

## Title 1 ADMINISTRATION, Chapter 7 ANNEXATION PROCEDURES

### 1-7-1: PURPOSE (REP. BY ORD. 470, 3-24-2009):

### 1-7-2: POLICY (REP. BY ORD. 470, 3-24-2009):

### 1-7-3: APPLICATION:

### 1-7-4: PREANNEXATION STUDIES:

### 1-7-5: ANNEXATION PROCEDURE:

#### **1-7-1: PURPOSE:**

(Rep. by Ord. 470, 3-24-2009)

#### **1-7-2: POLICY:**

(Rep. by Ord. 470, 3-24-2009)

#### **1-7-3: APPLICATION:**

Any person desiring to request annexation of lands within his or her ownership may initiate the annexation consideration process by submitting a completed annexation request form to the Hayden community and economic development department accompanied by the filing fee established by resolution of the city council. Upon receipt of such completed form, a report will be submitted to the mayor and the city council for deliberation concerning the desirability of considering annexation of the requested lands. Upon receipt of such report, the city council, in consultation with city staff, shall decide whether it wishes to further consider annexation of the requested lands or not. In the course of such consideration, the city council may determine what analysis and study it would require to properly evaluate the consequences and effects of the proposed annexation. The city council may, if it wishes to further consider the matter, establish the necessary prepaid annexation processing fee to be remitted by the requester if he desires to proceed with the request. Such prepaid fees may include a standard administrative fee (reasonably related to the administrative costs of processing an annexation request, including staff and legal expense) established by resolution of the city council, in addition to any study based fees established after city council consideration of the specific annexation request. (Ord. 470, 3-24-2009)

#### **1-7-4: PREANNEXATION STUDIES:**

The city council may require the completion of relevant studies before allowing an annexation proposal to go forward to the planning and zoning commission or city council for initial public hearing. Any studies required by the city council as a prerequisite to consideration of an annexation request shall be conducted by city staff or by a consultant chosen and engaged by the city. The estimated costs of such studies shall be prepaid by the annexation applicant before the studies are undertaken. Any consultant engaged to perform specified tasks in the course of evaluating the consequences of a possible annexation shall serve the city of Hayden as its client, not the parties requesting annexation. Any such studies shall be conducted in accordance with direction from the city to determine the anticipated consequences of the proposed annexation. Such studies shall become public documents upon their completion and shall be made available to the applicant and other interested parties prior to the conduct of any public hearings. (Ord. 304, 11-27-2001)

## 1-7-5: ANNEXATION PROCEDURE:

A. Upon completion of the required preannexation studies and submittal of an application in that form developed by the City with payment of requisite fees pursuant to the City's fee schedule, the Community and Economic Development Director ~~city administrator~~ or his/her designee shall schedule any authorized annexation proposal for a public hearing before the planning and zoning commission ~~or city council~~, as soon as such request may be accommodated by the commission ~~council~~ schedule. No such hearing shall be scheduled until the required preannexation studies have been received, unless the city council waives such requirement. The legal purpose of such public hearing shall be to receive public comment and to formulate a recommendation to the city council regarding proper zoning or land use regulations for the lands in question. At the conclusion of its deliberations, the planning and zoning commission shall submit a recommendation to the city council regarding potential zoning of the lands under consideration for annexation. ~~The planning and zoning commission is also authorized to comment upon and~~ the advisability of annexation of the subject lands in light of provisions of the comprehensive plan or other planning considerations. Such recommendations shall include the rationale employed and facts relied upon by the commission in reaching its recommendation.

All parcels of land to be considered for annexation shall have a contiguous boundary attachment to the existing incorporated area. The city council shall not have the power to declare land a part of the city if it will be connected to the city only by a shoestring or strip of land which comprises a railroad or highway right-of-way.

All portions of highways lying wholly or partially within an area to be annexed shall be included within the area annexed unless expressly agreed between the City and the governing board of the highway agency providing road maintenance at the time of annexation.

For purposes of this chapter, Highways are as defined by Idaho Code 40-109.5 Highways and Bridges, Definitions.

B. Upon receipt of the planning and zoning commission recommendation, the city council may schedule a public hearing to consider zoning of the lands for which annexation has been requested. The city council may also require additional information from the applicant or others or may require such additional studies as it deems necessary to properly consider the annexation request. The costs of any such additional studies shall be prepaid by the annexation applicant. No public hearing may be scheduled before the city council until all such expenses have been paid or until the required study results have been received unless expressly authorized by the city council. The public hearing concerning zoning in anticipation of annexation shall be conducted as a legislative public hearing.

C. Upon completion of the public hearing concerning zoning, and after considering such other information as it chooses to rely upon, the city council may decide to enact an ordinance annexing the subject lands, or any parts thereof, and establish the zoning designation therefor. All fees and expenses required to be paid must have been received and an annexation agreement must have been executed and performed to the extent required by the city council prior to passage of the annexation ordinance. (Ord. 470, 3-24-2009)

D. All annexation applications shall follow and be processed pursuant to the requirements of Idaho Code 50-222 Annexation by Cities. Annexation applications shall be required to be accompanied by a request for a zoning designation which shall follow the public hearing procedures of Idaho Code

67-6509 (as directed by Idaho Code 65-11) Recommendation and Adoption, Amendment and Repeal of the Plan.

## Title 4 HEALTH AND SAFETY, Chapter 1 NUISANCES

### 4-1-1: DECLARATION OF NUISANCES:

A. Responsibility: No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise, shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating or unlicensed motor vehicle, machinery, implement and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, to remain on such property longer than twenty eight (28) days unless such vehicle, equipment, etc., is maintained in an enclosed building or so located within a fenced or screened enclosure six feet (6') in height within the rear yard of the premises (not a side yard or a front yard), as defined by the zoning ordinance of the city, such that the materials are not readily visible from any public place or from any surrounding private property. Allowing such materials to remain unenclosed or unscreened in the rear yard shall constitute a nuisance. This section shall not apply with regard to any vehicle, equipment or other personal property on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle, equipment or other damaged and abandoned personal property is necessary to the operation of such business enterprise and is not in violation of other provisions of law.

B. Definition: For the purposes of this chapter, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

1. Lumber, junk, trash, or debris.
2. Abandoned, inoperable, discarded or unused objects or equipment such as automobiles, implements and/or equipment, or machinery and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, furniture, stoves, refrigerators, freezers, cans or containers.
3. Any compost pile, solid or liquid/semi-liquid waste which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects; provided, that the presence of earthworms in a compost pile shall not constitute a nuisance, nor shall a properly maintained garden compost facility.
4. Keeping unsanitary matter on premises. It shall be unlawful for any person to keep or permit another to keep upon any premises deleterious or septic material which causes adverse effects upon the occupancy or use of neighboring lands. Such materials must generally be retained in containers or vessels which deny access by humans, flies, insects, rodents and animals.
5. All turf grass and weeds over twenty four inches in height, and offensive and noxious weeds or plants as defined by Idaho Code 22-2402s, within the limits of the city, are hereby declared to be a public nuisance and shall be removed, cut and destroyed by the owner or agent of the ground or premises on which the same are located. It shall be the duty of the owner, agent or person having charge of any property within the city limits where offensive or noxious weeds or plants are growing to remove, cut and/or destroy the same. (Ord. 298, 4-10-2001)

### 4-1-2: ABATEMENT PROCEDURE:

- A. Notice: Prior to initiating prosecution for violation of this chapter, city staff shall attempt to provide notice to the owner of the real property upon which the nuisance is located. Additional notice shall be attempted to the occupant/tenant or agent if one is known. Said notice shall describe the location of the property as accurately as possible and shall specify the nature of the nuisance and the time by which the nuisance must be abated. Said notice shall be mailed to the owner, agent or person in charge can be found. If an owner, agent or person in charge cannot be found, then notice shall be provided by posting a notice upon a conspicuous place on the premises and mailing a copy of said notice by certified mail to the owner or agent of the same at such owner's or agent's last known address.
- B. Storage Or Removal: The owner, owners, tenants, lessees and/or occupants of any lands upon which a nuisance is located may thereafter store such nuisance vehicles, equipment or materials into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the city, or otherwise remove the vehicles, equipment or materials to a lawful storage location outside the corporate limits of the city. If the nuisance consists of weeds or other vegetative materials, it shall be removed and disposed of lawfully so as to eliminate the fire hazard created and/or the risk of spread of weed infestation.
- C. State Law Provisions: The provisions of this chapter shall not compromise or otherwise adversely affect the applicability of provisions of state law regarding the designation of nuisances and their abatement. (Ord. 298, 4-10-2001)

**4-1-3: PENALTY:**

If the owners, tenants or occupants allow said nuisance to exist or fail to abate the nuisance, they, and each of them, shall be guilty of an infraction and upon being found liable therefor shall be subject to an infraction penalty of one hundred dollars (\$100.00). Each day that a violation of this chapter exists may be charged as a separate infraction or misdemeanor violation, as appropriate. Any nuisance which violates this chapter and which constitutes an immediate hazard to the public health or which continues to exist after a finding of guilt or liability in two (2) or more prior infraction proceedings shall constitute a misdemeanor. (Ord. 445, 1-22-2008)

## Title 4 HEALTH AND SAFETY, Chapter 3 ANIMALS

### 4-3-6: KEEPING OF DOMESTIC ANIMALS; LIMITS:

A. Unless otherwise allowed as an agricultural or ranching use that is allowed in the zoning district, it shall be unlawful for any household to own, harbor, or possess more domestic animals than authorized by this section or not in accordance with limitations and licensing requirements established by this chapter. The following domestic animals are allowed:

1. Dogs, ~~and~~ cats, and miniature pigs not exceeding the number limitations as set forth in subsections C and D of this section.

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2. Rabbit, guinea pig, hamster, gerbil, frog, ferret, mouse, rat, snake or bird (except fowl, pigeons, chickens, ducks, geese, turkeys) kept for the sole purpose of an indoor family pet or for educational purposes at an educational institution. It shall be the duty of all persons owning or harboring such animals to keep and maintain such animals in a clean and sanitary condition.

