 1.5 feet.

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

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

Historic Structure: a structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. by an approved state program as determined by the Secretary of the Interior, or
 2. directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

Levee: a man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

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

Local Government: Per Idaho Code § 46-1021: "Local government," in the context of this chapter, means any county or city having planning and zoning authority to regulate land use within its jurisdiction.

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

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

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

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

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

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

Mitigation: Per Idaho Code § 46-1021: "Mitigation" means any action taken which will reduce the impact, damage, or cost of the next flood that occurs.

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

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

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

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

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

Any construction started after May 14, 1984 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

New Manufactured Home Park or Subdivision: a place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community December 4, 1984.

Person: Per Idaho Code § 46-1021: "Person" means any individual, group of individuals, corporation, partnership, association, political subdivision, public or private agency, or entity.

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

Pre-FIRM: construction or other development for which the "start of construction" occurred before May 14, 1984, the effective date of the initial Flood Insurance Rate Map (FIRM).

Recreational Vehicle: a vehicle that is:

- a. Built on a single chassis, and
- b. 400 square feet or less when measured at the largest horizontal projection, and
- c. Designed to be self-propelled or permanently towed by a light duty truck, and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood:

Per Idaho Code § 46-1021: "Regulatory flood" is a flood determined to be representative of large floods known to have occurred in Idaho and which may be expected to occur on a particular stream because of like physical characteristics. The regulatory flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis

of rainfall and runoff characteristics in the watershed. In inland areas, the flood frequency of the regulatory flood is once in every one hundred (100) years. This means that in any given year there is a one percent (1%) chance that a regulatory flood may occur or be exceeded.

Regulatory Floodway: See Floodway

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

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

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

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

Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

Substantial Damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent

(50%) of its market value before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

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

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure” and the alteration is approved by variance issued pursuant to this ordinance.

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

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

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

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

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

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

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

18.6. General Provisions.

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

18.6.2. Basis for Special Flood Hazard Areas. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for The City of Salmon, dated December 4, 1984, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at the office of the City clerk at 200 Main Street Salmon, Idaho 83467.

18.6.3. Establishment of Floodplain Development Permit. A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of 18.7.2.

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

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

18.6.6. Interpretation. In the interpretation and application of this ordinance all provisions shall be:

18.6.6.1. Considered as minimum requirements;

18.6.6.2. Liberally construed in favor of the governing body; and

18.6.6.3. Deemed neither to limit nor repeal any other powers granted under state statutes.

18.6.7. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on

scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of The City of Salmon or by any officer or employee thereof for flood damages that result from reliance on this ordinance or an administrative decision lawfully made hereunder.

18.6.8. Penalties for Violation. No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000.00 or imprisoned for not more than 180 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Salmon from taking such other lawful actions as is necessary to prevent or remedy any violation.

18.7. Administration.

18.7.1. Designation of Floodplain Ordinance Administrator. The City Planning & Zoning Administrator hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance.

18.7.2. Duties and Responsibilities of the Floodplain Administrator. The Floodplain Administrator shall perform, but not be limited to, the following duties:

- 18.7.2.1.** Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- 18.7.2.2.** Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State, and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
- 18.7.2.3.** Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- 18.7.2.4.** Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- 18.7.2.5.** Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of 18.15 are met.
- 18.7.2.6.** Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of 18.8.3.

- 18.7.2.7.** Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of 18.8.3.
- 18.7.2.8.** Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of 18.8.3.
- 18.7.2.9.** When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of 18.8.3. and 18.12.2.
- 18.7.2.10.** Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or flood fringe areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.
- 18.7.2.11.** When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of 18.6.2, obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a Federal, State, or other source, including data developed pursuant to 17.13.2.2., in order to administer the provisions of this ordinance.
- 18.7.2.12.** When Base Flood Elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of 18.6.2, obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- 18.7.2.13.** When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA.
- 18.7.2.14.** Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- 18.7.2.15.** Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- 18.7.2.16.** Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person

doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

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

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

18.7.2.19. Follow through with corrective procedures of 18.9.

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

18.7.2.21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of 18.6.2 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.

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

18.8. Floodplain Development Application, Permit, and Certification Requirements.

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

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

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

18.8.1.1.2. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in 18.6.2, or a statement that the entire lot is within the Special Flood Hazard Area;

- 18.8.1.1.3.** the flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in 18.6.2;
- 18.8.1.1.4.** the boundary of the floodway(s) or flood fringe area(s) as determined in 18.6.2;
- 18.8.1.1.5.** the Base Flood Elevation (BFE) where provided as set forth in 18.6.2; 18.6.3; or 18.13;
- 18.8.1.1.6.** the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
- 18.8.1.2.** Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - 18.8.1.2.1.** Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - 18.8.1.2.2.** Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and
 - 18.8.1.2.3.** Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- 18.8.1.3.** If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- 18.8.1.4.** A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - 18.8.1.4.1.** The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and
 - 18.8.1.4.2.** Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with 18.11.1.8 when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.
- 18.8.1.5.** Usage details of any enclosed areas below the lowest floor.
- 18.8.1.6.** Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- 18.8.1.7.** Certification that all other Local, State, and Federal permits required prior to floodplain development permit issuance have been received.
- 18.8.1.8.** Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of 18.12.6 and 18.12.7 of this chapter are met.
- 18.8.1.9.** A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed

project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

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

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

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

18.8.2.2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in 18.6.2.

18.8.2.3. The Flood Protection Elevation required for the reference level and all attendant utilities.

18.8.2.4. The Flood Protection Elevation required for the protection of all public utilities.

18.8.2.5. All certification submittal requirements with timelines.

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

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

18.8.2.8. A statement of the limitations of below BFE enclosure uses, if applicable. (i.e., parking, building access and limited storage only).

18.8.2.9. A statement that all materials below BFE/FPE must be flood resistant materials.

18.8.3. Certification Requirements.

18.8.3.1. Elevation Certificates

18.8.3.1.1. A final as-built Finished Construction Elevation Certificate (FEMA Form 86-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

18.8.3.2. Floodproofing Certificate. If non-residential floodproofing is used to meet the Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

18.8.3.3. If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of 18.12.3.2.

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

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

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

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

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

18.8.3.5. Certification Exemptions. The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in this subsection:

18.8.3.5.1. Recreational Vehicles meeting requirements of 18.12.5;

18.8.3.5.2. Temporary Structures meeting requirements of 18.12.5.1; and

18.8.3.5.3. Accessory Structures less than 200 square feet meeting requirements of 18.12.7.8.

18.8.4. Determinations for Existing Buildings and Structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial

damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- 18.8.4.1.** Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- 18.8.4.2.** Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- 18.8.4.3.** Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- 18.8.4.4.** Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this ordinance is required.

18.9. Corrective Procedures.

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

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

- 18.9.2.1.** that the building or property is in violation of the floodplain management regulations;
- 18.9.2.2.** that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- 18.9.2.3.** that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

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

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

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

18.10. Variance Procedures.

18.10.1. The City/County Building Board of Appeals as established by Lemhi County, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.

18.10.2. Variances may be issued for:

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

18.10.2.2. functionally dependent facilities, if determined to meet the definition as stated in 17.6 of this ordinance, provided provisions of 18.10.9.2-18.10.9.4, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

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

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

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

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

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

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

18.10.3.5. the necessity to the facility of a waterfront location as defined under 18.6 of this ordinance as a functionally dependent facility, where applicable;

- 18.10.3.6.** the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - 18.10.3.7.** the compatibility of the proposed use with existing and anticipated development;
 - 18.10.3.8.** the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 18.10.3.9.** the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 18.10.3.10.** the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - 18.10.3.11.** the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- 18.10.4.** The applicant shall include a written report addressing each of the above factors in 17.10.3 with their application for a variance.
- 18.10.5.** Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- 18.10.6.** Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- 18.10.7.** The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of Idaho upon request.
- 18.10.8.** Conditions for Variances:
- 18.10.8.1.** Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - 18.10.8.2.** Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.
 - 18.10.8.3.** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 18.10.8.4.** Variances shall only be issued prior to development permit approval.
 - 18.10.8.5.** Variances shall only be issued upon:
 - 18.10.8.5.1.** a showing of good and sufficient cause;

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

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

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

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

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

18.10.9.3. The reference level of any structure is elevated or floodproofed to at least the Flood Protection Elevation.

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

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

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

18.11. Provisions for Flood Hazard Reduction.

18.11.1. General Standards. In all Special Flood Hazard Areas the following provisions are required:

18.11.1.1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

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

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

18.11.1.4. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units,

bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

- 18.11.1.5.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- 18.11.1.6.** All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- 18.11.1.7.** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- 18.11.1.8.** A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:
 - 18.11.1.8.1.** be constructed entirely of flood resistant materials at least to the Flood Protection Elevation; and
 - 18.11.1.8.2.** include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - 18.11.1.8.2.1.** A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - 18.11.1.8.2.2.** The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - 18.11.1.8.2.3.** If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - 18.11.1.8.2.4.** The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;
 - 18.11.1.8.2.5.** Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - 18.11.1.8.2.6.** Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- 18.11.1.9.** Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
- 18.11.1.10.** Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this

ordinance and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

18.11.1.11. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in 18.10.10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions of 18.8.3.

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

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

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

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

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

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

18.12. Specific Standards In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in 18.6.2, or 18.14, the following provisions, in addition to the provisions of 18.11, are required:

18.12.1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Flood Protection Elevation, as defined in 17.6 of this ordinance.

18.12.2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Flood Protection

Elevation, as defined in 18.6 of this ordinance. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with 18.16.2. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in 18.8.3, along with the operational plan and the inspection and maintenance plan.

18.12.3. Manufactured Homes.

18.12.3.1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Flood Protection Elevation, as defined in 18.6 of this ordinance.

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

18.12.3.3. All enclosures or skirting below the lowest floor shall meet the requirements of 18.11.1.8.

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

18.12.4. Additions/Improvements.

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

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

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

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

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

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

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

18.12.4.4. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a 5 year period, the cumulative cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the 5 year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

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

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

18.12.5. Recreational Vehicles. Recreational vehicles shall be either:

18.12.5.1. Temporary Placement.

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

18.12.5.2. Permanent Placement.

18.12.5.2.1. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in 18.11.1.

18.12.6. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the

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

- 18.12.6.1.** a specified time period for which the temporary use will be permitted.
Time specified may not exceed six (6) months, renewable up to one (1) year;
 - 18.12.6.2.** the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - 18.12.6.3.** the time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);
 - 18.12.6.4.** a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - 18.12.6.5.** designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- 18.12.7. Accessory Structures.** When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are required for all accessory structures in accordance with 18.8.3, and the following criteria shall be met:
- 18.12.7.1.** Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
 - 18.12.7.2.** Accessory structures shall not be temperature-controlled;
 - 18.12.7.3.** Accessory structures shall be designed to have low flood damage potential;
 - 18.12.7.4.** Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - 18.12.7.5.** Accessory structures shall be firmly anchored in accordance with the provisions of 18.11.1.1;
 - 18.12.7.6.** All service facilities, such as electrical, shall be installed in accordance with the provisions of 18.11.1.4; and
 - 18.12.7.7.** Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of 18.11.1.8.2.
 - 18.12.7.8.** An accessory structure with a footprint less than 200 square feet and satisfies the criteria outlined 18.12.7 is not required to meet the elevation or floodproofing standards of 18.11.1.8.
- 18.12.8. Tanks.** When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- 18.12.8.1.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);

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

18.12.8.3. Not elevated above-ground tanks, that do not meet the elevation requirements of 18.11.1.8 of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

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

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

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

18.12.9. Construction of Below-Grade Crawlspace.

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

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

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

18.12.9.4. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

18.12.10. Other Development in regulated floodways and flood fringe.

18.12.10.1. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of 18.15 of this chapter.

18.12.10.2. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of 18.5 of this chapter.

18.12.10.3. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of 18.15 of this chapter.

18.12.10.4. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of 18.15 of this chapter.

18.12.10.5. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of 18.15 of this chapter.

18.13. Standards for Floodplains without Established Base Flood Elevations. Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in 18.6.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of 18.11, shall apply:

18.13.1. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted, unless a determination of the Base Flood Elevation (BFE) is provided.

18.13.2. The BFE used in determining the Flood Protection Elevation (FPE) shall be determined based on the following criteria:

18.13.2.1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in 18.11 & 18.12

18.13.2.2. When floodway or flood fringe data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of 18.12 & 18.15.

18.13.2.3. All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with 17.6.2 and utilized in implementing this ordinance. The applicant/developer shall submit an application for a Conditional Letter of Map Revision (CLOMR) prior to Preliminary Plat approval and have obtained a Letter of Map Revision (LOMR) prior to any building permits for structures being issued. See FEMA 480 and/or FEMA 265 for further information

18.13.2.4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (non-residential) to or above the Flood Protection Elevation, as defined in 17.6. All other applicable provisions of 18.12 shall also apply.

18.14. Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Flood Fringe Areas. Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a Special Flood Hazard

Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

18.14.1. Standards of 18.11 &18.12; and

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

18.15. Standards for Floodways and Flood Fringe Areas. Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard Areas established in 18.6.2. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in 18.11 &18.12, shall apply to all development within such areas:

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

18.15.1.1. it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

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

18.15.2. If 17.15.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

18.15.3. Manufactured homes may be permitted provided the following provisions are met:

18.15.3.1. the anchoring and the elevation standards of 18.11; and

18.15.3.2. the encroachment standards of 18.15.1.

18.16. Standards for Areas of Shallow Flooding (Zone AO, AH, AR/AO, or AR/AH).

Located within the Special Flood Hazard Areas established in 18.6.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to 18.11 & 18.12, all new construction and substantial improvements shall meet the following requirements:

18.16.1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 1.5

feet, above the highest adjacent grade; or at least 1.5 feet above the highest adjacent grade if no depth number is specified.

18.16.2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in 18.16.1 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with 18.8.3, and 18.12.2.

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

18.17. Legal Status Provisions.

18.17.1. Effect on Rights and Liabilities under the Existing Flood Damage

Prevention Ordinance. This ordinance, in part, comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted May 14, 1984 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Salmon enacted on May 14, 1984, as amended, which are not reenacted herein are repealed.

18.17.2. Effect upon Outstanding Floodplain Development Permits. Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance. Provided, however, that when construction is not begun under such outstanding permit within a period of 180 days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

18.17.3. Severability. The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

18.17.4. Effective Date

This ordinance shall become effective upon passage and publication as provided by law.

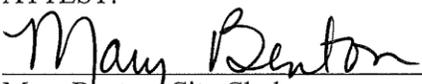
Enacted by the Salmon City Council as an ordinance of the City of Salmon on the 1st day of March, 2017.

Approved by Leo Marshall, Mayor, on the 1st day of March, 2017.



Mayor

ATTEST:



Mary Benton / City Clerk

Chapter 19- Standards For Off-Street Parking And Loading

19.1. These standards are intended to prevent traffic congestion on public streets by requiring provision of adequate off-street parking and loading areas.

19.1.1. Exemption. Existing buildings located in the Core Commercial Zoning District.

19.2. Off-Street Parking Required. All new buildings and uses shall provide the minimum number of off-street parking spaces required by Table 18.1 of this chapter. All parking spaces shall have graded and drained gravel or paved surfaces.

19.2.1. Exemption. Existing buildings located in the Core Commercial Zoning District.

19.3. Off-Street Parking Requirements for Uses Not Listed. The classification of uses and the off-street parking requirements for uses not listed in Table 18.1 shall be determined by the Zoning Administrator. Any person who disputes a decision of the Zoning Administrator may request a review of that decision using the appeals procedure of [Chapter 4 - Administrative Procedures](#) of this code.

19.4. Location of Off-Street Parking. Off-street parking shall be provided on the same lot and under the same ownership as the use it serves, except that two or more uses may share a parking area where:

19.4.1. The total number of spaces provided is not less than the sum of the parking spaces required for all buildings or uses served.

19.4.2. The contract providing for shared parking is executed before approval of a permit and recorded before the issuance of certificate of compliance.

19.4.3. Required off-street parking spaces shall be within one thousand (1,000) feet of a main entrance of the building or use being served, except for spaces serving a dwelling, which shall be within five hundred (500) feet of the dwelling unit served.

19.5. Passenger Loading Areas. Day care centers, pre-schools, public schools, and places for public assembly located on arterial or collector roads shall provide at least one safe off-street passenger loading area. Such areas shall be located where there is adequate visibility for their safe use and shall:

19.5.1. Be divided from the street by a curbed barrier of at least four (4) feet in width;

19.5.2. Be at least sixty (60) feet in length and twelve (12) feet wide;

19.5.3. Accommodate one way traffic only;

19.5.4. Include a depressed curb section for handicapped access; and

19.5.5. Be marked by pedestrian crossing signs facing both traffic lanes.

19.6. Off-Street Loading Areas. All commercial and industrial buildings and uses shall provide one safe, properly signed off-street loading area for each ten thousand (10,000) square feet of gross floor area. Off street loading areas shall be on the same lot and under the same ownership as the building or use they serve, and have the following dimensions:

19.6.1. Vertical clearance: Fourteen (14) feet.

19.6.2. Width: Twelve (12) feet.

19.6.3. Depth (length): Sixty (60) feet or shall be designed to accommodate the largest vehicle that may reasonably be anticipated for use on the site.

19.6.4. No vehicle parked in a required off-street loading space shall extend into a public rights-of-way.

19.7. Access to Off-Street Parking and Loading Area. Graded and drained gravel or paved access driveways shall be provided for safe access to all off-street parking and loading areas.

19.7.1. No parking area, except those serving single family dwellings, shall be designed or constructed to create a situation in which vehicles are required to back onto a public street.

19.7.2. Parking and loading areas shall be sited and designed to minimize the number of access points to arterial roads. Continuous curb cuts are not permitted.

19.7.3. No access driveway to a local road shall be within twenty (20) feet of any intersection or alley or ten (10) feet of another access point. The distance from an access driveway to an intersection is measured from the junction of the corner lot lines at the intersection, to the nearest side of the driveway.

19.7.4. No access driveway to an arterial road shall be within 40 feet of its intersection with any local street, or sixty (60) feet of its intersection with another arterial.

19.7.5. Clear vision triangles shall be provided for all access driveways per 10.3.

19.7.6. Access driveways for single family dwellings shall be a minimum of twelve (12) feet wide for 1- way circulation and twenty four (24) feet for 2- way circulation with a curb radius of five (5) feet. Access driveways for other uses shall be designed to accommodate the reasonably anticipated level of use.

19.7.7. Where required for drainage, access driveways shall be sized accordingly.

**TABLE 19.1
OFF-STREET PARKING REQUIREMENTS**

<i>Land Use</i>	<i>Parking Spaces</i>	<i>Land Use</i>	<i>Parking Spaces Per 1000 Feet Of Floor</i>
Dwellings (SLUC 11, 14)	2 Per Unit	Retail Automotive, Marine (SLUC 55)	5
Lodging Places (SLUC 15)	1 Per Unit Plus 1	Eating And Drinking Places (SLUC 58)	15
Theaters And Similar Places Of Assembly (Including SLUC 72)	.33 Per Seat	Financial, Real Estate, And Insurance Services (SLUC 61)	3
Elementary And Junior High Schools	1 Per Classroom Plus 1, (Auditoriums Used For Public Events Are Places Of Assembly)	Beauty And Barber Services (SLUC 623)	6
Hospitals And Similar Uses (SLUC 6513, 6516)	2 Per Bed	Other Personal Services. Misc. Services (SLUC 62, 69)	3
Rest Homes	.50 per unit		
Land Use	Parking Spaces Per 1000 Feet Of Gross Floor Area	Health Services, Except Hospitals (SLUC 51)	5
Building Materials, Farm Equipment, And Furniture (SLUC 5211-5240, 5252, 57)	1	Professional Services (SLUC 65)	3
Hardware, Apparel, And Misc. Retail Uses (SLUC 5251, 56, 59)	3	Shopping Centers	4
General Merchandise, Groceries, Bakeries (SLUC 53, 54)	4	Mixed Office Uses	3

Notes: Other uses (Transportation, Communications, And Utilities; Wholesale Trade; And Industrial) shall provide one parking space for each anticipated employee plus one. And one parking space for each anticipated company vehicle, plus one. Where a place of assembly does not have fixed seating, one space shall be provided for each 25 square feet of assembly area. Off-street parking requirements for different uses in the same building shall be calculated separately.

19.8. Circulation and Parking within Off-Street Parking Areas. The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.

19.8.1. Minimum aisle widths shall be:

19.8.1.1. One or two-way circulation and/or ninety (90) degree parking: twenty four (24) feet;

19.8.1.2. One-way circulation and sixty (60) degree angle parking: eighteen (18) feet;

19.8.1.3. One-way circulation and forty five (45) degree angle parking: fifteen (15) feet;

19.8.1.4. One-way circulation and thirty (30) degree angle parking: thirteen (13) feet.

19.8.2. Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.

19.8.3. No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.

19.9. Parking spaces.

19.9.1. Minimum width: Nine (9) feet

19.9.2. Minimum length: Twenty one (21) feet

19.10. Protecting Pedestrians in Off-Street Parking and Loading Areas. There shall be safe pedestrian access around or through all parking and loading areas.

Chapter 20- Detailed Standards For The Design And Construction Of Streets

20.1. Purpose. The purpose of this appendix is to provide standards for the construction or reconstruction of roads. These standards are for streets in low to medium density residential and light commercial areas. A large scale development study will be required for any development that generates sufficient traffic to necessitate additional construction requirements.

20.2. Street Classification. Streets shall be classified as arterials, collectors, and local streets, as shown in the City Master Transportation Plan and Functional Classification Map. All arterials in the city are state or federal highways. Rights-of-way and surface width standards for new public or private streets or street extensions:

20.2.1. Collectors: a rights-of-way of 75 feet and a surface of 40 feet (two 12 foot travel lanes, two eight foot parking lanes);

20.2.2. Local streets: a rights-of-way of 60 feet and a surface of 36 feet (two 10 foot travel lanes, two eight foot parking lanes). For loops or cul-de-sacs serving 24 or fewer homes the local street standard may be reduced to a rights-of-way of 50 feet and a surface of 32 feet.

20.3. Street Surface.

20.3.1. Construction of new public or private streets shall be the responsibility of the developer and meet the Idaho Standards for Public Works Construction. New street surfaces shall be laid over a properly compacted sub-grade consisting of:

20.3.1.1. Sub-base: minimum six inches of coarse aggregate; and

20.3.1.2. Base: minimum two inches of crushed coarse aggregate.

20.3.1.3. Surface:

20.3.1.3.1. A minimum two inches of asphalt; or

20.3.1.3.2. A minimum of four inches of concrete; or

20.3.1.3.3. Oil and chip seal to City specifications in coordination with the Public Works Superintendent.

20.3.1.3.4. Surface shall be sealed within one (1) year or to engineer's specifications.

20.3.1.4. Existing unimproved streets or alleys shall be surfaced at the direction and discretion of the City Public Works Superintendent subject to approval by the City Council.

20.3.1.5. A development agreement may be executed between the City and the developer to provide for improvements of an existing rights-of-way fronting development.