3. a. Rabbits, ~~Cattle, horses, equine,~~ goats, sheep, lambs, alpacas, ducks, ~~and~~ geese, and rabbits may be kept on a lot-premises containing a minimum of three-fourths (3/4) acre of securely fenced, irrigated open space, exclusive of a homesite, and containing at least one acre in total, maintained in compliance with this chapter. Said fenced area shall be irrigated during the growing season to sustain vegetation. The number of listed animals allowed on the original one acre parcel and per acre on each succeeding acre of contiguous site which is securely fenced and irrigated shall be as follows:  
The number of listed animals allowed on the original one acre lot and per acre on each succeeding acre of contiguous site is limited to a total of ten (10) points (per acre) using the point system in the following table, where the points are calculated per animal.

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<u>Animals</u>	<u>Points (Limit 10 points per acre)</u>
<u>Cow</u>	<u>5</u>
<u>Equine (Horse, pony, donkey, mule, llama)</u>	<u>4</u>
<u>Goat, sheep, lamb, alpaca, miniature horse</u>	<u>3</u>
<u>Duck, goose, rabbit</u>	<u>1</u>

<u>Rabbits</u>	<u>10</u>
<u>Cattle</u>	<u>2</u>
<u>Horses or ponies</u>	<u>2</u>

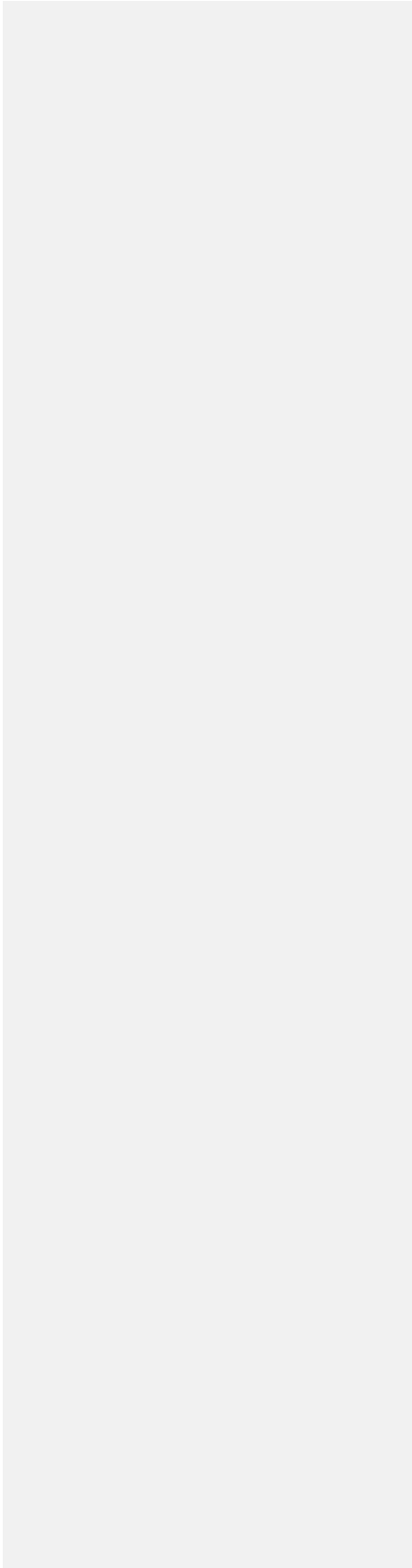
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<del>Goats and/or sheep</del>	<del>4</del>
<del>Ducks and/or geese</del>	<del>10</del>

- b. Chickens are permitted in the agricultural, residential, and residential-suburban zones of the city on any detached single-family lot. A maximum of one hen may be raised or kept per two thousand (2,000) gross square feet of lot area with a maximum of ten (10) hens per lot in the residential and residential-suburban zones and a maximum of ten (10) hens per acre in the agricultural zone. Roosters are prohibited within the city limits. Coops and feeders shall be secured to prevent problems with mice and other pests. Coops, hutches, or similar containment structures shall be set back in accordance with the authorized accessory building setbacks of the zone in which they are located and shall also be located at least fifteen feet (15') from the on site residence and twenty five feet (25') from any neighboring residences. Additionally the coop shall not be attached to a shared fence or a fence located along property lines. All other zone district setbacks and restrictions shall apply.
- c. Owners of property less than the minimum premises size, on which animals were kept at the time of passage of this chapter, may continue keeping those animals or replacement animals, so long as the owner of the property provides proof of ownership of the number of animals kept at the time of passage of this chapter and keeps the premises free from nuisance to the neighboring property owners or the public. If the city determines that the keeping of the animals is a nuisance or a violation of this section, the city shall enforce the nuisance or violation, in accordance with the terms of [chapter 1](#) of this title. If the property does not cure the nuisance or violation in the permitted time, the property owner shall be required to bring the property into compliance with the limitations of subsections A3a and A3b of this section. (Ord. 556, 6-14-2016)
- B. It shall be the duty of all persons owning or harboring such animals to keep them in secure confinement to prevent them from roaming onto adjacent lands and to maintain such animals, and the grounds upon, and facilities within, which they are housed, in a clean and sanitary condition.
- C. It shall be unlawful for any household in a multi-family dwelling housing unit to keep more than three (3) permitted animals as defined by subsections A1 and A2 of this section. Each household in a detached single-family dwelling shall keep no more than seven (7) animals permitted pursuant to subsections A1 and A2 of this section, but not more than three (3) of any species shall be allowed within such limitation; except that a litter of pups, kittens or other young animals may be kept for a period of time not exceeding five (5) months from birth. One miniature pig weighing no more than 150 pounds is allowed per detached single family dwelling lot so long as the lot is located in either the residential suburban or agricultural zone districts. The restrictions of this subsection shall not apply to any commercial establishment where such animals are legally kept for breeding, sale, sporting purposes, or boarding.
- D. Kennels shall be permitted only when allowed by the zoning ordinance of the city and shall comply with all applicable zoning restrictions and the requirements of section [4-3-6-1](#) of this chapter. (Ord. 482, 1-27-2010)

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## Title 9 BUILDING REGULATIONS, Chapter 7 GENERAL BUILDING REGULATIONS

### 9-7-1: CONSTRUCTION SITE REQUIREMENTS:

A. Site Requirements: The building contractor, during the building construction process, and the developer during the subdivision construction process, shall without further order and at the contractor's or developer's expense, be responsible to:

1. Keep the property on which work is in progress free from accumulation of waste material or rubbish caused by the contractor's or developer's employees or agents or by the work, and at all times during the building or development construction period shall maintain the public rights of way, easements, sidewalks and the surfaces of streets and roads adjacent to the property being developed free and clear of construction materials, waste materials or dirt from the construction site;
2. Take appropriate action to control dust caused by the builder or contractor's operations. This shall include, but not be limited to, watering of exposed areas, cleaning of roadways, etc.;
3. Refrain from burning any construction materials on the site or having an open fire for any other purposes; and
4. Be responsible to dispose of all construction waste from the site in a lawful manner.

5. If the site plan or subdivision construction plan has not been either submitted or approved, the Developer may apply for, and the City at its discretion may issue, a site disturbance permit which allows for some portion of site work to commence. The site disturbance permit may be conditioned by the City with items such as a specific area of disturbance and required site controls, and may allow any of those actions the City determines appropriate to proceed with prior to site or construction plan approval, such as the following:

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Staging of materials and equipment, clearing of vegetation or organic plant material above the earth surface, grubbing of vegetation or organic plant material below the earth surface, mass grading which involves cut and fill activity for mass movement of soil but does not including compaction or shaping of site feature, obtaining financial sureties to ensure that site clean-up and restoration and the like.

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Generally a site disturbance permit will not allow work in the right-of-way, rough grading, or final grading work, though the City may allow these at its discretion.

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B. Continuing Obligation: All obligations of the building contractor and developer set out in this section shall be a continuing obligation from the start of construction until a certification of occupancy or acceptance of the subdivision improvements, whichever is applicable, is issued.

C. Definitions: For the purpose of this section, the following definitions shall be applicable:

**BUILDING CONTRACTOR:** The person or company named on the building permit application as the builder.

**DEVELOPER:** The owner of property being developed through the subdivision process.

RUBBISH: Junk, trash or debris.

WASTE MATERIAL: Lumber scraps and other building materials, including electrical and plumbing materials, which are no longer intended to be incorporated into the building.

D. Notice: Prior to initiating prosecution for violation of this section, city staff shall attempt to provide notice to the contractor. Said notice shall describe the location of the property as accurately as possible and shall specify the nature of the violation and provide the contractor twenty four (24) hours to abate the violation. Said notice shall be posted upon a conspicuous place on the building site or delivered to the contractor.

E. Stop Work Order: The building official and the city engineer are authorized to issue a stop work order on the building or construction site until such time as the contractor or developer complies with the notice. (Ord. 471, 4-14-2009)

## Title 11 ZONING REGULATIONS, Chapter 1 GENERAL PROVISIONS 11-1-3: DEFINITIONS:

ACCESSORY BUILDING OR USE: One which:

~~A. Is subordinate to and serves a principal building or principal uses; and~~

~~Any subordinate building, such as a detached garage, incidental to and located on the same lot on which a principal building exists or which is under construction. The accessory building shall not be occupiable unless the principal building is occupiable; and~~

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B. Is subordinate in area, extent, or purpose to the principal building, or principal uses served; and

C. Contributes to the comfort, convenience or necessity of occupants of the principal building or use served; and

~~D. Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off street parking facilities as are permitted to be located elsewhere than on the same zoning lot with the building or use served.~~

ACCESSORY USE. A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

ACCESSORY LIVING UNIT: A building or portions of a building located on the same lot, but separate from the principal dwelling, with at least two hundred twenty (220) square feet of habitable space but not more than eight hundred (800) square feet, equipped with plumbing for a toilet, sink, and bathing facilities, and a single kitchen with a refrigerator and permanently installed sink, oven and/or stove top.