- 20.4. Drainage.** Street surfaces may be crowned so as to slope away from the centerline at a grade of two percent. Shallow, parabolic drainage and snow storage areas shall be provided along all streets. These drainage ways shall be reseeded after construction.
- 20.5. Maximum Grade.** The maximum grade of any street shall be eight percent, except at intersections, as provided by 19.21.
- 20.6. Cul-De-Sacs.** The maximum cul-de-sac length shall be 440 feet and the minimum cul-de-sac radius shall be 60 feet.
- 20.7. Dead-End Streets.** Dead-end streets shall be prohibited, except where temporarily permitted by a subdivision phasing plan or where required for compliance with 10.21. A temporary cul-de-sac shall be provided wherever a temporary dead-end street serves four or more lots.
- 20.8. Minimum Centerline Radius of Curves.** The minimum centerline radius of curves shall be 250 feet.
- 20.9. Minimum Tangent Between Reverse Curves.** The minimum tangent between reverse curves shall be 50 feet.
- 20.10. Clear Sight Distance.** A minimum clear sight distance of 90 feet shall be maintained along each approach leg at all intersections.
- 20.11. Grade at Intersection.** The maximum grade at, and within 50 feet along both approaches to, any intersection shall be two percent.
- 20.12. Alignment of Intersection.** All intersections shall be at a 90 degree angle, with both approaches running at 90 degrees for at least 50 feet before the intersection.
- 20.13. Curb Radius.** Curb radius (the radius at the intersection of the graded streets) at all intersections shall be 20 feet, except at intersections with arterials, where it shall be 25 feet.
- 20.14. Minimum Centerline Offset of Intersections.** The minimum centerline offset of intersections shall be 125 feet, except for intersections with arterials, where it shall be 200 feet.
- 20.15. Signs.** The developer shall install stop signs at all intersections with arterial streets. The developer shall also install all other signs required for safe traffic and pedestrian movement in the subdivision.
- 20.16. Culverts and Bridges.** All culverts and bridges shall be designed by a professional engineer.
- 20.16.1.** All bridges and culverts on natural watercourses shall be designed to pass a 100 year flood without damage to the bridge or its approaches and without diverting floodwaters onto neighboring properties.
- 20.16.2.** Culverts not included above, shall be designed to pass the runoff from the 10 year, 6 hour storm.
- 20.16.3.** The minimum gross vehicle load supported by any bridge or culvert shall be 40,000 pounds.
- 20.16.4.** There shall be a minimum 50 foot, 90 degree approach to all bridges.

20.17. Sidewalks, Curbs and Gutters.

20.17.1. At the direction and discretion of the City Public Works Superintendent subject to approval by the City Council, sidewalks, curbs, and gutters may be required along streets when needed to connect or maximize functional pedestrian access to adjoining public rights-of-way, or to connect to existing adjacent or abutting sidewalks.

20.17.2. Sidewalks shall be located within the street rights-of-way, six inches from and parallel to the outer edge of that rights-of-way. Sidewalks shall be at least five feet in width.

20.17.3. Construction of new sidewalks shall meet the Idaho Standards for Public Works Construction and consist of:

20.17.3.1. Base: a minimum four inches of crushed coarse aggregate; and

20.17.3.2. Surface: a minimum four inches of concrete.

20.18. Street Lights. The developer shall install one sodium vapor street light at each new intersection created in all subdivisions.

Chapter 21- Area Of Impact

21.1. Purpose. These standards are designed to control the development within the area of City impact. These rules shall be controlled by a joint city and county planning and zoning commission.

21.2. Planning and Zoning Commission. The Planning and Zoning Commission shall be comprised of three members from the City Planning and Zoning Commission and three (3) members from the County Planning and Zoning Commission. They shall elect offices such as Chairman, Vice Chairman, and Secretary to a one (1) year term. One member shall be acquired from the jurisdiction the chairman is from, to make the board a total of seven (7) members.

21.2.1. All members shall be appointed by their respective governing board (i.e. meaning Mayor and City Council or County Commissioners). Within the area of City impact both the Salmon Development Code and the Lemhi County Development Code shall apply. If a conflict occurs, the more restrictive code shall apply.

Appendix A- Model Hearing Notices

A.1 Purpose. The purpose of this appendix is to provide models for the hearing notices required by this ordinance.

A.1.1 Notice for Subdivision Permit Application Hearing.

PUBLIC HEARING NOTICE - SUBDIVISION

(Name, address) proposes to subdivide 40 acres to create 230 lots averaging 6,500 sqft in size each in a Medium Density Residential (MDR) zoning district. The property is generally located on the west side of (location). The Salmon Planning and Zoning Commission will conduct a hearing on this proposal at 7:05 P.M., Tuesday, November 11, 2014 at the City Council Chambers, 200 Main, in Salmon. A copy of the application is available for public review at City Hall. Public comment is encouraged.

A.1.2 Notice for Special Use Permit Application Hearing.

PUBLIC HEARING NOTICE - SPECIAL USE PERMIT

(Name, address)) has applied for a Special Use Permit in order to construct a 50,000 square foot large box club store on 5 acres in the Commercial (C) zoning district, generally located northeast at the intersection of (location). The Salmon Planning and Zoning Commission will conduct a hearing on this proposal at 7:35 P.M., Tuesday, November 11, 2014 at the City Council chambers, 200 Main, in Salmon. A copy of the application is available for public review at City Hall. Public comment is encouraged.

A.1.3 Notice of Variance Hearing.

PUBLIC HEARING NOTICE - VARIANCE

(Name, address) has applied for a variance of the Salmon Development Code to permit an encroachment of a structure into the required side yard setback. The property is located at (address) Street, Lots 1, 2, 3, Block 1 of the (subdivision name) to the City of Salmon. The Salmon Planning and Zoning Commission will conduct a hearing on this proposal at 7:45 P.M., Tuesday, November 11, 2014 at the City Council Chambers, 200 Main, in Salmon. A copy of the application is available for public review at City Hall. Public comment is encouraged.

A.1.4 Notice for Zoning Map Change Hearing.

PUBLIC HEARING NOTICE - ZONING MAP AMENDMENT

(Name, address) has requested that the zoning of Lots 1,2,3, Block 1 of the (subdivision name) be changed from Low Density Residential (LDR) to Commercial (C). The purpose of the change is to allow a commercial distillery operation. The property is generally located southeast of the intersection of (Street and Street). The Salmon Planning and Zoning Commission will conduct a hearing on this proposal at 7:55 P.M., Tuesday, November 11, 2014 at the City Council Chambers, 200 Main, in Salmon. A copy of the application is available for public review at the City Hall. Public comment is encouraged.

Appendix B- Uses For Zoning Districts

Uses not identified but similar in nature to those specified herein may be cross referenced using the NAICS manual or website when necessary to resolve any ambiguity in defining a use classification as per this appendix.

Table B.1 LDR

Permitted Uses		
Attached or detached garages, carports, accessory buildings or uses	Manufactured Home or mobile home, multi-sectional	Single Family Dwelling
Boarding/Lodging/Guest House (1-3 guest rooms, owner occupied) with Home Occupation permit	Minor Public Utility Installation	Temporary Contractor Office
Home Occupations	Accessory Dwelling Unit (ADU)	Utility Distribution System
Keeping of livestock; 1 large animal per 6,000 sq ft of vacant land	RV, accessory structure, manufacture or mobile home as a temporary dwelling until primary dwelling is constructed.	
Permitted & Exempt From Development Permits (Building Permits May Be Required)		
Community Services Facilities (Parks, Recreation, etc.)	Public Transit, Pedestrian, or Bicycle Facilities	
Facilities for Public Purposes (except fire stations and jail houses)	Wireless Communication Support Structures and Towers on Public Lane (PP zone) For Emergency Response, Law Enforcement Purposes, or Critical Infrastructure	
Special Uses		
Bed & Breakfast Inn	Guest House (4 or more guest rooms)	Mobile or Manufactured Home on a leased or rented lot
Facilities for commercial outdoor recreation outfitters (whitewater, hunting guides, etc.)	Institutional Uses (Schools, Churches, Libraries)	Duplexes
Fire Stations & Jail Houses	Manufactured Home or Mobile Home; Singlewide	
Prohibited Use		
3-Plex multiple family dwellings and other higher density dwelling units up to 4- multiple family dwelling units per acre	Manufactured Home Park	Shipping Containers
-	Recreational Vehicle Park	
Higher density dwelling units; up to 8- multiple family dwelling units per acre	Retirement or Congregate Living Facility	
Standards		
Single Family Dwellings	Minimum lot frontage width	60 ft
	Minimum lot size	7,500 square feet
Duplexes	Minimum lot frontage width	70ft/duplex 35 ft- zero lot line/dwelling
	Minimum lot size	8,000 square feet
Flag Lot- minimum street frontage lot width	30 ft	

Maximum Lot Coverage	35%
Maximum building height excluding chimney, vents, towers and antennae	35 ft

LDR STANDARDS- CONTINUED

Setbacks			
Front Yard Collector & Arterial & Local	Corner Lot & Side Lot Intersecting Streets	Side Yard	Rear Yard
25	15	5 feet for the first 10 feet of wall height. 1:2 for heights greater than 10 feet	5 feet for the first 10 feet of wall height. 1:2 for heights greater than 10 feet

Table B.2 MDR

Permitted Uses		
3-Plex multiple family dwellings and other higher density dwelling unites up to 4-multiple family dwelling units per acre	Keeping of livestock; 1 large animal per 6,000 sqft of vacant land	RV, accessory structure, manufacture or mobile home as a temporary dwelling until primary dwelling is constructed.
Attached or detached garages, carports, accessory buildings or uses	Manufactured Home or Mobile Home; Multi-Sectional	Single Family Dwelling
Boarding/Lodging/Guest House (1-3 guest rooms, owner occupied) with Home Occupation Permit	Manufactured Home or Mobile Home; Singlewide	Temporary Contractor Office
Duplexes	Minor Public Utility Installations	Utility Distribution Systems
Home Occupations	Accessory Dwelling Unit (ADU)	
Permitted & Exempt From Development Permits (Building Permits May Be Required)		
Community Services Facilities (Parks, Recreation, etc.)	Public Transit, Pedestrian, or Bicycle Facilities	
Facilities for Public Purposes (except fire stations and jail houses)	Wireless Communication Support Structures and Towers on Public Lane (PP zone) For Emergency Response, Law Enforcement Purposes, or Critical Infrastructure	
Special Uses		
Bed & Breakfast Inn	Higher density dwelling units; up to 8- multiple family dwelling units per acre	Recreational Vehicle Park
Facilities for commercial outdoor recreation outfitters (whitewater, hunting guides, etc.)	Institutional Uses (Schools, Churches, Libraries)	Retirement or Congregate Living Facility
Fire Stations and Jail Houses	Manufactured Home Park	
Guest House (4 or more guest rooms)	Mobile or Manufactured Home on a leased or rented lot	
Prohibited Use		
Shipping Containers		
Standards		
Single Family Dwellings	Minimum lot frontage width	50 ft
	Minimum lot size	6,500 square feet
Duplexes	Minimum lot size per duplex	8,000 sq ft
	Minimum lot frontage width	70ft/duplex 35 ft- zero lot line/dwelling
Higher density dwelling units	Minimum lot size	9,000 sqft
	Minimum lot frontage width	100 ft

Flag Lot- minimum street frontage lot width	30 ft		
Maximum Lot Coverage	35%		
Maximum building height excluding chimney, vents, towers and antennae	35 ft		
Setbacks			
Front Yard Collector & Arterial & Local	Corner Lot & Side Lot Intersecting Streets	Side Yard	Rear Yard
25	15	5 feet for the first 10 feet of wall height. 1:2 for heights greater than 10 feet	5 feet for the first 10 feet of wall height. 1:2 for heights greater than 10 feet

Table B.3 Core Commercial

Permitted Uses		
3-Plex multiple family dwellings & other higher density dwelling units up to 4-multiple family dwelling units per acre	Fish and Seafood Markets	Accessory Dwelling Unit (ADU)
Accounting, Tax Preparation, Bookkeeping, and Payroll Services	Fishing guide services	Other Direct Selling Establishments
Advertising and Related Services	Fitness and Recreational Sports Centers	Other Food Manufacturing
Ambulatory Health Care Services	Food Services And Drinking Places (unless otherwise restricted)	Other Information Services
Amusement Arcades	Footwear Manufacturing (any material)	Other Leather and Allied Product Manufacturing
Apparel Accessories and Other Apparel Manufacturing (the industry group as a whole)	Fruit Stores and Vegetable Markets (except outdoor roadside stands)	Other Professional, Scientific, and Technical Services
Apparel Knitting Mills Manufacturing (the industry group as a whole)	Furniture and Home Furnishing Store	Other Schools and Instruction
Architectural, Engineering, and Related Services	General Merchandise Stores, except grocery and carry out	Performing Arts, Spectator Sports, and Related Industries
Attached or detached garages, carports, accessory buildings or uses	General Rental Centers	Personal and Household Goods Repair and Maintenance.
Automotive Equipment Rental and Leasing	Greenhouse, Nursery, Floriculture Production, and Other Food Crops Grown Under Cover	Personal and Laundry Services (unless otherwise restricted)
Automotive Parts and Accessories Stores	Guest House (4 or more guest rooms)	Pool halls
Bakeries and Bakery Product Manufacturing	Guide services, hunting	Postal Service
Bed & Breakfast Inn	Health and Personal Care Service	Preserved Fruits and Vegetables Manufacturing
Bee Honey Manufacturing	Heavy Construction	Printing and other Related Support Activities
Beer, Wine and Liquor Stores	Heavy Construction, Except Highway	Public Outdoor Recreation Facilities
Bingo Halls and Parlors	Higher density dwelling units; up to 8- multiple family dwelling units per acre	Publishing Industries (except Internet)
Boarding/Lodging/Guest House (1-3 guest rooms, owner occupied) with Home Occupation Permit	Highway and Street Construction	Real Estate
Botanical Gardens	Home Occupations	Recreational Vehicle Park

Bowling Centers	Inland Water Transportation	Religious, Grant making, Civic, Professional, and Similar Organizations
Broadcasting (except Internet)	Institutional Uses (Schools, Churches, Libraries)	Retirement or Congregate Living Facility
Building Materials and Garden Supplies (unless otherwise restricted)	Insurance Carriers and Related Activities	RV, accessory structure, manufacture or mobile home as a temporary dwelling until primary dwelling is constructed.
Business Schools and Computer and Management Training	Internet Publishing and Broadcasting	Scenic and Sightseeing Transportation, Land
Business Support Services	Internet Service Providers, Web Search Portals, and Data Processing Services	Scenic and Sightseeing Transportation, Water
Clothing and Clothing Accessory Stores	Investigation and Security Services	Services to Buildings and Dwellings
Computer Systems Design and Related Services	Justice, Public Order, and Safety Activities (unless otherwise restricted)	Single Family Dwelling
Confectionary Products Manufacturing	Keeping of livestock; 1 large animal per 6,000 sqft of vacant land	Social Assistance
Consumer Goods Rental	Legal Services (Offices of Lawyers, Notaries)	Special Trade Contractors
Convenience Stores (except gasoline service stations, (see 447)	Management, Scientific, and Technical Consulting Services	Specialized Design Services
Crop Production	Manufactured Home or Mobile Home; Multi-Sectional	Sporting Goods, Hobby, Book, And Music Stores
Cut and Sew Manufacturing (the industry group as a whole)	Manufactured Home or Mobile Home; Singlewide	Support Activities for Transportation
Department Stores	Manufactured Home Park	Taxi and Limousine Service
Distilleries Manufacturing	Meat Markets and Freezer Provisionary	Technical and Trade Schools
Duplexes	Micro-Breweries Manufacturing	Telecommunications
Educational Support Services	Minor Public Utility Installations	Temporary Contractor Office
Electric Power Generation, Transmission and Distribution	Miscellaneous Retail	Temporary workers' camps or critical facilities for emergency and/or essential services
Electronic and Precision Equipment Repair and Maintenance	Mobile or Manufactured Home on a leased or rented lot	Travel Arrangement and Reservation Services
Electronic Shopping and Mail Order Houses	Motion Picture and Sound Recording Industries	Utility Distribution Systems

Electronics and Appliance Stores	Municipal Water, Sewage, and Other Systems	Vending Machine Operators
Employment Services	Museums, Historical Sites, and Similar Institutions	Wholesale Electronic Markets and Agents and Brokers (the industry as a whole)
Executive, Legislative, and Other General Government Support	Natural Gas/Propane Sales w/o Storage	Wineries Manufacturing
Facilities for commercial outdoor recreation outfitters (whitewater, hunting guides, etc.)	Nursery, Floriculture Crop, Tree Production	Mobile Vendors
Finance, Banking, Investments	Office Administrative Services	
Fire Stations and Jail Houses	Office Machinery and Equipment Rental and Leasing	
Permitted & Exempt From Development Permits (Building Permits May Be Required)		
Community Services Facilities (Parks, Recreation, etc.)	Municipal Water, Sewage and Other Systems	Public Transit, Pedestrian, or Bicycle Facilities
Facilities for Public Purposes (except fire stations and jail houses)	Natural Gas Distribution	Wireless Communication Support Structures & Towers on Public Land For Emergency Response, Law Enforcement Purposes, or Critical Infrastructure
Special Uses		
Automotive Repair and Maintenance	Home Centers - greater than 25,000 sq.ft. of gross floor area	Recreational Vehicles, New or Used Motor Homes, Campers, & Utility Trailer Dealers
Bottled Water Manufacturing	Home Centers - less than or equal to 25,000 sq.ft. of gross floor area	School and Employee Bus Transportation
Breweries (non-micro) Manufacturing	Hospitals	Soft Drink Manufacturing
Charter Bus Industry	Ice Manufacturing	Textile Mills (The industry group as a whole)
Correctional Institutions, Jails, Prisons	Limited Service (fast food) Restaurants w/Drive Thru Window Service	Textile Products (The Industry)
Cutlery and Hand Tool Manufacturing	Tire Dealers	
Dairy Products- Manufacturing	Motorcycle, ATV, Boat, and Other Motor Vehicle Dealers	Traveler Accommodation, Hotels and Motels w/wo Horse Boarding Accommodations
Electrical and Electronic Goods (The industry group as a whole)	New Car Dealers and Used Car Dealers	Truck Stops with or w/o Convenience Stores
Fire Protection	Other Transit and Ground Passenger Transportation	Warehouse Club and Superstores less than or equal to 25,000 sq.ft. of gross floor area
Grocery Stores (except convenience) - less than or equal to 25,000 sq.ft. of gross floor area	Outdoor Amusement and Theme Parks	Warehousing and Storage
Prohibited Use		

Agricultural Production, Crops, Livestock (unless otherwise allowed)	Gasoline Stations with or without convenience store	Nursing and Residential Care Facilities
All Other General Merchandise Stores greater than 25,000 sq.ft. of gross floor area	Golf Courses and Country Clubs	Other Fuel Dealers
Grocery Stores (except convenience) – greater than 25,000 sq.ft. of gross floor area	Plastics and Rubber and Products Manufacturing	
Colleges, Universities, and Professional Schools	Heating Oil Dealers	Primary Metal Manufacturing
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	Jail operation on a contract or fee basis	Shipping Containers
Computer and Electronic Product Manufacturing	Jails, privately operated	Small Animal Services, Except Veterinary (Boarding, Training, Sitting) over 4 animals
Construction of buildings	Junior Colleges	Tent Camping and Recreational Vehicle Parks
Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	Leather and Hide Tanning Manufacturing	Transportation Equipment Manufacturing
Correctional facility operation on a contract or fee basis	LP Gas Dealers	Truck Transportation
Electrical Equipment, Appliance and Component Manufacturing	Machinery Manufacturing	Veterinary Services, Except Livestock
Elementary and Secondary Schools	Manufactured Home Dealers	Veterinary Services, Livestock
Fabricated Metal Product Manufacturing (unless otherwise allowed)	Merchant Wholesalers, Durable Goods (unless otherwise allowed)	Warehouse Club and Superstores greater than 25,000 sq.ft. of gross floor area
Farm Tractors and Farm Machinery Dealers	Merchant Wholesalers, Non-Durable Goods	Waste Management and Remediation Services
Food Manufacturing (unless otherwise allowed)	Mining (unless otherwise allowed)	Wood Product Manufacturing
Fuel Dealers	Miscellaneous Manufacturing	Workers' camps
Furniture and Related Product Manufacturing	Natural Gas /Propane Sales and Storage	Zoo
Galleries, shooting	Non-Metallic Mineral Product Manufacturing	
Standards		
Flag Lot- minimum street frontage lot width	30 ft	
Maximum Lot Coverage	100%	
Maximum building height excluding chimney, vents, towers and antennae	65 ft	
Setbacks		

Front Yard Collector & Arterial & Local	Corner Lot & Side Lot Intersecting Streets	Side Yard	Rear Yard
0	0	0	0

Table B.4 Commercial

Permitted Uses		
3-Plex Multiple Family Dwellings And Other Higher Density Dwelling Unites Up To 4-Multiple Family Dwelling Units Per Acre	Food Services And Drinking Places (Unless Otherwise Restricted)	Other Information Services
Administrative And Support Services (Unless Otherwise Restricted)	Footwear Manufacturing (Any Material)	Other Leather And Allied Product Manufacturing
Ambulatory Health Care Services	Furniture And Related Product Manufacturing	Performing Arts, Spectator Sports, And Related Industries
Amusement And Recreation Industries (Unless Otherwise Restricted)	Furniture, Home Furnishing, Stores	Personal And Household Goods Repair And Maintenance
Apparel Mills And Manufacturing	Gasoline Stations (Unless Otherwise Restricted)	Personal And Laundry Services (Unless Otherwise Restricted)
Attached Or Detached Garages, Carports, Accessory Buildings Or Uses	General Merchandise Stores, Except Grocery And Carry Out	Postal Service
Automotive Repair And Maintenance	Greenhouse, Nursery, Floriculture Production, And Other Food Crops Grown Under Cover	Preserved Fruits And Vegetables-Manufacturing
Bakeries And Bakery Product Manufacturing	Health And Personal Care Services	Printing And Related Support Activities
Bee Honey Manufacturing	Heavy Construction Contractors	Professional, Scientific, And Technical Services
Bee Production, Packaging Of Beeswax, Honey, Not To Exceed 5 Hives	Home Occupations	Publishing Industries (Except Internet)
Beverage Product Manufacturing	Hotels And Other Lodging Places (Unless Otherwise Restricted)	Real Estate
Boarding/Lodging/Guest House (1-3 Guest Rooms, Owner Occupied) With Home Occupation Permit	Insurance Carriers And Related Activities	Religious, Grant Making, Civic, Professional, And Similar Organizations
Broadcasting (Except Internet)	Internet Publishing And Broadcasting	Rental And Leasing Services
Building Materials & Garden Supplies (Unless Otherwise Restricted)	Internet Service Providers, Web Search Portals, And Data Processing Services	Rv, Accessory Structure, Manufacture Or Mobile Home As A Temporary Dwelling Until Primary Dwelling Is Constructed.
Clothing And Clothing Accessory Stores	Justice, Public Order, And Safety Activities (Unless Otherwise Restricted)	Scenic And Sightseeing Transportation
Commercial And Industrial Machinery And Equipment (Except Automotive And Electronic) Repair And Maintenance	Keeping Of Livestock; 1 Large Animal Per 6,000 Sqft Of Vacant Land	Single Family Dwelling

Computer And Electronic Product Manufacturing	Manufactured Home Or Mobile Home; Multi-Sectional	Small Arms Manufacturing
Construction Of Buildings	Manufactured Home Or Mobile Home; Singlewide	Social Assistance
Crop Production	Merchant Wholesalers, Durable Goods	Special Trade Contractors
Department Stores	Merchant Wholesalers, Nondurable Goods (Unless Otherwise Restricted)	Sporting Goods, Hobby, Book, And Music Stores
Duplexes	Minor Public Utility Installations	Support Activities For Transportation
Educational Services (Unless Otherwise Restricted)	Miscellaneous Manufacturing	Telecommunications
Electric Power Generation, Transmission And Distribution	Miscellaneous Retail	Transit And Ground Passenger Transportation
Electrical Equipment, Appliance, And Component Manufacturing (Unless Otherwise Restricted)	Motion Picture And Sound Recording Industries	Vending Machine Operators
Electronic And Precision Equipment Repair And Maintenance	Motor Vehicle And Parts Dealers (Unless Otherwise Restricted)	Warehouse Club And Superstores Less Than Or Equal To 25,000 Sq.Ft. Of Gross Floor Area
Electronic Shopping And Mail Order Houses	Museums, Historical Sites, And Similar Institutions (Unless Otherwise Restricted)	Warehousing And Storage
Electronics And Appliance Stores	Nursery, Floriculture Crop, Tree Production	Water Transportation
Executive, Legislative, And Other General Government Support	Accessory Dwelling Unit (ADU)	Wholesale Electronic Markets And Agents And Brokers
Finance, Banking, Investments	Other Direct Selling Establishments	Mobile Vendors
Food And Beverage Stores (Unless Otherwise Restricted)	Other Food Manufacturing	
Permitted & Exempt From Development Permits (Building Permits May Be Required)		
Community Services Facilities (Parks, Recreation, etc.)	Municipal Water, Sewage and Other Systems	Public Transit, Pedestrian, or Bicycle Facilities
Facilities for Public Purposes (except fire stations and jail houses)	Natural Gas Distribution	Wireless Communication Support Structures and Towers on Public Lane (PP zone) For Emergency Response, Law Enforcement Purposes, or Critical Infrastructure
Special Uses		
All Other General Merchandise Stores Greater Than 25,000 Sq.Ft. Of Gross Floor Area	Home Centers - Greater Than 25,000 Sq.Ft. Of Gross Floor Area	Primary Metal Manufacturing
Animal Food Manufacturing	Jails, Privately Operated	Tent Camping And Recreational Vehicle Parks