DWELLING, SINGLE-FAMILY: A building designed as one dwelling unit for use and occupancy by no more than one family. This also includes any group residences as defined by Idaho Code 67-6531.

DRIVEWAY, PRIVATE, RESIDENTIAL: A privately owned and maintained path, with a minimum surface width of twenty-sixteen feet (1620'), that provides vehicular and pedestrian access to a maximum of two (2) single family residential structures (not including accessory dwelling units) or lots.

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DRIVEWAY, PRIVATE, MULTI-FAMILY RESIDENTIAL, COMMERCIAL OR INDUSTRIAL: A privately owned and maintained path that provides access and which may serve as a driveway to to nonoccupiable utility infrastructure, provides internal circulation to multi-family dwellings, or serves as an aisleway within a shared parking lot.

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GROUND COVER: Ground covers are low growing plants used in the landscape to cover large areas of ground. They are often used to create blankets of foliage in and around shrubs and trees to unify the landscape or as a filler between features such as stepping stones, shrubs and trees. In addition, they are for erosion control on slopes or banks, or as a lawn substitute in areas too shady to support the growth of turf grasses. This group of plants encompasses everything from vines to low growing perennials and shrubs, but does not generally include turf grasses. Heights range from one inch (1") to twenty four

inches (24") tall. Some fast growing annuals can also be considered ground covers for large flowerbeds.

Ground cover shall be of live plant material. Gravel, colored rock, walk on bark, and similar materials shall be used in combination with a living ground cover in all nonturf areas as a mulch to control weeds and conserve or retain water until a living ground cover has achieved full coverage.

**Title 11 ZONING REGULATIONS 11-2-5: NEW AND UNLISTED USES;  
PROCEDURE FOR DETERMINATION:**

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the city of Hayden. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted use, or a use for which the Director cannot make a determination that it is similar to other uses, and therefore is a prohibited form of land use, shall be made as follows:

- A. The question concerning any new or unlisted use shall be accompanied by a statement of facts listing the nature of the use, including, but not limited to, whether it involves dwelling activity, sales, processing, type of project, storage, enclosed or open storage, anticipated employment and the amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
- B. The council shall consider the nature and describe the performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the type of zone within which such use should be permitted. (Ord. 542, 1-27-2015)

~~Title 11 ZONING, Chapter 2 ESTABLISHMENT OF ZONES, PROVISIONS FOR OFFICIAL ZONING DISTRICT MAP~~

~~11-2-6: ZONING UPON ANNEXATION:~~

~~A. Procedure And Application:~~

~~1. A person, persons or corporation desiring to have a parcel of land annexed into the incorporated area of the city of Hayden, shall submit a written request containing at least the following information:~~

~~a. The complete legal description of the parcel or parcels as last shown on the record of the county recorder. Tax numbers are not of sufficient legal description to satisfy this requirement;~~

~~b. A plot plan (drawn to a readable scale) showing the following:~~

~~(1) Parcel or parcels;~~

~~(2) Vicinity streets;~~

~~(3) Location in relation to city boundaries;~~

~~(4) Measurements of parcel or parcels in linear feet;~~

~~(5) All directions and total acreage;~~

~~c. Zone, or zone district desired;~~

~~2. A tentative plan showing the proposed intended use should be submitted with the application for annexation;~~

~~3. All parcels of land to be considered for annexation must have a contiguous boundary attachment to the existing incorporated area. A mere ribbon or very narrow strip of land shall not be considered a contiguous attachment.~~

~~B. Hearing And Notification: Upon receipt of an application for annexation, the council shall hold at least one public hearing, as provided in section 67-6509, Idaho Code, in which interested persons shall have an opportunity to be heard;~~

~~1. At least fifteen (15) days prior to the hearing, notice of the proposal, in compliance with section 11-12-4 of this title, shall be published in the official newspaper of the city of Hayden. The council shall also make available a notice to other papers, radio and television stations, serving the jurisdiction for use as a public service announcement. All costs for notification and advertising for hearing shall be the responsibility of the applicant;~~

~~2. The council may continue the hearing from time to time, but must render a decision, basically as follows, not more than forty five (45) days from conclusion of the hearing:~~

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- ~~a. If the council rejects the annexation, the applicant shall be notified in writing and no further action shall be required;~~
- ~~b. If the council approves the zoning as presented or amended, and the annexation, the applicant shall be notified and the zoning ordinance and map shall be amended in accordance with this chapter;~~
- ~~c. Concurrently or immediately following the adopting of an ordinance or annexation, the city council shall comply with all provisions of sections 50-222 through 50-223, Idaho Code, when annexing adjacent territory to the city limits. (Ord. 542, 1-27-2015)~~

## Title 11 ZONING, Chapter 3 NONCONFORMING USES

### NONCONFORMING USES

#### 11-3-1: PURPOSE:

#### 11-3-2: NONCONFORMING LOTS OF RECORD:

#### 11-3-3: NONCONFORMING USES OF LAND OR LAND WITH MINOR STRUCTURES ONLY:

#### 11-3-4: NONCONFORMING USES OF LAND—MANUFACTURED HOME PARK

#### 11-3-54: NONCONFORMING STRUCTURES:

#### 11-3-65: NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION:

#### 11-3-76: REPAIRS AND MAINTENANCE:

#### **11-3-1: PURPOSE:**

Within the district or zone established by this title or amendments that may later be adopted there exist:

- A. Lots;
- B. Structures;
- C. Uses of land and structures; and
- D. Characteristics of use;

which were lawful before this title was passed or amended, but which would be prohibited, regulated or restricted under the terms of this title or future amendment, it is the purpose of this title to permit these nonconformities to continue until they are removed. It is further the purpose of this title that nonconformities shall not be enlarged upon, expanded or extended, and not be used as grounds for adding other structures or uses prohibited elsewhere in the same zone or district.

Nonconforming uses are declared by this title to be incompatible with permitted uses in the zones or districts involved. A nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this title or its amendment by attachment on a building or premises, or by the addition of other uses, of a nature which would be prohibited generally in the zone or district involved.

To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the amendment of this title and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in its permanent location, or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that work shall be carried on diligently. (Ord. 559, 7-12-2016)

#### **11-3-2: NONCONFORMING LOTS OF RECORD:**



In any zone or district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment hereof, notwithstanding limitations imposed by other provisions of this title. This provision shall apply even though such lot fails to meet the requirements for acres or width, or both that are generally applicable in the zone or district. Variances of yard or setback requirements shall be obtained only through action of the council. (Ord. 559, 7-12-2016)

### **11-3-3: NONCONFORMING USES OF LAND OR LAND WITH MINOR STRUCTURES ONLY:**

Where at the time of passage of this title, lawful use of land exists which would not be permitted by the regulations imposed by this title, and where such use involved no individual structure with a replacement cost exceeding one thousand dollars (\$1,000.00), the use shall be discontinued within five (5) years from the effective date hereof, amendments thereto, or, completely enclose the area with a sight obscuring fence approved by the council within two (2) years. The following shall also apply:

- A. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment hereof;
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment hereof;
- C. If any such nonconforming use of land ceases for any reason for a period of more than three (3) months, any subsequent use of such land shall conform to the regulations specified by this title for the zone or district in which such land is located;
- D. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land. (Ord. 559, 7-12-2016)

### **11-3-4: NONCONFORMING USES OF LAND—MANUFACTURED HOME PARK:**

The following improvement and redevelopment standards apply to legal non-conforming manufactured home parks:

- A. An existing manufactured home park shall not be enlarged or increased to occupy a greater area of land than was occupied at the effective date of the adoption or amendment hereof;
- B. An existing manufactured home park shall not be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment hereof;
- C. Replacement of existing manufactured homes:

- 1. If a manufactured home is removed for any period of time, any subsequent replacement shall be as follows:

The replacement structure shall be consistent with the definition of a Manufactured Home pursuant to Hayden City Code 11-11-14 or shall be a single family dwelling unit meeting the requirements of the International Residential Code.

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If the replacement structure is a manufactured home, it will meet the requirements of Hayden City Code 11-11-14

If the replacement structure is a single family dwelling unit meeting the requirements of the International Residential Code, the replacement structure shall meet the requirements of Hayden City Code 11-11-14.C subsections 1, 2 and 3 in terms of minimum size, pitched roof slope and exterior siding and roofing standards.

Where interior lot lines are not present, replacement structures shall be located no closer than the distance allowed by the International Residential Code between structures. In areas where an existing structure is being replaced that is non-conforming to required setbacks or lot coverage, the replacement structure shall be sized and placed in a manner that is less or equally non-conforming relative to lot coverage and setback requirements.

Permits for replacement structures shall only be authorized for a unit which is being replaced so that no greater number of manufactured homes or residential units shall be allowed than lawfully exist in the park as of the date of the permit application.

D. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land. (Ord. 559, 7-12-2016)

### **11-3-54: NONCONFORMING STRUCTURES:**

Where a lawful structure exists at the effective date of adoption or amendment hereof that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, its location on lot, or other requirements concerning the structure, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity but any structure or portion thereof may be altered to decrease its nonconformity;
- B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title; and
- C. Should such a structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone or district in which it is located after it is moved.
- D. Single-family residential dwellings lawfully permitted and constructed within a commercial zone district which have not converted to a conforming use may be maintained, repaired, or reconstructed regardless of the percent of damage provided the dwelling meets the height, setback and lot coverage requirements of the residential zone district. Additionally, accessory buildings which are allowed with single-family dwellings may be maintained, repaired, or reconstructed regardless of the percent of damage provided they meet the height, setback and lot coverage requirements of the residential zone district. (Ord. 559, 7-12-2016)

### **11-3-56: NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION:**

If a lawful use involving individual structures with replacement costs of one thousand dollars (\$1,000.00) or more, and premises in combination, exists at the effective date of adoption or

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amendment hereof that would not be allowed in the zone or district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this title in the zone or district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zone or district in which it is located;
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment hereof, but no such use shall be extended to occupy any land outside such building;
- C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the council, either by general rule or by making findings in the specific case shall find that the proposed use is equally appropriate or more appropriate to the zone or district than the existing nonconforming use. In permitting such change, the council may require appropriate conditions and safeguards in accordance with the provisions of this title;
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone or district, and the nonconforming use may not thereafter be resumed;
- E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months and an owner or his authorized agent permits or allows an approved or unlawful intervening use of the owner's property, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zone or district in which it is located; however, no rights or authority granted pursuant to this chapter shall be construed to empower the city 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; therefore, if the nonuse continues for a period of one year or longer, the city 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 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. The property owner may voluntarily elect to withdraw the use by filing with the clerk of the city, 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 grandfather right to the prior use of the property.