Animal Processing- Manufacturing	Junior Colleges	Textile Mills	
Colleges, Universities, And Professional Schools	Limited Service (Fast Food) Restaurants W/Drive Thru Window Service	Textile Product Mills	
Confectionary Products- Manufacturing	Lp Gas Dealers	Tire Dealers	
Correctional Facility Operation On A Contract Or Fee Basis	Machinery Manufacturing	Travel Trailer And Camper Manufacturing	
Dairy Products- Manufacturing	Meat Products- Manufacturing	Truck Stops With/W/O Convenience Stores	
Fabricated Metal Product Manufacturing (Unless Otherwise Permitted)		Truck Trailer Manufacturing	
Farm-Product Raw Materials	Motor Home Manufacturing	Truck Transportation	
Fats And Oils- Manufacturing	Natural Gas /Propane Sales And Storage	Warehouse Club And Superstores Greater Than 25,000 Sq.Ft. Of Gross Floor Area	
Fire Protection	Nonmetallic Mineral Product Manufacturing	Waste Management And Remediation Services (Unless Otherwise Restricted)	
Fuel Dealers	Nursing And Residential Care Facilities	Wood Product Manufacturing	
Galleries, Shooting	Petroleum And Petroleum Products	Zoo	
Grain Mill Products- Manufacturing	Petroleum Bulk Stations And Terminals		
Grocery Stores (Except Convenience) – Greater Than 25,000 Sq.Ft. Of Gross Floor Area	Plastics And Rubber And Products Manufacturing		
Prohibited Use			
Agricultural Production, Crops, Livestock (unless otherwise allowed)	Hazardous Waste Collection and Disposal	Mining	
Leather and Hide Tanning	Solid Waste Combustors and Incinerators		
Standards			
Flag Lot- minimum street frontage lot width	30 ft		
Maximum Lot Coverage	80%		
Maximum building height excluding chimney, vents, towers and antennae	65 ft		
Setbacks			
Front Yard Collector & Arterial & Local	Corner Lot & Side Lot Intersecting Streets	Side Yard	Rear Yard
0	0	0	0

Table B.5 Industrial

Permitted Uses			
3-Plex Multiple Family Dwellings And Other Higher Density Dwelling Unites Up To 4-Multiple Family Dwelling Units Per Acre	Greenhouse, Nursery, Floriculture Production, And Other Food Crops Grown Under Cover	Primary Metal Manufacturing	
Apparel Mills And Manufacturing	Heavy Construction Contractors	Printing And Related Support Activities	
Attached Or Detached Garages, Carports, Accessory Buildings Or Uses	Home Occupations	Rv, Accessory Structure, Manufacture Or Mobile Home As A Temporary Dwelling Until Primary Dwelling Is Constructed.	
Bakeries And Bakery Product Manufacturing	Keeping Of Livestock; 1 Large Animal Per 6,000 Sqft Of Vacant Land	Scenic And Sightseeing Transportation	
Bee Honey Manufacturing	Leather And Allied Product Manufacturing (Unless Otherwise Restricted)	Single Family Dwelling	
Bee Production, Packaging Of Beeswax, Honey, Not To Exceed 5 Hives	Manufactured Home Or Mobile Home; Multi-Sectional	Special Trade Contractors	
Beverage Product Manufacturing	Manufactured Home Or Mobile Home; Singlewide	Support Activities For Transportation	
Boarding/Lodging/Guest House (1-3 Guest Rooms, Owner Occupied) With Home Occupation Permit	Merchant Wholesalers, Durable Goods	Temporary Workers' Camps Or Critical Facilities For Emergency And/or Essential Services	
Commercial And Industrial Machinery And Equipment (Except Automotive And Electronic) Repair And Maintenance	Merchant Wholesalers, Nondurable Goods (Unless Otherwise Restricted)	Textile Mills	Mobile Vendors
Computer And Electronic Product Manufacturing	Minor Public Utility Installations	Textile Product Mills	
Confectionary Products-Manufacturing	Miscellaneous Manufacturing	Transit And Ground Passenger Transportation	
Construction Of Buildings	Motor Vehicle And Parts Dealers (Unless Otherwise Restricted)	Truck Transportation	
Construction, Mining, And Forestry Machinery And Equipment Rental And Leasing	Natural Gas/Propane Sales W/O Storage	Warehousing And Storage	
Crop Production	Nursery, Floriculture Crop, Tree Production	Waste Management And Remediation Services (Unless Otherwise Restricted)	

Duplexes	Accessory Dwelling Unit (ADU)	Water Transportation
Electric Power Generation, Transmission And Distribution	Other Food Manufacturing	Wholesale Electronic Markets And Agents And Brokers
Electrical Equipment, Appliance, And Component Manufacturing	Performing Arts, Spectator Sports, And Related Industries	Wireless Telecommunications Facilities And Towers For Emergency Response Or Law Enforcement
Furniture And Related Product Manufacturing	Preserved Fruits And Vegetables- Manufacturing	Wood Product Manufacturing
Permitted & Exempt From Development Permits (Building Permits May Be Required)		
Community Services Facilities (Parks, Recreation, etc.)	Municipal Water, Sewage and Other Systems	Public Transit, Pedestrian, or Bicycle Facilities
Facilities for Public Purposes (except fire stations and jail houses)	Natural Gas Distribution	Wireless Communication Support Structures and Towers on Public Lane (PP zone) For Emergency Response, Law Enforcement Purposes, or Critical Infrastructure
Special Uses		
Animal Food Manufacturing		Other Fuel Dealers
Animal Processing- Manufacturing	Heating Oil Dealers	Petroleum And Petroleum Products
Chemicals And Allied Products	LP Gas Dealers	Petroleum Bulk Stations And Terminals
Dairy Products- Manufacturing	Meat Products- Manufacturing	Plastics And Rubber And Products Manufacturing
Farm-Product Raw Materials	Miscellaneous Nondurable Goods	Tire Dealers
Fats And Oils- Manufacturing		
Fuel Dealers	Natural Gas /Propane Sales And Storage	
Grain Mill Products- Manufacturing	Nonmetallic Mineral Product Manufacturing	
Prohibited Use		
Administrative And Support Services	Food Services And Drinking Places (Unless Otherwise Permitted)	Museums, Historical Sites, And Similar Institutions
Agricultural Production, Crops, Livestock (Unless Otherwise Allowed)	Furniture, Home Furnishing, Stores	Nursing And Residential Care Facilities
Ambulatory Health Care Services	Gasoline Stations	Other Direct Selling Establishments
Amusement And Recreation Industries	General Merchandise Stores	Other Information Services
Automotive Repair And Maintenance	Health And Personal Care Services	Personal And Household Goods Repair And Maintenance
Broadcasting (Except Internet)	Hospitals	Personal And Laundry Services
Building Materials & Garden Supplies	Hotels And Other Lodging Places (Unless Otherwise Permitted)	Postal Service
Clothing And Clothing Accessory Stores	Insurance Carriers And Related Activities	Professional, Scientific, And Technical Services

Educational Services	Internet Publishing And Broadcasting	Publishing Industries (Except Internet)	
Electronic And Precision Equipment Repair And Maintenance	Internet Service Providers, Web Search Portals, And Data Processing Services	Real Estate	
Electronic Shopping And Mail Order Houses	Justice, Public Order, And Safety Activities	Religious, Grant Making, Civic, Professional, And Similar Organizations	
Electronics And Appliance Stores	Leather And Hide Tanning	Rental And Leasing Services (Unless Otherwise Allowed)	
Executive, Legislative, And Other General Government Support.	Machinery Manufacturing	Social Assistance	
Fabricated Metal Product Manufacturing	Mining	Sporting Goods, Hobby, Book, And Music Stores	
Finance, Banking, Investments	Miscellaneous Retail	Telecommunications (Unless Otherwise Allowed)	
Food And Beverage Stores	Motion Picture And Sound Recording Industries	Vending Machine Operators	
Standards			
Flag Lot- minimum street frontage lot width	30 ft		
Maximum Lot Coverage	80%		
Maximum building height excluding chimney, vents, towers and antennae	65 ft		
Setbacks			
Front Yard Collector & Arterial & Local	Corner Lot & Side Lot Intersecting Streets	Side Yard	Rear Yard
0	0	0	0

Table B.6 Agricultural

Permitted Uses		
Attached or detached garages, carports, accessory buildings or uses	Heavy Construction	Preserved Fruits and Vegetables
Bakeries and Bakery Product Manufacturing	Heavy Construction, Except Highway	Promoters of Performing Arts, Sports, and Similar Events with Facilities
Bee Production, Packaging of Beeswax, Honey, Not to Exceed 5 Hives	Highway and Street Construction	Public Outdoor Recreation Facilities
Botanical Gardens	Home Occupations	RV, accessory structure, manufacture or mobile home as a temporary dwelling until primary dwelling is constructed.
Bottled Water Manufacturing	Keeping of livestock; 1 large animal per 6,000 sqft of vacant land	Single Family Dwelling
Breweries (non-micro)	Manufactured Home or Mobile Home; Multi-Sectional	Temporary Contractor Office
Cattle Ranching and Farming	Manufactured Home or Mobile Home; Singlewide	Temporary workers' camps or critical facilities for emergency and/or essential services
Confectionary Products	Micro-Breweries	Theater Companies and Dinner Theaters
Crop Production	Minor Public Utility Installations	Utility Distribution Systems
Distilleries	Mobile or Manufactured Home on a leased or rented lot	Wineries
Electric Power Generation, Transmission and Distribution	Nursery, Floriculture Crop, Tree Production	Wireless Telecommunications Facilities and Towers for Emergency Response or Law Enforcement
Greenhouse, Nursery, Floriculture Production, and Other Food Crops Grown Under Cover		Accessory Dwelling Unit (ADU)
Permitted & Exempt From Development Permits (Building Permits May Be Required)		
Community Services Facilities (Parks, Recreation, etc.)		Wireless Communication Support Structures and Towers on Public Lane (PP zone) For Emergency Response, Law Enforcement Purposes, or Critical Infrastructure
Facilities for Public Purposes (except fire stations and jail houses)		
Public Transit, Pedestrian, or Bicycle Facilities		
Special Uses		
Animal Food Manufacturing	Cattle Feedlots	Grain Mill Products
Animal Processing	Dairy Products	Guest House (4 or more guest rooms)
Bed & Breakfast Inn	Facilities for commercial outdoor recreation outfitters (whitewater, hunting guides, etc.)	Institutional Uses (Schools, Churches, Libraries)

Bed and Breakfast Inns, Guest Houses	Farm-Product Raw Materials	Meat Products
Bee Honey Manufacturing	Fats and Oils	Mobile Food Venders and Services with or without Outdoor Eating Areas at a Fixed Specific Location
Boarding/Lodging/Guest House (1-3 guest rooms, owner occupied) with Home Occupation Permit	Fire Stations and Jail Houses	Other Food Manufacturing
Prohibited Use		
3-Plex multiple family dwellings and other higher density dwelling units up to 4-multiple family dwelling units per acre - df = 32 DU/gross acre	Health and Personal Care Services	Postal Service
Administrative and Support Services	Higher density dwelling units; up to 8-multiple family dwelling units per acre. df = 54.0 DU/gross acre.	Primary Metal Manufacturing
Agricultural Production, Crops and Livestock (unless otherwise allowed)	Hospitals	Printing & Related Support Activities
Ambulatory Health care Services	Hotels and other Lodging Places (unless otherwise allowed)	Professional, Scientific and Technical Services
Amusement and Recreation Industries (unless otherwise allowed)	Insurance Carriers and Related Activities	Publishing Industries (except internet)
Apparel Milles & Manufacturing	Internet Publishing and Broadcasting	Real Estate
Automotive Repair and Maintenance	Internet Service providers, Web Search Portals, and Data Processing	Recreational Vehicle Park
Beverage Product Manufacturing (unless otherwise allowed)	Justice, Public Order and Safety Activities	Religious, Grant making, Civic, Professional and Similar Organizations
Broadcasting (except internet)	Leather and Allied Product Manufacturing	Rental and Leasing Services
Building Materials & Garden Supplies	Machinery Manufacturing	Retirement or Congregate Living Facility
Clothing and Clothing Accessory Stores	Manufactured Home Park	Scenic and Sightseeing Transportation
Computer and Electronic Product Manufacturing	Merchant Wholesalers, Durable Goods	Shipping Containers
Construction of Buildings	Merchant Wholesalers, Non Durable Goods (unless otherwise allowed)	Social Assistance
Duplexes	Mining	Special Trade Contractors

Educational Services	Miscellaneous Manufacturing	Sporting goods, hobby, book and music stores
Electrical Equipment, Appliance and component Manufacturing	Miscellaneous Retail	Support Activities for Transportation
Electronic and Precision Equipment Repair and Maintenance	Motion Picture and Sound Recording Industries	Telecommunications (unless otherwise allowed)
Electronics and Appliance Stores	Motor Vehicle and Parts Dealers	Textile Mills
Executive, Legislative and Other General Government Support	Museums, Historical Sites and Similar Institutions (unless otherwise allowed)	Transit and Ground Passenger Transportation
Fabricated metal Product Manufacturing	Non-store Retailers	Truck Transportation
Finance, Banking Investments	Nursing and residential care Facilities	Utilities (unless otherwise allowed)
Food and Beverage Stores	One attached accessory apartment for a single family dwelling on a lot	Warehousing and Storage
Food Services and Drinking Places (unless otherwise allowed)	Other Information Services	Waste Management and Remediation Services
Furniture and Related Product Manufacturing	Personal and household goods Repair and Maintenance	Water Transportation
Furniture, home Furnishing, Stores	Personal and Laundry Services	Wholesale Electronic Markets and Agents and Brokers
Gasoline Station	Plastic & Rubber & Product Manufacturing	Wood Product Manufacturing
General Merchandise Stores		
Standards		
Single Family Dwellings	Minimum lot frontage width	60 ft
	Minimum lot size	7,500 square feet
Flag Lot- minimum street frontage lot width	30 ft	
Maximum Lot Coverage	35%	
Maximum building height excluding chimney, vents, towers and antennae	35 ft	
Setbacks		

Front Yard Collector & Arterial & Local	Corner Lot Side Yard Intersecting Streets	Side Yard	Rear Yard
25	15	5 feet for the first 10 feet of wall height. 1:2 for heights greater than 10 feet	5 feet for the first 10 feet of wall height. 1:2 for heights greater than 10 feet

APPENDIX C- DEFINITIONS

C.1. Purpose. This chapter provides definitions for important terms used in this code. Any dispute about the meaning of a term used in this ordinance shall be resolved using the appeals procedure in [Chapter 4 - Administrative Procedures](#) of this code.

C.2. Definitional Rules. Terms include both singular and plural forms; i.e. building includes buildings, and, except where otherwise indicated, terms include their derivatives; i.e. adjacent includes adjoining.

Abutting – Adjoining, contiguous, touching.

Access - A means of ingress and egress to a property or use.

Accessory Dwelling Unit (ADU)- An accessory dwelling unit is a self-contained housing unit that is clearly a subordinate to the single-family dwelling and complies with each of the requirements a contained in this chapter. An ADU shall include a kitchen, a separate bathroom, and a separate entrance/exit. In no case shall an ADU be more than ten (10) percent of the lot area, nor more than 1,200 square feet, nor less than three-hundred (300) square feet. It shall also comply with the other standards of this code.

Accessory Use - An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use; (2) is subordinate in area, extent, and purpose to the principal structure or use served; (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this code; (4) is customarily incidental to the principal structure or use.

ADA – The federal American with Disabilities Act

Adjacent - All lots or parcels that directly border a lot and all parcels separated from the lot by a public or private easement or rights-of-way, including roads, streams, rivers and irrigation canals.

Alley – A space or thoroughfare at least 20 feet wide which has been dedicated to the public for public purpose use which affords a means of vehicular access to property. (See public rights-of-way)

Amended Subdivision - Change in the metes and bounds of lots or parcels within a lawfully created subdivision,

Annexation – Inclusion of unincorporated lands into the municipal boundaries of the City of Salmon.

Appeals- An appeal where the City Council reviews only the facts and testimony presented during a previous hearing or decision.

Area of City Impact – An unincorporated area outside the City’s legal boundaries that defines an area that may be impacted by future city growth. A boundary defining such an area is established by negotiation and recorded agreement between the City and County.

Area of City Impact Agreement – An agreement between the City of Salmon and Lemhi County on administration of the area of impact per *Idaho Code 67-6526*.

Area of City Impact Map – A map showing the boundary of the Area of City Impact and containing generalized future land use designations outside of the City Limits.

Base of Building, – Contact between the lowest foundation or wall of a building and the finished grade at the contact point.

Bed and Breakfast Inn – A dwelling unit where three or more rental rooms provide overnight lodging with breakfast only on a transient basis for monetary compensation.

Buffers – An area designed to separate two uses through the use of landscaping, berms, fences, and other methods.

Buildable lot – A unit of land that is of sufficient size and shape to accommodate the development of a building or structure that meets all setback, lot coverage, building height, building size and other standards of the Salmon Development Code, the Salmon Municipal Code, Building Code and Fire Code.

Building - Any structure used or intended for supporting or sheltering any use or occupancy (Also see structure).

Building Bulk - Building bulk may be measured and compared in terms of floor area ratio (the total square footage of all floors as a percent of lot size) or similar measures.

Building Code - Refers to the current building codes as adopted by the State of Idaho and the City Council.

Building Height - The vertical distance measured mean natural grade to the highest point on a building. Building height excludes chimneys, vents and antennae. See Finished Grade.

Carport - A structure supported by posts for sheltering vehicles, trailers, campers etc., either attached or unattached to the side of a building.

Clear Vision Triangle - The area that provides the visibility required for safe access to streets. See [Chapter 10 - Standards Applicable To All Developments](#).

Commercial – Business activities and establishments that involve retail sales and service, professional office, tourism, community shopping centers, commercial centers, heavier commercial and service commercial uses that may be compatible with retail shopping and general office activities, and commercial establishments that serve the needs of the general public and people passing through the area. Commercial may include Transient lodging not meeting the

criteria for short-term/vacation rentals and daycare services providing care for more than six (6) children, those establishments that provide retail or wholesale goods and services, some light processing, warehousing, distribution, and manufacturing. The uses are based upon the North American Industry Classification System (NAICS).

Compatibility - Land uses need not be identical to be compatible, but must be sited, designed, constructed, and used in such a way that the normal functions and operation of neighboring uses do not seriously conflict, and so that their appearance is harmonious.

Comprehensive Plan - The Comprehensive Plan of the City of Salmon containing elements of the Idaho Local Land Use Planning Act (LLUPA), adopted by the City Council, and all updates thereto shall be amended by resolution, along with all accompanying maps, tables, and plan elements that provides for the long range land use planning goals and policies of the City.

Condominium unit - A part of the property consisting of a building or one or more rooms occupying one or more floors of a building or a part or parts thereof, intended for any type of independent ownership, and with direct exit to a public street or to a common area or areas leading to a public street. Also see Townhouse/Rowhouse dwelling.

Contiguous – To have contact with, touching along a boundary or at a point.

Court - A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

Cul-de-sac – A short local street terminating in a vehicular turn-around.

Daycare Center/Facility- Facility or business that provides care and supervision for seven (7) or more children.

Day Care Home/ Family - A home providing daycare for six (6) or fewer children.

Dedication - The transfer of property interests from private to public ownership for a public purpose.

Density - The number of dwelling units per gross acre. Gross acreage includes the entire development (adjoining roads to the centerline, internal roads, common open spaces, etc.).

Development - Any man-made change or new activity regulated by this code that causes the improvement of land; including the division of any improved or unimproved real property for any use, purpose, and by any person, association, or other entity. (See improvement and use).

Development Agreement – A tool to require that an owner or developer make a written commitment concerning the use or development of a subject parcel and may include provisions governing the creation, form, recording, modification, enforcement and termination of conditional commitments.

Developer - A person, firm, corporation, partnership, syndicate, local agency, city, county, state, or federal government or any district or division thereof, who or which causes the development of real property and is the owner of record or contract purchaser of the real property to be developed or improved.

Drainage - The removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for the prevention or alleviation of flooding.

Duplex - Two (2) dwelling units attached by a common wall that form one (1) structure, either on an individual lot or with each unit on a separate lot.

Dwelling - Any building or portion thereof designed as a residence for human habitation. "Dwelling house" and "mobile home" include manufactured housing. (I.C. 55-1001)

a. Attached Dwelling - A dwelling unit which is one of two (2) or more adjoining dwelling units, each of which is separated from the others by one (1) or more unpierced walls or floor from ground to roof.

b. Detached Dwelling - A single dwelling unit having no roof, wall, or floor in common with any other dwelling unit.

c. Dwelling unit - Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation for not more than one family.

Easement - Authorization by a property owner established in a deed and/or recorded plat granting to another person, party, utility or public agency the right to use any designated part of his property for a certain stated specific use or purpose.

Emergency Services - Facilities and services which are devoted to public health and safety, including but not limited to fire houses and police stations.

Eminent Domain – Pursuant to Idaho Statutes Title 7 - Special Proceedings, Chapter 7; The power of the City of Salmon under the constitution and the laws of the state of Idaho to take private property for public uses. Otherwise referred to as “condemnation”. Idaho Statutes §7-711A(1).

EPCRA - The Emergency Planning and Community Right-To-Know Act of 1986. Refers to 42 USC 1101-11050, as amended. The act refers to the labeling system for hazardous materials.

Essential Services - Facilities and services which are necessary and accessory to the principal land use or development, and involve infrastructure such as pipelines, power lines and poles, distribution feeders, meter boxes and pump houses. Essential services may also include water, sewer, natural gas, cable, communication, and electric power service, and certain transportation improvements.

Fence - A vertical structure providing separation between yard spaces.

a. Security fence – A fence constructed in conjunction with commercial or industrial uses for the safe storage of materials and equipment, or sight vision buffering from neighboring uses.

b. Sight obscuring fence – A fence that consists of solid walls, slats, boards, lattice, or material of any kind that obstructs a clear field of vision to the opposite side of the fence. Hurricane fences, wire fences or similar structures are considered non-sight obscuring.

Fire Code - Refers to the current fire codes as adopted by the City Council.

Flag Lot - A flag lot is a unit of land whose main body is connected to a street, road or easement with access to a street or road by a strip of land not less than 30 feet in width. The side yard definition may apply for three sides of the flag portion of the lot.

Flood Zone Administrator - The flood zone administrator for the City of Salmon.

Floodplain - Land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the regulatory flood. The riverine floodplain includes the floodway and the flood fringe. (I.C. 46-1021)

Frontage - A linear distance equal to the horizontal length of any side of a lot.

a. Building frontage - The linear distance which equals the horizontal length of any side of a building which faces and is parallel to the street frontage.

b. Open space frontage - The linear distance of any parcel along a single street derived by subtracting the building frontage from the street frontage of the property.

c. Street frontage - The linear distance along a single street measured between property lines of any parcel which abuts that street.

d. Business frontage - That portion of the total building frontage which is occupied by any individual business.

Future Land Use Map – A map that appears in the Comprehensive Plan showing generalized future land use designations within the City. Not to be confused with zoning district map.