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.

- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction" for

the purpose of this subsection is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at the time of destruction. (Ord. 559, 7-12-2016)

**11-3-76: REPAIRS AND MAINTENANCE:**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs such as walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reasons of physical condition, it shall not be thereafter restored, repaired, or rebuilt except in conformity with the regulations of the zone or district in which it is located. (Ord. 559, 7-12-2016)

Title 11, Chapter 11  
DEVELOPMENT STANDARDS

11-11-1: PURPOSE:

11-11-2: ACCESSORY LIVING UNITS:

11-11-3: AUTOMOTIVE WRECKING AND JUNK YARDS:

11-11-4: EXCEPTIONS TO HEIGHT REGULATIONS:

11-11-5: STRUCTURE TO HAVE ACCESS:

11-11-6: PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT:

11-11-7: FENCES, WALLS AND HEDGES:

11-11-8: DEVELOPMENT ON STREETS WITH LESS THAN THE DESIGNATED RIGHT OF WAY OF THE TRANSPORTATION PLAN AS SET FORTH IN THE COMPREHENSIVE PLAN:

11-11-9: VIBRATION, NOISE AND ~~SITE-DUST~~ CONTROLS:

11-11-10: STORAGE:

11-11-11: LANDSCAPING AND SCREENING:

11-11-12: ZONE REGULATION APPLICATION:

11-11-13: USE STANDARDS; PURPOSE:

11-11-14: MANUFACTURED HOME:

11-11-15: MULTI-FAMILY DWELLING STRUCTURES:

11-11-16: TWO-FAMILY DWELLINGS:

11-11-17: BED AND BREAKFAST FACILITY:

11-11-18: HOME OCCUPATION:

11-11-19: TEMPORARY HARDSHIP USE FOR DEPENDENT RELATIVES:

11-11-20: SWAP MEET:

11-11-21: ANIMAL CLINICS AND HOSPITALS:

11-11-22: RADIO, CELLULAR, TELEVISION OR FM BROADCASTING STATION:

11-11-23: TRUCK TRANSPORT FACILITY, INDUSTRIAL:

11-11-24: TRUCK TRANSPORT FACILITY, COMMERCIAL:

11-11-25: MIXED USE BUSINESS PARKS:

Title 11 ZONING, Chapter 11 DEVELOPMENT STANDARDS

11-11-7: FENCES:

~~No fence shall exceed four feet (4') in height in front of a dwelling in a "residential zone" beginning at the farthest front corners of each side of the house, or houses and attached garage or carport. Fences beginning at the farthest front corner of each side of the house, or houses and attached~~

~~garage or carport and extending rearward may be six feet (6') in height. However, wire or rail type fences used to enclose large livestock, i.e., horses, cows, etc., may be five feet (5') high as a permitted use. With the exception of fences used to enclose large livestock, no barbed or razor wire fencing shall be allowed unless required to be in place based on state or federal regulations, and then it shall be no more than the minimum area and height required to meet said regulations.~~

### **11-11-7: FENCES, WALLS AND HEDGES:**

Fences, walls, and hedges shall be permitted in required yards in accordance with the following regulations:

All fences and walls greater than six feet (6') in height shall conform to the currently adopted building code and other applicable provisions of this code.

No fence, wall or hedge shall be erected within the vision triangle pursuant to Hayden City Code 6-1-4.A.

~~For residential land uses, with the exception of fences used to enclose large livestock, no electric, barbed or razor wire fencing shall be allowed unless required to be in place based on state or federal regulations, and then it shall be no more than the minimum area and height required to meet said regulations. Barbed or razor wire fences are permitted in commercial and industrial zones only as the top section of a security fence and shall be located a minimum of seventy two inches (72") and maximum of 96" inches above grade.~~

A. For residential uses in all zoning districts, the following shall apply:

1. Fences, walls, and hedges not greater than six feet (6') in height shall be permitted on or within all rear and side yard property lines and on or within all front yard setback lines.
2. Fences, walls, and hedges not greater than four feet (4') in height shall be permitted in any required front yard. However, wire or rail type fences used to enclose large livestock, i.e., horses, cows, etc., may be five feet (5') high as a permitted use. Livestock fencing shall be marked in a manner that is clearly visible to the public.

B. For nonresidential uses in nonresidential zoning districts, the following shall apply:

1. Fences, walls, and hedges not greater than four feet (4') in height shall be permitted in any required front yard.
2. Fences, walls, and hedges on or within the rear or side yard property lines shall have no height restriction except where abutting a residential use, then the maximum height is six feet (6'). Provided, however, that fences, walls and hedges may be constructed not greater than ten feet (10') in height pursuant to the special use permit procedures set forth in chapter 13 of this title where the abutting property is used for residential uses.

Exceptions to these height and material standards may be considered as a special use permit. (Ord. 542, 1-27-2015)

### **11-11-9: VIBRATION, NOISE AND SITE CONTROLS:**

A. Vibration: Any use creating intense earthshaking vibrations or noise such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least three hundred feet (300') from an abutting residential or commercial zoning district or at least one hundred fifty feet (150') from an abutting manufacturing zoning district, unless such operation is controlled to prevent transmission beyond the lot lines of earthshaking vibrations perceptible to a person of normal sensitivities; and

B. Noise: No person may make or permit any unnecessary or unusual noise to the annoyance of others between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. on a weekday and between six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. on a weekend, except as otherwise authorized by the city council for utility construction or service emergencies. No person may make or permit, in the operation of a machine, in the harboring of an animal or otherwise, any noise to the annoyance of any other person of ordinary sensibilities between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. on a weekday and between six o'clock (6:00) P.M. and seven o'clock (7:00) A.M. on a weekend, except as otherwise authorized by the city council for utility construction or service emergencies; and

C. Site Controls:

1. 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.
2. It shall be unlawful for any person to cause or permit particulate matter to be handled, transported or stored without taking reasonable precautions to prevent the particulate matter from becoming airborne.
3. It shall be unlawful for any person to cause or permit a building or its appendages or a road to be constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.
4. It shall be unlawful for any person, including the owner or person in control of real property to cause or allow particulate matter to be deposited upon a paved roadway open to the public without taking every reasonable precaution to minimize deposition. Reasonable precautions shall include, but are not limited to, the removal of particulate matter from equipment prior to movement on paved streets and the prompt removal of any particulate matter deposited on paved streets.
5. The city may attach conditions to a permit requiring mitigation for dust control. (Ord. 542, 1-27-2015)

**11-11-11: LANDSCAPING AND SCREENING; VISIBILITY OBSTRUCTIONS :**

A. Purpose: The purpose of this section is to: 1) provide a visual buffer and physical separation between land uses of varying intensities; 2) reduce unwanted light, glare, and noise; 3) enhance the visual appeal of Hayden; 4) retain existing natural vegetation; and 5) implement the goals and policies of the comprehensive plan.

B. Definitions: For the purposes of this section, the following definitions shall apply:

**BERM:** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**BUFFER, BUFFERING:** A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

**CALIPER:** The diameter of a tree or shrub trunk measured six inches (6") above grade.

**DECIDUOUS:** A plant with foliage that is shed annually.

**EVERGREEN:** Any broadleaf or coniferous tree, shrub, or ground cover that holds foliage year round.

**GRASSY SWALE:** A shallow, grassed, linear depression with gently sloping sides used as percolation areas to treat stormwater runoff in conjunction with dry wells.

**GROUND COVER:** See definition of Ground Cover in section [11-1-3](#) of this title.

**PLANTING AREA:** An area of land to be planted such that it will be fully utilized under the conditions of this section.

**SCREEN:** A method of reducing the impact of noise and unsightly intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or an appropriate combination thereof.

**SHRUB:** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground, may be deciduous or evergreen.

C. Applicability: This section applies to all uses developed in the city excluding single-family dwelling units, individual manufactured homes, and agricultural uses of land as defined in this title. The requirements of this section shall be imposed under the following circumstances:

1. New development;
2. Expansions of or alterations to existing uses;
3. Change of use. When the use of a building or lot changes to a use which this title requires to provide additional landscaping, the new use shall provide landscaping in accordance with the requirements of this section;



4. Difference of standards. Where there is a difference of standards listed in this section and the specific requirements listed in individual zones, the more substantial requirements shall be required.

D. Landscaping Plan Review: Prior to issuance of a building permit, a landscape site plan shall be submitted to the building/planning department for review and approval by the city engineer. The site plan may be combined with the parking plan. Said plan shall be drawn to scale and contain the following:

1. Identification of existing fences, property lines, and abutting streets, alleys and other rights of way;
2. Parking and vehicle use areas, driveways and walkways (existing and proposed);
3. Buildings or structures (existing and proposed);
4. Location, general type, and quality of existing vegetation;
5. Existing vegetation to be saved;
6. Landscaping: a) location and size of planting areas; b) location, quantity, size, spacing, and names (both botanical and common) of proposed plants, trees and/or other vegetation. Drawings shall reflect the ultimate size of plant materials; and
7. Location and description of other landscape improvements, such as earth berms, walls, and decorative rocks.

E. Performance Assurance: To ensure that the proposed landscape plans are carried out, one of the following shall be executed:

1. All proposed landscape planting shall be completed before the issuance of an occupancy permit; or
2. A bond or cash deposit of sufficient value to complete the proposed landscape planting may be posted. If a bond or cash deposit is utilized, the city engineer shall set a date to allow for the completion of the proposed landscape planting. The bond or cash deposit shall either be returned upon approval of the completed landscape planting, or forfeited if the proposed landscape planting has not been concluded by the completion date previously set by the city engineer.

If, due to seasonal weather conditions, it is not feasible to install required landscaping, a temporary occupancy permit may be issued after a bond or cash deposit, sufficient to complete the proposed landscape planting, is posted, to be relinquished upon approval of completed landscaping.

F. Maintenance: The continuing maintenance of any improvement required for compliance with any development or use standard of this title shall be required. This provision applies to:

1. Off street parking and loading areas;
2. Improvements required for on site stormwater treatment systems (grass swales);
3. Landscaped areas, including any required buffers; and
4. Any other improvement required for compliance with this title.

5. The maintenance of landscaped areas includes irrigation, maintenance of the irrigation system, and weed and pest control.

Any trees and shrubs used in the landscaping and screening of a zone or use shall be maintained in a healthy growing condition. The owner of the property shall bear primary responsibility for maintenance of landscaping. Dead or dying trees and shrubs shall be replaced within six (6) months and the planting area shall be maintained reasonably free of weeds and trash.

If stormwater treatment areas (grass swales) are used in part to fulfill the requirements of this section, the property owner shall bear primary responsibility for maintenance. All grassed areas shall be kept trim and maintained reasonably free of weeds and trash. Dead or dying grass shall be replaced within thirty (30) days.

The city of Hayden is authorized to notify the owner or the owner's agent if any installed landscaping as required in this section is not being adequately maintained, and the specific nature of the failure to maintain. The city shall send the property owner or the respective agent two (2) written notices, each with a fifteen (15) day response period. The notices shall specify the date by which the said maintenance must be accomplished and shall be addressed to the property owner or agent's last known address. No response from the property owner or the respective agent shall constitute a violation of this title and city council may take appropriate action.

G. General Requirements:

1. Sight Distance Triangle Adjacent To Public Rights Of Way And Points Of Access: No landscaping, structures, or other items shall impair vision at a corner as required by Hayden City Code 6-1-4 or a point of access. In these areas, all landscaping shall be planted and maintained at a height no greater than three feet (3') above the centerline street grade. Trees may be permitted if the trunks are kept free of branches below ten feet (10') above the centerline street grade.
2. Preservation Of Existing Trees: All trees on a site shall be retained to the maximum extent possible. Credit may be given for incorporating existing trees into the design if it meets the intent of this section, survives through the first year, and is continually maintained in a healthy condition.  
Exceptions:
  - a. When the tree(s) will be hazardous or may otherwise damage the structure, streets, or sewer, water or utility lines.
  - b. When the tree(s) will not likely survive the impacts of the construction due to its condition, age, disease, increased or decreased exposure, or location outside of a natural grouping.

H. Minimum Landscape Area Requirements: The following table sets forth the type of required landscaping to be installed by the proposed use:

Zoning/Use Of Proposed Site	<del>Adjacent-Abutting Land Zoned A</del> sing	Landscaping
R-S	All zones	Type III

R-M/F	R-1	Type III - 3 and 4 unit dwellings
		Type II - 5 dwelling units or more
		Type II - all other uses
Planned unit development	All zones	Type II
C	R-1	Type I
C	R-M/F	Type II
L-I	All R zones	Type I
L-I	All other zones except for L-I and R zones	Type II
Public street frontage	All zones	Type II - SF
All parking lots - 4 spaces or more - perimeter buffer	All zones	Type III

Note: Buffer requirements do not apply to one- and two-family residential dwelling units; related accessory units; or uses occurring within a single- or two-family residential dwelling unit such as home occupations, bed and breakfasts, in-home daycares, etc. Buffering can be phased with the approval of a phased site plan. Abutting land is described as land touching the subject property at some point.

I. Landscape Types: The following landscape standards shall exist within the city of Hayden:

1. Type I Sight Barrier Buffers: Buffers between incompatible uses that create a noise and sight obscuring barrier that shall consist of the following:
  - a. A minimum twenty foot (20') wide strip planted with evergreen trees. Trees must be a minimum height of six feet (6') at the time of planting and should be spaced to grow together in three (3) years; and
  - b. Evergreen shrubs spaced and sized to augment desired screening for a type 1 buffer and ground cover to provide seventy five percent (75%) coverage of designated area within two (2) years from planting; or
2. Type I Alternate:

- a. A minimum ten foot (10') wide planting strip may be substituted when planted with a continuous row of evergreen trees in combination with either a continuous six foot (6') high sight obscuring wood or metal fence, or a brick masonry, or textured concrete wall. Evergreen trees are to be at a minimum of six feet (6') at time of planting and spaced to grow together in three (3) years; and
  - b. Evergreen shrubs spaced and sized to augment desired screening for a type 1A buffer and ground cover to provide seventy five percent (75%) coverage of designated area within two (2) years from planting.
3. Type II Visual Separation Buffers: Buffers to create a visual separation between similar uses shall consist of the following:
- a. A minimum ten foot (10') wide strip planted with trees, of which a maximum of fifty percent (50%) may be deciduous. One tree shall be provided for each twenty (20) linear feet of landscaped area and may be spaced irregularly or clustered rather than uniformly spaced; and
  - b. Evergreen shrubs spaced and sized to achieve desired screening for a type II buffer and ground cover to provide seventy five percent (75%) coverage of designated area within two (2) years from planting.
4. Type II Street Frontage Buffers: Buffers to create a visual separation between the property and the adjacent street shall consist of the following:
- a. A minimum ten foot (10') wide strip planted with trees which are one hundred percent (100%) deciduous and are spaced uniformly.
    - (1) For existing lots in residential zones or with residential uses, one tree shall be required for each lot line that is adjacent to a public right of way. For new residential subdivisions (major or minor), one tree shall be required for each lot line that is adjacent to a public right of way. If a perimeter tract is created, where lots no longer have adjacency to the public right of way, one tree shall be required for every fifty feet (50') of perimeter tract frontage.
    - (2) For existing or newly created lots in commercial or industrial zones or with commercial or industrial uses, one tree shall be provided for each fifty (50) linear feet of frontage. If a perimeter tract is created, where lots no longer have adjacency to the public right of way, one tree shall be required for every fifty feet (50') of perimeter tract frontage.
    - (3) The calculation of linear feet may exclude those areas used for access and those areas that are located within the sight triangles. All numeric calculations shall be rounded up to the nearest increment.
5. Type III Visual Relief Buffers: Transparent buffers to provide visual relief between compatible uses and to soften the appearance of parking areas shall consist of the following:
- a. A minimum five foot (5') wide strip planted with trees, of which a maximum of seventy percent (70%) may be deciduous. One tree shall be provided for each forty (40) linear feet of landscaped area and may be spaced irregularly or clustered rather than uniformly spaced; and
  - b. Evergreen shrubs spaced and sized to achieve desired screening for a type III buffer and ground cover to provide seventy five percent (75%) coverage of designated area within two (2) years from planting.

J. Buffer Width Reduction: The width requirements of each landscape type may be reduced when a berm is included in the buffer. The width reduction may be up to twice the height of the berm, but with a maximum permitted width reduction of ten feet (10') and the berm cannot be narrower than five feet (5') in width as measured at the base. The combined maximum height of the berm and fence or wall shall not exceed six feet (6'), under any circumstances.

K. Minimum Plant Sizes For Installation:

Type	Minimum Plant Size
Deciduous trees	2 inch caliper
Multistemmed trees, e.g., vine maple	6 feet height
Evergreen trees	6 feet height
Small shrubs	12 inches height
Medium and tall shrubs	18 inches height

L. Maximum Spacing For Shrubs:

Type	Maximum Spacing
Small shrubs	3 feet on center
Medium shrubs	4 feet on center
Large shrubs	5 feet on center

M. Ground Covers: Ground covers required in all planting areas shall provide seventy five percent (75%) coverage within two (2) years and fifty percent (50%) coverage at the time of planting, or spaced as follows:

Size	Maximum Spacing
1 gallon pots	18 inches on center
4 inch pots	15 inches on center
2 <sup>1</sup> / <sub>4</sub> inch pots	12 inches on center

N. Consolidation Of Landscaping And Stormwater Swales: To reduce the overall land requirements for green space, combining stormwater infiltration areas (grass swales) with landscape areas,

as required by this section, may be permitted in compliance with the provisions of best management practices (BMPs) adopted pursuant to this title. Applications for exception and modifications from the standards of this chapter may be applied for using the process and standards established in subsection [11-18-3B2](#) of this title. (Ord. 559, 7-12-2016)

## Title 11, Chapter 18

### 11-18-4: REQUIRED OFF STREET PARKING SPACES:

A. Residential Uses: The following number of paved off street parking spaces shall be required as specified for each residential use, in accordance with the provisions of subsection [11-18-3A](#) of this chapter:

Residential Uses	Required Spaces
Cluster housing	2 per dwelling unit
Condominiums and multi-family units	2 per dwelling unit <del>-</del>
Detached housing, group	1 per sleeping room <del>-</del>
Detached housing, single-family	2 spaces <del>-</del>
Duplex housing	2 per dwelling unit <del>-</del>
Home occupation, as per residential use	2 per dwelling unit
Other	Per <del>zoning administrator</del> <u>per-Community and Economic Development Director or designee</u>

B. Civic Uses (Except In The Central Business District): The following number of paved off street parking spaces shall be required as specified for each civic use, in accordance with the provisions of subsection [11-18-3A](#) of this chapter:

Civic Uses	Required Spaces
Administrative	4 per 1,000 square feet <del>-</del>
Childcare or nursery	3.5 per 1,000 square feet <del>-</del>
Community assembly	10 per 1,000 square <del>feet</del> <u>feet</u>
Community center	4 per 1,000 square feet <del>-</del>
Community organization	4 per 1,000 square feet <del>-</del>
Elementary school	3 per 1,000 square feet <del>-</del>
High school	3 per 1,000 square feet <del>-</del>