Garage – An attached or detached building designed and used for indoor vehicle parking or storage, other than living space, and is clearly subordinate and accessory to the principle structure or residence.

Government offices – A building or place for government administration, record keeping and public hearings.

Grade - The plane or slope of undisturbed ground surface between the highest and lowest points of elevation on a lot.

a. Finished Grade – The finished level of soil where it meets the foundation wall of the structure. For purpose of evaluation in meeting drainage criteria, the definition of finished grade shall apply to every point on the perimeter of a structure’s foundation and/or site.

Gross area - The total area of all lots within a project’s boundaries. If the project is adjacent to an existing public street, then the boundaries of the project shall be extended to the center line of the rights-of-way, and that area within the rights-of-way included in the gross area calculation.

Gross floor area – The total square footage of a building measured along outside enclosing walls including all floors or a multi-story building whether finished or unfinished.

Group Residence – Dormitory, lodging, and/or boarding house where three or more individual rooms are used on a non-transient basis.

Guest House - Dormitory, lodging, and/or boarding house where three or more individual rooms are provided with or without meals on a non-transient basis.

Hazardous Area – An area of natural disasters and hazards are areas that are subject to natural events known to result in death or endanger the works of man, such as flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils, and other hazards unique to local or regional areas.

Hazardous Substances - Any material regulated by EPCRA.

Higher Density Residential Use - Any residential use having at least three or more dwelling units per structure. Includes apartments, condominiums, and townhouses.

High Water Mark – The ordinary high water level or bank of a stream, river, lake or impoundment which, in the absence of evidence to the contrary, shall be presumed to be the edge of the vegetation growing along the shore.

Home occupation - A vocational or commercial use or activity conducted entirely within a dwelling, or a building accessory to the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Impervious surface - Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any other areas of chip seal, concrete or asphalt.

Improvement - Any man-made change to real property including but not limited to buildings or other structures, filling, grading, sedimentation control facilities, paving, excavation, drilling operations, or any other regulations of this code or conditions of approval.

Industrial - industrial uses classified as business activities and establishments that primarily involve manufacturing and processing of raw materials, warehousing, storage, distribution, and wholesale sales of durable and non-durable goods, where such activities involve a degree of noise, vibration, air pollution, glare, and fire and explosive hazards. Those uses include heavy warehousing and distribution, manufacturing plants, processing plants and other heavier industrial uses. manufacturing warehouse, office, storage, distribution, and wholesale sales of durable and non-durable goods. Those uses include hardware, print shops and paper products, custom manufacturing, and establishments and uses primarily engaged in on-site production of goods involving hand tools and minor mechanical means, with indirect sales of products produced on-site to the general public which involve the lowest level of noise, vibration, air pollution, radiation, glare, or fire and explosive hazards. The uses classified are based upon the North American Industry Classification System (NAICS).

Institutional Uses and Facilities – Such as but not limited to Schools, churches, public libraries, museums.

Junk – On private or public property, an unsightly accumulation of garbage, discharged or salvaged materials, scrap lumber, metal, waste bottles, cans, food, dead animals, abandoned and inoperable vehicles or parts, machinery, or other debris that result in obnoxious odors, the potential for a habitat of pests and rodents, a threat to public health and safety, and contribute to an overall degradation of the neighborhood.

Junk, salvage or wrecking yard - A place where waste, discharged or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building; and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operative condition, or salvaged materials incidental to manufacturing operations.

Jurisdictional wetlands delineation – A delineation approved by the U.S. Army Corps of Engineers of the wetland boundary.

Land division - The act of dividing land or an area or tract of land when such an area exists as a unit, or abutting units of land. (See lot split and subdivision)

Land locked – A tract, lot or parcel of land without legal access of record to a private or public rights-of-way.

Land Use – The way in which land is being used. Specific land uses are permitted, conditionally permitted or prohibited in each zone as specified by this code.

Legal Description - The identification of real property by metes and bounds and/or lot and block description.

Legislative Action – The making of law, as opposed to the application of existing law. Examples are a change in the material text of the Salmon Comprehensive Plan or Salmon Development Code. The Legislative review procedure is generally an “open ended” action that involves matters of general concern that may not impact a specific piece of property (non-site specific), but may have an overall general impact on the community. Such actions include amendments to the material text of the code or the Comprehensive Plan, as opposed to the application of an existing site specific code requirement. See also quasi-judicial.

Livestock – Such as but not limited to cattle, pigs, goats, horses, llamas, or sheep kept for personal pleasure or consumption.

Loading space – An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale.

Local Land Use Planning Act (LLUPA), Title 67, Chapter 65, Idaho Code - An act of the 1975 Idaho Legislature that requires cities and counties to enact comprehensive plans, zoning and subdivision ordinances, defines powers and responsibilities of the planning and zoning commission and governing board with respect to land use issues and sets standards for public notice and hearings.

Local Street – A street or road used to provide through access to residential neighborhoods, not designed for semi-tractor trailer or multi-axle heavy vehicle traffic.

Lot - A unit of land created by the division of real property, such as a lot split or subdivision.

a. Lot area - The area contained within the property lines of a lot.

b. Lot coverage - The proportion or ratio of a (parcel or lot) land area covered by structures.

c. Lot, corner – A lot abutting two or more streets at their intersections.

e. Lot depth – The horizontal distance between the front and rear property lines of a lot measured along a line midway between the side property lines.

f. Flag lot – A flag lot is a unit of land whose main body is connected to a street, road or easement with access to a street or road by a strip of land not less than 30 feet in width. The side yard definition may apply for three sides of the flag portion of the lot.

g. Lot frontage – The width of the lot fronting along a street line.

h. Lot line - A line bounding a lot of record which divides one lot from another lot or from a street or any other public or private space (same as property line).

i. Lot line adjustment – Also a property line adjustment. A relocation of a common boundary line between abutting units of land or lots of record under separate ownership, where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any site development requirements of this code.

j. Rear lot line – That lot line which is most nearly parallel to and most distant from the front lot line. In the case where a lot fronts more than one road or street, the rear lot line shall be opposite the lot line which takes access to the road or street. See through lot.

k. Side lot line – Any lot line other than a front or rear lot line.

l. Lot split – Division of a single lot or parcel of land resulting in the creation of not more than (4) lots.

m. Through lot – An interior lot with its rear yard abutting a street rights-of-way.

n. Lot width – The perpendicular bisect of the lot depth measurement.

Manufactured home *I.C. 39-4105(8)* - A structure constructed for human habitation, after June 15, 1976, in accordance with the federal Manufactured Home Construction and Safety Standards (HUD) and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. section 5401 et seq.

Note: A manufactured home does not include a mobile home, or a mobile home or house trailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976. (also see Mobile Home)

Manufactured/Mobile Home Park/ - Any real property that is rented or held out for rent to others for the placement of manufactured or mobile homes for the primary purpose of production of income.

Manufactured home or Mobile home dwelling space - A plot of ground within a mobile home park or manufactured dwelling park designed for the accommodation of one mobile home or one manufactured dwelling not placed on or attached to a permanent foundation.

Minor Utility Installations - Includes wireless communication facilities (excluding towers) cable television, electric power, and telephone cables and transmission lines, and natural gas pipelines that serve the area through which they are routed. Also includes transformer boxes and other minor appurtenances to those transmission lines or pipelines.

Mobile Vendor – Any moveable, trailer, vehicle, wagon, motorized or non-motorized vehicle or other similar device, which is used specifically for walk-up service, including but not limited to buying and selling of goods, produce stand, food vendors that is mobile or remains in or on any one site

Mobile home I.C. 39-4105(9) (also see Manufactured Home) - A factory-assembled structure or structures constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation.

Note: The term "mobile home" means forms of housing known as "trailers", "house trailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, house trailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

Mobile home, rehabilitated – A factory-assembled structure constructed prior to June 15, 1976, the effective date of the Manufactured Housing and Safety Standard Act (HUD code), that are currently sited in Idaho or that may be brought into the state after July 1, 1998, which have been upgraded to comply with *Title 44 Chapter 25 of the Idaho Statutes* and received a “Certificate of Compliance” from the Division of Building Safety of the State of Idaho.

Modular Building – Any building or building component, other than a manufactured home or mobile home, which is of closed construction and is entirely or substantially prefabricated or assembled at a place other than the building site, designed for use as residential dwellings, portable classrooms, offices or telecommunication buildings, that can also be assembled in multiple sections to create larger multi-story residential or commercial structures.

Multiple-family, multiplex, or apartment dwelling - Three or more attached dwelling units that form one structure.

Natural hazard – A geologic, flood, or wildfire event.

Nonconforming - Any legally conforming approved existing use prior to on the effective date of this code which does not comply with the standards of this code as a result of the adoption of this code.

North American Industry Classification System (NAICS) - A reference for classifying land uses. (Replaces the 1977 Standard Land Use Code (SLUC)).

Outdoor Material Handling or Storage – Stockpiling, storage, processing, or packaging of materials for any reason (it need not be for commercial use), including the long term storage of construction materials and inoperative machinery or vehicles, that is not enclosed in a building and that is visible from a public street.

Overlay Zone or District - Within an overlay zoning district, the governing board shall establish clear and objective standards for the overlay zoning district while ensuring that application of such standards does not constitute a regulatory taking pursuant to Idaho or federal law.

Owner – The proprietor of land (having legal title). Includes, but is not limited to, a purchaser under a deed of trust, mortgage, or contract, or a person who takes the subject property under a life estate. (*I.C. 55-1001*)

Ordinance – A law enacted by the city council that may require public notice and hearing, and take effect upon publication in the official newspaper.

Parcel - A unit of land held in common ownership and defined by a recorded legal description.

Park – A privately or publicly owned space designated for recreational purposes and utilized by the public.

Park model trailers – A vehicular type unit that has a floor area of four hundred (400) square feet or less, meets the American national standards institute (ANSI) recreational standard A119.5, is primarily designed for permanent or semi-permanent installation and is used as a residence.

Planned Development - A pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property, in which: (1) There is an association of unit owners responsible for the maintenance, operation, insurance and property taxes relating to any common property of the planned community or for the exterior maintenance of any property that is individually owned; and (2) Owners of individual lots, by virtue of their ownership, automatically are members of the association of unit owners and assume liability for membership fees.

Planned Unit Development (PUD) – An area of land in which a mixed variety of residential, commercial, industrial, and other land uses are identified as a comprehensive development strategy. Such an area may be approved as an overlay on the existing zoning district.

Plat – A map of a tract of land containing all the descriptions, locations, specifications, dedications, provisions and information concerning the location or creation of lot lines, lots or parcels, which is an instrument for the legal recordation of real property.

a. Final plat – An accurate map showing bearings and distances which is part of an instrument for the legal recordation of real property, established by the survey of a tract of land and containing all the descriptions, locations, specifications, dedications, easements, provisions, information and approvals concerning the location or creation of lot lines, lots or parcels as required by Salmon Development Code and Title 50 Chapter 13 of the Idaho Code.

b. Preliminary plat – An approximate drawing showing the proposed location or creation of lot lines, lots or parcels in a tract of land, including all provisions and information as required by the Salmon Development Code.

c. Plat Vacation – A process that turns discrete lots or parcels back into a metes and bounds unit of land.

Principal Use – Also called primary use. The specific primary purpose for which land is used.

Private Road – A road within a subdivision or on private property that is not dedicated to the public and not a part of a public highway system.

Public Improvement - Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility services, and parks and recreation.

Public Property – Anything owned or operated by a governmental agency or tax assessing district.

Public Rights-of-Way – Any road, thoroughfare, alley, highway or bridge or other special purpose way or utility installation owned, dedicated and open to the public and under the jurisdiction of a public agency.

Public Service Facilities – Government offices, fire and police stations, public parks, prisons, fairgrounds, telephone switching facilities or similar facilities.

Public Street – A road, thoroughfare, alley, highway or bridge under the jurisdiction of the City of Salmon.

Quasi-judicial Action – A legal action that involves the application of general polices or existing law to specific persons or properties. Examples are a request for a special use permit, a zone change, subdivision or variance. Also see legislative action.

Residence –The living space area used for cooking, dining, sleeping, shelter and habitation. Also see dwelling.