Hospitals/healthcare	3.5 per bed-
Library	3.5 per 1,000 square feet-
Middle or junior high school	1.5 per 1,000 square feet-
Museum or art gallery	2 per 1,000 square feet-
Nursing and convalescent facilities	1.5 per 1,000 square feet-
Open space area, including parks	Per <del>zoning administrator</del> <u>per Community and Economic Development Director or designee</u>
Religious assembly	8 per 1,000 square feet-
Other	Per <del>zoning administrator</del> <u>Community and Economic Development Director or designee</u>

C. Commercial, Recreational And Industrial Uses (Except In Central Business District): The following number of paved off street parking spaces shall be required as specified for each commercial/recreational/industrial use in accordance with the provisions of subsection [11-18-3A](#) of this chapter:

<b>Commercial/Recreational/Industrial Uses</b>	<b>Required Spaces</b>
Automotive fleet storage, attendant parking, rental vehicles	1 per employee and 1 per vehicle-
Banks/financial services	5 spaces per 1,000 square feet and 5 queuing spaces (with drive-through)-
Bowling alleys	5 spaces per alley-
Childcare center	3.5 spaces per 1,000 square feet-
Dry cleaners	1.5 spaces per 1,000 square feet-
Fast food restaurant with drive-through	10 per 1,000 square feet and 5 queuing spaces <u>(3/drive up window and 1/330 sq. ft. facilities under 1,000 sq. ft. or 1/200 sq. ft. facilities over 1,000 sq. ft.)</u>
Fast food restaurant without	12.5 per 1,000 square feet/ <u>(1/330 sq. ft. facilities</u>



drive-through	<u>under 1,000 sq. ft. or 1/200 sq. ft. facilities over 1,000 sq. ft. )</u>
Gasoline sales	1 parking space per pump and 2 queuing spaces per pump per side—
General/professional office	5 per 1,000 square feet/ <u>(1/330 sq. ft.)/(1/200 sq. ft.)—</u>
Golf course	8 per hole and as required per accessory uses—
Health/fitness facility	5 per 1,000 square feet/ <u>(1/400 sq. ft.)/</u>
Hotel/motel	1.2 spaces per unit and as required per accessory uses—
Manufacturing	2 per 1,000 square feet operations and 5 per 1,000 square feet for office—
Medical/dental/healthcare practitioner office	1 space per 150 square feet/ <u>(1/330 sq. ft.)/(1/200 sq. ft.);</u>
Ministorage/self-storage	Minimum of 1 space per 100 storage units and 1 per 200 square feet for office <u>ee—</u>
Mixed use business park	3 per 1,000 square feet—
Retail sales	5 per 1,000 square feet—
Service establishments (including automotive/vehicular repair service)	5 spaces per 1,000 square feet—
Sit down restaurant	16.5 per 1,000 square feet/ <u>(1/330 sq. ft. facilities under 1,000 sq. ft. or 1/200 sq. ft. facilities over 1,000 sq. ft.)/(1/100 sq. ft. or 1/every 2 seats, whichever is greater (includes any outdoor seating))</u>
Skating rink	5 spaces per 1,000 square feet—
Storage	<u>4 per 1,000 square feet storage 1/2000 sq. ft. and over 20,000 sq. ft. is 1/3000 sq. ft.)</u> and 5 per 1,000 square feet for office—
Supermarket	4 per 1,000 square feet—
Tavern/bar	15 per 1,000 square feet <u>(includes any outdoor seating))</u>

Tennis, handball and racquetball courts	3.5 spaces per court--
Theaters, auditoriums, and stadiums	1 space per 4 seats--
Vehicular cleaning and quick vehicle servicing and repair	3 spaces per bay, and 5 queuing spaces--
Veterinary office	1 space per 150 square feet--
Warehousing	1 per 1,000 square feet warehouse and 5 per 1,000 square feet for office--
Other	Per <del>zoning administrator</del> <u>Community and Economic Development Director or designee</u>

**11-18-5: DESIGN STANDARDS:**

A. Off Street Parking, Loading Berth, Storage And Display Lot Design Standards: The layout and design of off street parking, bicycle parking, loading berths, storage and display lot areas shall meet the requirements of this section.

B. Paving Requirements:

1. Residential Uses:

a. New single-family, duplexes, accessory structures, and additions of fifty percent (50%) or greater of the existing gross floor area of a structure (including the gross floor area of the garage), shall be served by a paved driveway, paved approach, and paved parking spaces as required.

b. New accessory structures constructed within a residential zoning district with an eight foot (8') wide or larger door or opening with a depth of fifteen feet (15') or greater (as measured opposite of the door/opening) shall be served by a paved or concrete approach from the edge of the developed public or private right of way to the property line; and a paved or gravel driveway from the edge of the approach to a point aligned with the rear wall of the dwelling, said paved or graveled driveway is not required to exceed sixty feet (60') as measured from the property line. The ~~zoning administrator~~ Community and Economic Development Director or such designee may consider and administratively approve modified standards and specifications as per subsection 11-18-3B2 of this chapter.

2. Paving Of Driveways, Approaches, Parking, Loading And Maneuvering Areas: All driveways, approaches, parking, loading and maneuvering areas required of this chapter shall be paved with asphalt, concrete, or material providing similar wear and durability as approved by the city.

3. Paving Of Outdoor Storage And Display Lots: Outdoor storage and display lots shall be paved, as herein provided:

a. All storage and display lots including, but not limited to, those used for the purpose of storage, sale, lease or rental of cars, trucks, boats, manufactured homes, mobile homes, lumber and building supplies and materials, recreational vehicles, or trailers shall be paved according to the requirements of this chapter, except as provided below.

b. Storage and display lots used for landscaping sales and those lots where heavy mobile equipment (including, but not limited to, farming implements, logging equipment and/or construction equipment, tracked equipment, skid-steer loaders and forklifts) is displayed, stored, or used for the movement of materials:

(1) The actual area used for the storage, display, or use of the heavy equipment may be surfaced with compacted crushed aggregate, provided that the unpaved area is maintained in a neat, dustless and weedless condition. The gravel shall meet the city regulations for three-fourths inch ( $3/4$ " ) minus crushed aggregate and shall be spread and compacted to a uniform layer having a minimum depth of four inches (4") after all topsoil and other unsuitable material have been removed.

(2) Said lots shall be served by paved approaches, driveways, vehicular maneuvering areas and parking spaces meeting the requirements of this chapter.

C. Parking Lot Grades And Drainage: All off street parking shall be paved such that no surface shall exceed five percent (5%) and no longitudinal drainage gradient shall be flatter than one-half percent (0.5%). Approach grades shall be safe and convenient and shall be designed in accordance with the Idaho standards for public works construction (as amended) for driveway grade standards; however, the city engineer may allow exceptions from this standard based on site specific circumstances. Parking spaces for persons with disabilities shall be as level as possible but in no case shall the parking space, adjacent aisle, driveway or designated pathways exceed a gradient of two percent (2%) in any direction. All parking and loading areas shall provide for proper drainage of surface water to approved drainage areas or structures. Surface drainage shall be retained on site to the extent that site runoff shall not exceed runoff from the site in its undeveloped condition.

D. Parking Lot Location Requirements; Proximity To Use: The distance between parking areas and the use being served shall meet the following requirements:

1. Residential (Except In The Central Business District): Required parking shall be located on site for residential uses.

2. Residential Within The Central Business District: Required on site parking within the CBD may be reduced by up to fifty percent (50%) if the developer provides dedicated off site parking within five hundred feet (500') of the subject use, with such dedicated off site parking being equal to the reduction in the number of on site parking spaces being proposed.

3. All Other Uses (Except In The Central Business District): Required parking shall be located not farther than three hundred feet (300') from the entrance to the facility being served, unless continuous parking is provided.

4. All Other Uses In The Central Business District: On site parking requirements may be waived, if the developer provides dedicated off site parking spaces equal to the number of required parking spaces within one thousand feet (1,000') of the subject property.

5. Loading berths for an activity shall be located on the same lot as the activity served, or on a contiguous lot within the same zoning district. Property within the right-of-way shall not be used to meet the need for a loading berth except for with the express written authorization of the City Council who shall take into account safety concerns, traffic congestion, other loading demands on the road system, pedestrian-vehicle conflicts, and the like in their decision-making and if the authorization is granted, the City Council may apply conditions as deemed necessary to the approval. Loading berths and service areas shall be allowed to be located at the front of buildings in an area visible from the roadway only by administrative authorization of the Community and Economic Development Director or his/her designee who is authorized to place conditions on the approval to mitigate the visual impacts such as requiring the use of fences, hedges, and other screening mechanisms.

6. Whenever a required off street parking or loading spaces is located on a lot other than the lot containing the use served, the owner or owners of both lots shall prepare and execute, to the satisfaction of the city, an agreement. This agreement shall be subject to approval by the city council and recorded with the county recorder and shall contain provisions quaranteeing that such parking and/or loading spaces will be maintained and reserved for the use(s) served for the duration of said use(s). In the event said agreement is a lease agreement, it shall be acceptable to the city with such additional terms as the city may deem necessary between the owner(s) of the lot containing the use served and the lot containing the off site spaces. Upon expiration of the lease or any extended term approved by the city, the owner shall provide adequate off street parking. If the use served has not ceased or changed such that off street parking is no longer required, then the owner(s) shall provide alternative off street parking spaces equal to the amount then required by city ordinances when the lease expires.

#### E. Parking Space Requirements:

1. Standard Dimensions: Off street parking spaces shall meet the minimum dimensions for the following types of spaces and conditions:

a. Standard nonparallel parking spaces shall be nine feet (9') wide by twenty feet (20') long. A stall of nine feet by eighteen feet (9' x 18') may be installed in those areas where a two foot (2') vehicle overhang can be implemented that does not interfere with safe passage of pedestrians and vehicles and which does not interfere with other required features of site plan approval, such as the need to accommodate trees, bushes, lighting and the like; though such features may be spaced so as to allow for the overhang. A compact stall meeting these or other administratively approved dimensions may also be installed for overflow parking when the required number of spaces has been provided.

b. Parallel parking spaces shall be eight feet (8') wide by twenty three feet (23') long for all vehicles.

c. Where a side of a parking area abuts a building or other obstruction, an additional width of two feet (2') shall be added to the adjacent parking.

2. ADA Accessible Parking Spaces:

- a. Requirements: The required number of ADA accessible parking spaces shall be determined based upon the total parking in the lot, as detailed in the table below (unless ADA requirements are found to be more restrictive):

Total Parking In Lot	Required Minimum Number Of Accessible Spaces (Additional)
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

- b. Van Accessible Parking Spaces: One out of every eight (8) required accessible parking spaces shall comply with van accessibility requirements; in no case, however, shall there be provided less than one van accessible space.
- c. Access Aisles: Every designated accessible space requires an adjacent access aisle. This aisle must be on ~~either side~~ ~~the passenger~~ side of each space ~~unless it is located between~~, and ~~can be~~ shared by two (2) designated accessible spaces.
- Access aisles ~~shall~~ ~~must~~ be a minimum of sixty inches (60") wide, and run parallel to the length of the designated accessible parking space. ~~The van accessible space shall be a one hundred thirty two inch (132") wide stall with a sixty inch (60") wide access aisle. Alternatively, a van accessible parking spaces may~~ ~~must be 96 inches (96") wide provide with~~ a minimum aisle width of ninety six inches (96").
- d. Location: The spaces for persons with disabilities shall be located as near as practical to a primary accessible entrance.
- e. Signage: All designated accessible spaces shall be signed in accordance with the city's design standards manual, as may be adopted by the Hayden city council.

F. Aisleways And Driveways:

1. Access Requirements And Standards: All required off street parking areas shall be located, designed, constructed and maintained to provide access at all times. Driveway approaches shall be located, designed and constructed according to the city's current standards and policies.
  - a. Access to a public street shall require an encroachment permit and a guarantee for work to be performed in a public right of way, as detailed in [title 7, chapter 2](#) of this code.
  - b. The number of approaches serving an individual lot or parcel may be restricted to a single two-way approach, and in some cases, joint use approaches serving two (2) or more lots may be required.
  - c. The width of an approach shall be determined according to the city standards, and shall meet the requirements of the local fire protection district.
  - d. The location and design of approaches shall be approved by the city engineer or his/her designee.
2. Dimensions And Turning Radii: All dimensional requirements detailed herein shall be considered to be minimum standards. All off street parking areas shall be reviewed and approved by the local fire department, which may require wider driveways and parking aisles and larger vehicular turning radii as prescribed by the fire code.
  - a. Driveway And Approach Widths: The minimum driveway and approach widths shall be determined from the operating speed and the classification of the street providing access, the volume of traffic being generated, the potential for truck use, and fire protection requirements.
    - (1) Parking aisle widths shall vary with the angle of vehicular turning required to access the required space on one-way aisles, but shall be a minimum of twenty four feet (24') wide on two-way aisles.
    - (2) In circulation areas without parking stalls on either side, this two-way circulation aisle may be reduced to twenty feet (20') wide.
    - (3) In circulation areas without parking stalls on either side, a one-way circulation aisle may be no less than fourteen feet (14') in width, so long as the ingress/egress points to said one-way aisle are also a minimum of fourteen feet (14') in width.
    - (4) All aisle widths are subject to the review and approval of the fire marshal, who can require a more restrictive standard than that required herein.
    - (5) The maximum two-way approach and driveway width shall be sixty feet (60') as measured at the throat of the approach, where it can be demonstrated that generated traffic warrants a separate left turn lane for exiting vehicles, and where heavy truck use prevails.
  - b. Exiting Vehicle Space: There shall be at least twenty four feet (24') separating a parking aisle from the edge of the adjacent street to provide space for one exiting vehicle.
  - c. Queuing Lane Standards: Where queuing is required, the following standards shall apply:

- (1) Queuing lane width shall be a minimum of twelve feet (12'), with said lane width required to be clear of any physical obstructions;
  - (2) Each required queuing space shall be a minimum length of twenty feet (20');
  - (3) Required queuing shall not obstruct driveway approaches providing ingress/egress to the site, nor shall such queuing obstruct ingress/egress to any required parking spaces.
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## Title 11, Chapter 19

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### PLANNED UNIT DEVELOPMENT

#### PLANNED UNIT DEVELOPMENTS 11-19

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##### E. Common Open Space:

1. Required Open Space: A minimum of ten percent (10%) of the gross land area in any PUD project shall be reserved for consolidated areas of common open space to be used for park lands and recreational facilities for the occupants of the area being developed. Land dedicated for public rights of way, private streets, stormwater management, utility purposes, required landscape buffers, setback areas, greenbelts, and/or common parking areas shall not be considered open space for the purpose of this requirement unless the PUD is less than five acres in size in which case the 10% open space can be combined with required landscape buffers, the perimeter setback area, and greenbelts. In commercial and industrial PUDs, common landscaped areas, walking paths not otherwise required by the subdivision ordinance, and other features that contribute to a "campus like effect", may be counted as open space.
2. Dedication Of Land For Public Use: The required amount of common open space land reserved under a PUD shall be deeded to the owners' association by developers of the project for the use of each owner who buys property within the development, and/or the general public. All common open space properties and facilities shall be preserved for their intended purpose, as identified in the approved development plan. Proposed changes in use for designated open space will require an amendment to the final plan for the PUD, which shall be subject to the review and approval of the city council.
3. Management And Maintenance: The developer shall provide for the establishment of an owners' association for all owners of property within the planned unit development.
  - a. The association shall own and be responsible for the maintenance of all commonly owned properties, open space, private streets facilities, and other such improvements.
  - b. The owners' association shall be created at the time of final approval, with association documents to be recorded with the final PUD plan.

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##### F. Density Of Development:

1. Minimum Lot Size: In a PUD, the minimum lot size provisions of the underlying zone may be waived, except that the minimum lot size requirements of the underlying zone shall serve as the minimum PUD size.
2. Density Of Residential Development: Where minimum lot sizes for the underlying zone are waived, the average density of development for the PUD shall be equal to the base density of the underlying zone:



- a. Average Density Calculations: The gross land area of the property to be developed, minus proposed public or private rights of way and areas designated for commercial or industrial use, multiplied by the maximum number of units per acre that would be allowed in the underlying zone (as calculated from the minimum lot size for the use proposed), to determine the total number of allowable residential units within the PUD.
3. Density Bonuses: To provide an incentive for quality PUDs, a density bonus of up to twenty percent (20%) of the allowable number of dwelling units may be permitted. Character, identity, architectural style and variation, creative physical design, community and recreational facilities, and variety of housing choices, beyond the minimum requirements of this chapter, may be considered cause for density increases, provided that the applicant demonstrates that these factors make a substantial contribution to the overall quality of the development and objectives of the PUD, as follows:
    - a. Landscaping and common area design features, in excess of the minimum required by code, including incorporation of community art in common areas, design of plazas and public meeting areas, provision of green space interconnected with adjacent developments, and preservation of significant existing older growth trees, and unique natural features (10 percent maximum density bonus);
    - b. Design features, beyond those required in code, including unique street sections, quality of development, and architectural styles and themes, and harmonious use of materials (5 percent maximum density bonus);
    - c. Housing that addresses special needs populations, which accounts for not less than ten percent (10%) of the total number of housing units within the development. In order to qualify for this density bonus, the qualifying housing units must be specifically designed to meet ADA standards for handicapped accessible housing (ADA compliant), or designed to meet a specific design standard addressing a specific special needs population (10 percent density bonus);
    - d. Dedicated, affordable workforce housing, which accounts for not less than ten percent (10%) of the total number of residential dwelling units proposed within the PUD. In order to qualify for this density bonus, the applicant must: 1) demonstrate that the proposed housing type(s) meet(s) the definitions contained herein; and 2) identify a mechanism by which the applicant will ensure provision of the qualifying category of housing for which the density bonus may be granted. "Affordable workforce housing", for this purpose, shall be defined as housing, for which the initial sales price and any subsequent sales prices, when financed through a conventional residential mortgage program, can be demonstrated to require total annual principal and interest payments not in excess of thirty percent (30%) of one hundred forty percent (140%) of Kootenai County's median household income for that year, as estimated and reported by the U.S. bureau of the census (20 percent density bonus); or
    - e. Provision of significant recreational area improvements beyond the minimum required by ordinance, including improved recreational facilities such as community ball fields with such enhanced features as dugouts, bleachers, fencing and backstops; indoor and outdoor pools; and/or community centers (5 percent maximum density bonus).
4. Setbacks And Side Yard Requirements:
    - a. Setbacks from the exterior boundary line of the PUD area shall be consistent with those of the underlying zone. In no event shall the setback from the exterior boundary be less than twenty five feet (25').

b. Zero lot line development, with each unit or a portion of the original lot independently owned, having lot lines along common walls may be permitted in a PUD, providing that:

- (1) All applicable city, state, and federal building regulations and fire codes pertaining to common wall and zero lot line construction shall be complied with;
- (2) Common walls shall be adequately soundproofed in accordance with international building code requirements;
- (3) Electric, domestic water supply, sewer, heating and air conditioning systems, and all other incorporated utility systems shall be appropriately designed for each unit of occupancy;
- (4) Deeds or covenants pertaining to buildings shall contain appropriate provisions regarding maintenance of individually or commonly owned indoor or outdoor walls, common areas, and outdoor yard areas.
- (5) Maintenance or encroachment easements shall be recorded as necessary for individual owners to assure access to all commonly and individually owned yard areas and outdoor walls.
- (6) The development otherwise complies with all requirements of Idaho Code, title 55, chapter 15, and section [11-19-6](#), "Condominium Platting Procedures Within A PUD", of this chapter, and all other applicable city ordinances and codes.

c. ~~Wherever buildings are separated, the Standard setbacks and side yard requirements may be reduced or waived with said setbacks established for each lot within the PUD approval process. However, a minimum distance of fifteen feet (15') shall be maintained between such buildings. Where multiple structures exist on a lot, the developer shall identify the location of all structures with the submission of the first building permit for said lot as part of a separate site plan approval for that lot and shall construct in accordance with this site plan unless a modification to this is approved by the City who will need to determine that it is consistent with the general concept approved in the final PUD plan.~~ For the purpose of this section, cornices, canopies, eaves or other similar architectural design features not providing additional floor space within the building may extend into the required separations or setback, provided that they encroach by no more than two feet (2').