Recorded – A document(s) of record being placed in the coded files and books of the County Clerk’s and Recorder’s office.

Record of survey – A survey of any lot, parcel or lot line which has been legally recorded in the County Recorder’s office.

Recreational Vehicle:

a. A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. Does not include pick-up hoods, shells, or canopies designed, created or modified for occupational usage. School buses or van type vehicles which are converted to recreational use are defined as recreational vehicles. (I.C 49-119(6)).

b. A vehicle with or without motive power designed for human occupancy used temporarily for recreational, seasonal or emergency purposes.

Recreational Vehicle (RV) park - A place where the construction of facilities for servicing the lots on which more than one recreational vehicle may be placed for a temporary time period.

Regulatory takings – The confiscation of private property by a government.

Resolution – A binding decision by the City Council typically used for internal administrative matters. Adoption of a resolution does not have any formal reading or publication requirements.

Retirement or Congregate Living Facility - Residential shelter care facilities for mentally handicapped, physically handicapped and elderly citizens. Group homes for eight (8) or fewer residents are considered single-family dwellings for purposes of land use regulations.

Rights-of-Way – The right to pass over or through the property of another.

Salmon Development Code – A document containing specific zoning districts, land use regulations, standards and laws adopted by the Salmon City Council to assure orderly development within the City of Salmon.

Setback - The distance between the property line and the outer wall of the building on the same lot.

Shipping Containers – Portable storage units/containers, metal or otherwise, designed for the shipment of cargo.

Short-Term/Vacation Rentals- A residential dwelling unit to be rented on a daily or weekly basis.

Site Plan - A site plan illustrates all those details of a proposed development needed to demonstrate compliance with this ordinance, including the location of existing and proposed property lines, easements, buildings, parking areas and points of access to streets, streets,

sidewalks, buffers and other measures designed to mitigate potential nuisances, signs, and other features of the site.

Single Family Dwelling - A detached building designed for occupancy by one family. Pursuant to *I.C. 67-6531*, "Single Family Dwelling" shall include any group residence in which eight (8) or fewer unrelated persons with disabilities or elderly persons reside and who are supervised at the group residence in connection with their disability or age related infirmity. Resident staff, if employed, need not be related to each other or to any of the persons with disabilities or elderly persons residing in the group residence. No more than two (2) of such staff shall reside in the dwelling at any one time.

Sketch Plan - A sketch plan (plot plan) is a general or conceptual site plan of a development. It must include the approximate location of all lot lines and streets, the approximate location and exterior dimensions all structures, the approximate location, size, and circulation pattern of all parking areas, and the approximate location and dimensions of all landscaped buffers.

Slope - An inclined ground surface, the inclination of which is expressed as a ratio of vertical distance (rise) to horizontal distance (run). Percent slope is calculated by multiplying the ratio (rise/run) by one hundred (100).

Solid Waste - Material being stored, packaged, or processed for ultimate disposal or recycling. For the purposes of this code, the waste normally generated by a farming operation (crop stubble and residue, manure, etc.) is not solid waste.

Special Use - A use and/or development as specified by this code that requires intensive public review and may be allowed if it is demonstrated to meet the standards of this code and conditions prescribed by decision of the Planning Commission.

Special Use Permit (SUP) - A permit for a specific use and/or development granted with conditions prescribed by the Planning and Zoning Commission. A SUP and conditions of approval is not transferable to other property. A SUP is binding on the specific use and development, location of the use, the owner of the property, and is transferable to each subsequent owner or person acquiring ownership interest in the property. Discontinuation or removal of the use renders the SUP null and void. A SUP shall not be considered as establishing a binding precedent to grant other special use permits.

Street - The improved section of any rights-of-way for motor vehicle travel which affords the principal means of access to abutting property, including public and private rights-of-way and easements for ingress and egress purposes, together with bicycle pathways or other ways for travel by other than motor vehicle.

a. Arterial street - A public street or highway designated as an arterial street in the City Master Transportation Plan which, because of its design and location with respect to other streets and sources of traffic, may be used to carry a volume of traffic in excess of 10,000 average daily trips.

b. Collector street - A street designated in the City Master Transportation Plan with more controlled access with speeds ranging between 25 and 45 mph, which, because of its design and location with respect to other streets and sources of traffic, is used primarily to carry traffic from local streets to other collector and arterial streets.

d. Improved street - A street having an improved paved section, and may include curb, gutter, drainage swales and sidewalk.

f. Local street - A local road with speeds generally 25 mph or lower, which provides access to immediately adjacent residential land and which also provides connections to collector and arterial streets.

Structural alteration - Any change in the supporting members of a building, such as bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Subdivision - The act of dividing land or an area or tract of land into five or more lots.

Substantial – Considerable in quantity, significantly large.

Survey – (1) To accurately determine and measure the boundaries, shape, location, and extent of a tract of land. (2) The act of determining and measuring the boundaries, shape, location, and extent of a tract of land. (3) The diagram, map or description that results from such an operation.

Takings – Otherwise referred to as a regulatory taking. The appropriation by government of private land for which compensation must be paid.

Temporary Use – The establishment of a use at a specific site on a temporary basis.

Tower - A freestanding structure, tower, pole or mast erected to support antennas and connecting appurtenances. Also see Wireless Communication Transmission Towers

Townhouse/Rowhouse dwelling - Attached dwelling units in one or more structures, but having at least three or more dwelling units per structure. A townhouse dwelling can be distinguished from an apartment or multiplex dwelling because each townhouse dwelling occupies an individual lot, consists of interior space from ground to roof, and has direct access to individual private outdoor space. (Also see condominium unit)

Tract – One (1) or more adjacent or contiguous lots under same ownership.

Traffic Impact Analysis (TIA) – Identification and analysis of the potential traffic impacts, problems and hazards which may be generated by a proposed use, and to identify all required improvements to assure safe vehicular access to and from a proposed development.

Use – The purpose or activity for which land or any development thereon is designed, arranged, or intended or for which it is occupied or maintained.

Variance - A modification of the requirements of this code as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or any other provision of this code affecting the size or shape of structure or the placement of the structure upon lots, or the size of lots. Variances are intended to provide relief for landowners who, due to some unique physical characteristic of their property that is beyond their control, would not be able to benefit from the use of the property if this code were strictly enforced.

Vehicle trip - A single or one directional vehicle movement with either the origin or destination inside a study area.

Vehicle Trips per Day (TPD) – A term used to define the average round trips a vehicle makes to and from a residence in a twenty four (24) hour day.

Vested right – A use or development of property that has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations. Similar to non-conformity.

Wall:

- a. An exterior wall is any wall or element of a wall, or any member or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60 degrees or greater with the horizontal plane.
- b. Parapet wall is that part of any wall entirely above the roof line.
- c. Retaining wall is a wall designed to resist the lateral displacement of soil or other materials.

Wetland - An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wildland Urban Interface (WUI) - The areas where structures and development at the rural/urban interface and urban development in rural areas may be susceptible to catastrophic events due to unstable ecosystem conditions highly vulnerable to wildland fire.

WUI analysis – An assessment of the city’s emergency preparedness and ability to respond to catastrophic events within the Wildland Urban Interface. Key components of this analysis include; Hazardous Fuel Reduction; Transportation System and Access; Preparedness; Education/Prevention; Communication; Enforcement (Aspect consulting December 2006).

Yard – An open unoccupied space, other than a court, unobstructed from the ground to the sky, between a lot line and building line.

a. Front yard – A yard extending the full width of the front of a lot between the front (street) rights-of-way line and the front building line.

b. Rear yard – A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

c. Side yard – A yard extending the full length of the lot in the area between a side lot line and a side building line.

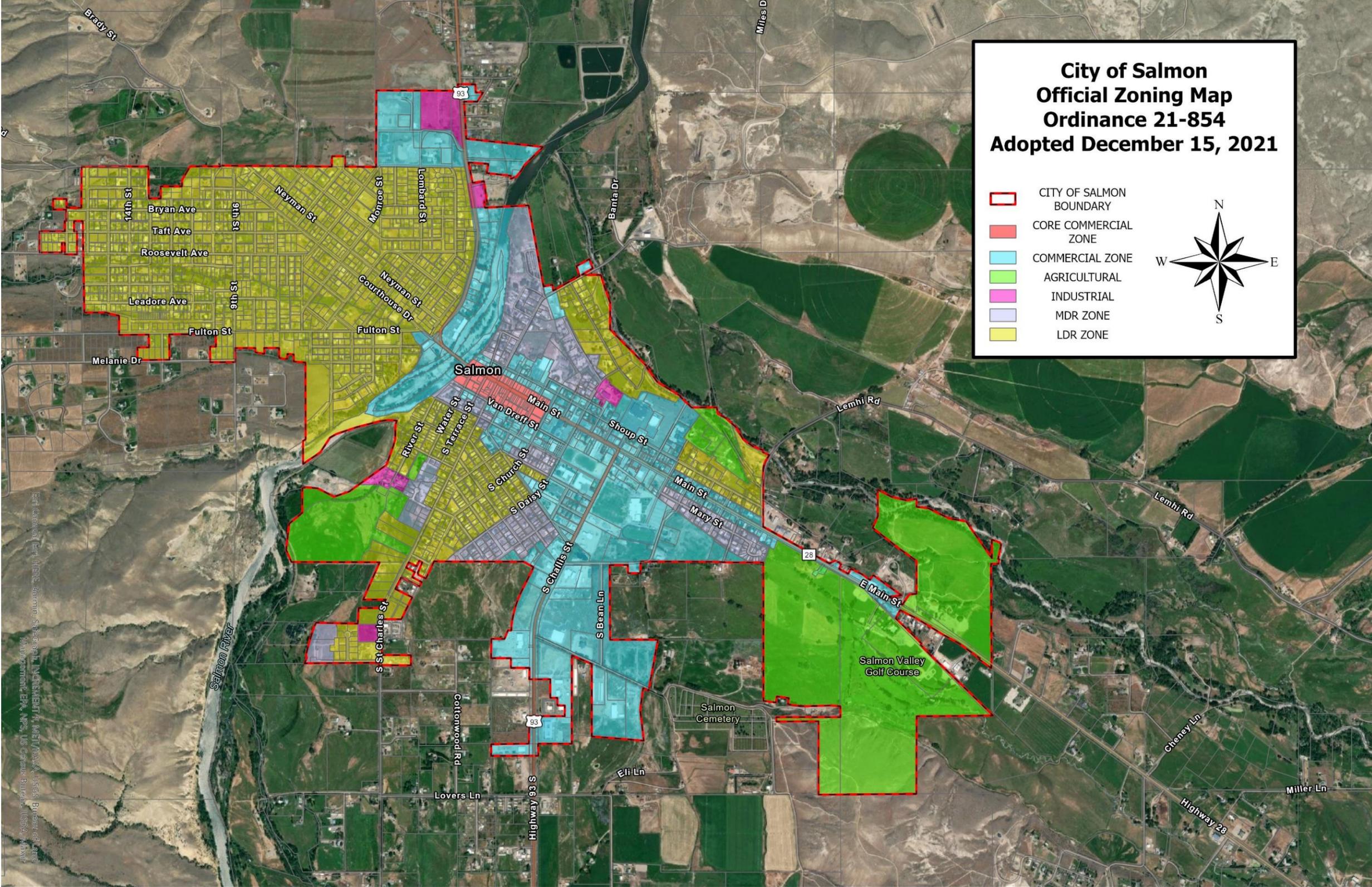
Xeriscape - Xeriscaping and xerigardening refers to landscaping and gardening in ways that reduce or eliminate the need for supplemental water from irrigation.

Zero Lot line development – A development in which a building with a common wall is sited on one or both of its side lot lines with no yard. (See townhouse, rowhouse, condominium).

Zone change – A change in the zoning district designation boundaries in compliance with the Comprehensive Plan and Future Comprehensive Land Use Plan map.

Zoning map - A map that defines the zoning district boundaries applicable to each zoning designation in the City.

City of Salmon Zoning Map



East-Central Area HERE, Google, Street View, METAVISA, USGS, Bureau of Land Management, EPA, APFS, US Census Bureau, USDA, NOAA