G. Private Streets: Private streets may be permitted in PUDs, provided they meet all standards and requirements as set forth in the city of Hayden private street ordinance.

H. Underground Utilities: Electric, gas and cable, and communication utilities service connections shall be installed underground, whenever possible. (Ord. 559, 7-12-2016)

### 11-20-3: SITE PLAN APPLICATION REQUIREMENTS:

A. All site plan applications shall include applicable fees, as established by city council.

B. All site plan applications shall include the following information in a format which meets standards and policies set forth by the city of Hayden:

1. Record of survey or plat showing property pins, lot dimensions, and scale;
2. Location, purpose, and beneficiary of all existing or proposed easements;
3. Building footprint dimensions and location in relation to parcel boundaries and property pins; proposed uses; floor elevations; and building height in relation to the proposed finish grade at the front of the building;
4. Dimensions and locations of existing buildings and site improvements, both on site and adjacent to the site. Indicate all structures and improvements planned for demolition;
5. Parking and circulation, including:
  - a. The number and type of spaces, and their dimensions;
  - b. The circulation plan, including the dimension of driveways, aisleways, pedestrian walkways, and queuing areas;
  - c. The location and dimensions of off street loading areas;
  - d. Pavement plans including dimensions, proposed finish grade, and paving materials; and areas of site not to be paved, or those that will be paved in a future phase; and
  - e. Ingress/egress details including location, dimensions, turning radius, and traffic control improvements designed to meet MUTCD standards;
6. Landscaping plan, including:
  - a. The location and type of existing and proposed trees, bushes, shrubs, and other such plantings;
  - b. The location and type of proposed ground coverings;
  - c. Irrigation system improvements; and
  - d. Hardscape improvements, including, but not limited to:
    - (1) Patios;
    - (2) Walkways;

- (3) Planters;
- (4) Benches;
- (5) Water features;
- (6) Public art displays; or
- (7) Other such "fixtures";
- e. A thirty foot (30') greenbelt tract, measured from the edge of dedicated right of way, shall be provided on those sites located along the frontage of those streets delineated within the city's transportation plan as having a thirty foot (30') landscape buffer requirement. Where such greenbelt tracts are required, the developer shall install landscaping and irrigation systems in conformance with city design standards as a required site improvement; said greenbelts may be utilized to meet requirements for pedestrian or bicycle connectivity, if so required.
- 7. Other existing and proposed site improvements, including, but not limited to, fencing, location of refuse and recycling receptacles, outside storage plans, and lighting plans and specifications;
- 8. Utility plan, including:
  - a. The location of existing and proposed new sewer and water service lines and connections, including locations for domestic water and irrigation meters;
  - b. The location of existing and proposed dry utilities service lines and connections; and
  - c. The location of all existing and proposed utility easements;
- 9. Sign plan, including:
  - a. The location of all existing and proposed signs; and
  - b. The proposed dimensions, materials, and construction details for all signage proposed;
- 10. Grading plan, showing:
  - a. Existing and finish elevations in two foot (2') contours;
  - b. Compaction requirements;
  - c. Total cut and fill volumes;
  - d. Grade break lines; and
  - e. The location and dimensions of all retaining structures, with structural engineering details for all retaining structures over four feet (4') in height;
- 11. Stormwater management plan, including GIA standards, hydraulic calculations, impervious area, culverts and dry wells;

12. Compliance with ADA accessibility standards and requirements of local, state, and federal code with regard to accessibility.

C. All required plans, as detailed in subsection B of this section, shall be signed, stamped and dated by an Idaho licensed architect, landscape architect, and/or engineer, who, along with their consultants, is acting within their area of education, training, experience and competency in the specific technical areas involved. Where stormwater infrastructure is required or proposed, the stormwater plan shall be prepared by an Idaho licensed engineer acting within their area of education, training, experience and competency in the specific technical areas involved. This requirement for preparation by a licensed professional shall not apply to the construction of single- and two-family residential structures.

#### **11-20-4: REQUIRED SITE IMPROVEMENTS:**

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For all development to which this chapter shall apply, required site improvements shall include:

A. Applicability:

1. Site improvements as delineated below are required for construction of new sites.
2. For existing sites, these site improvements shall be required under the following circumstances:
  - a. When there is an activity or series of activities over a three (3) year period of time in which over forty percent (40%) of the gross area of the site is reconstructed. This does not include surface overlays of asphalt parking lots.
  - b. When a feature that is currently composed of gravel is resurfaced, the surfacing must be in accordance with the surfacing standards of this code.
  - c. Site improvements apply to any expanded portion of a site.
  - d. When a site is expanded by forty percent (40%) or more, site improvements shall be required for the entire site.

B. Site Improvements: Site improvements shall consist of the following:

1. Landscaping, and irrigation systems in support thereof;
2. Lighting;
3. Paved driving, maneuvering and parking areas;

4. Paved and screened storage areas and/or display lots, if applicable;

5. Screened refuse disposal and recycling areas; and

6. On site stormwater management facilities. ~~(Ord. 559, 7-12-2016)~~

7. ~~Underground Utilities~~ Electric, gas and cable, and communication utilities service connections shall be installed underground unless otherwise allowed by the City engineer working in consultation with the utility company.

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## Title 11, Chapter 22

### SIGN CODE

[11-22-1: PURPOSE:](#)

[11-22-2: RESTRICTIONS:](#)

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[11-22-7: GENERAL PROVISIONS AND REQUIREMENTS FOR ALL SIGNS:](#)

[11-22-8: STANDARDS FOR SPECIFIC SIGN TYPES:](#)

[11-22-9: PERMIT REQUIREMENTS AND ADMINISTRATION:](#)

#### 11-22-1: PURPOSE:

The purpose of this chapter is to regulate all signs in the city of Hayden that are visible from the public rights of way, public facilities, public pedestrian and bicycle pathways, and navigable waterways. Signs provide an important medium through which individuals and businesses may convey a variety of noncommercial and commercial messages. Depending on their size, number, and design, signs may attract or repel visitors, affect the visual quality of the community, affect the safety of vehicular and pedestrian traffic, and impact, positively or negatively, the character of the community. Aesthetic considerations impact economic values as well as public health, safety, and welfare. Therefore, it is the intent of these regulations to establish standards for the following purposes:

- A. Recognize and protect the rights of individuals and businesses to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- B. Further the objectives of the city's comprehensive plan;
- C. Maintain and enhance the visual quality (aesthetics) of the community;
- D. Improve pedestrian and motorist safety by minimizing distractions, obstacles and visual clutter, and to ensure clear views of the roadway and directional or warning signs;
- E. Protect and enhance economic viability by ensuring that Hayden will be a visually pleasant place to visit and/or reside;

F. Protect property values and public/private investments in property;

G. Protect views of the natural landscape and sky;

H. Avoid personal injury and property damage from unsafe signs;

I. Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention; and

J. Ensure fair and consistent enforcement of sign regulations. (Ord. 559, 7-12-2016)

### **11-22-2: RESTRICTIONS:**

No sign shall be constructed, installed, structurally altered, enlarged or relocated except in conformity with the provisions contained herein, and only after a sign permit issued by the city of Hayden has been secured, if so required. The changing or maintenance of movable parts or components of an approved sign, or permitted nonconforming sign, designed for such changes, or the changing of sign copy, business name, lettering, sign faces, colors, display, graphic matter, and/or the content of any sign copy shall not be deemed a structural alteration. (Ord. 559, 7-12-2016)

### **11-22-3: DEFINITIONS:**

**ABANDONED SIGN:** Any sign that does not display a well maintained message for a period of one hundred twenty (120) consecutive days; any sign that is no longer fully supported by the structure designed to support the sign for a period of one hundred twenty (120) consecutive days; or a sign that pertains to a business, industry or service that is no longer located on the premises where the sign is located.

**BUILDING SIGN:** A sign attached to a building, including, but not limited to, wall signs; window signs; blade signs; roof signs; awning, canopy, and/or marquee signs.

**DIRECTIONAL SIGN:** Any sign that is designed and erected for the principal purpose of providing direction and/or orientation for vehicular or pedestrian traffic.

**DOUBLE FACED SIGN:** A sign with two (2) faces, back to back or in the shape of a "V", with identical messages and images, where each face is located not more than twelve inches (12") apart at the narrowest point, and not more than thirty six inches (36") apart at the widest point.

**FACADE:** The finished exterior building wall upon which a sign is, or may be placed.



**FLASHING SIGN:** Signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same or less than the period of nonillumination. For the purpose of this chapter, a sign will not be considered "flashing" if the cyclical period between on and off phases exceeds four (4) seconds.

**FREESTANDING SIGN:** A sign principally supported by a structure affixed to the ground, and not supported by a building, including pole signs, monument signs, and ground signs.

**FRONTAGE, STREET:** The length of the property line(s) of a single premises along a public or private right of way.

**GOVERNMENTAL SIGNS:** Signs governmental entities are required by law to post, erect, provide, use or maintain, including, but not limited to, signs required by the "Manual On Uniform Traffic Control Devices", and signs which governmental entities post, erect, provide, use or maintain for the purpose of protecting public health or safety. [Sponsorship signs utilized and approved for use at City owned facilities is included in this definition.](#)

**GROSS AREA, SIGN:** The entire area within a single continuous perimeter enclosing the extreme limits of such sign, excluding any structural elements outside the limits of the sign and not forming an integral part of the display. For double faced signs, the gross area shall only include one of the sides. If the sign consists only of individual letters affixed directly to the wall of a building, only the area of a simple geometric figure which will encompass the letters is counted as part of the gross area.

**HEIGHT, SIGN:** The vertical distance from the natural grade of the property at the base of the sign to the highest point on a sign or sign structure.

**MANSARD:** An inclined, decorative rooflike projection that is attached to an exterior building facade.

**MARQUEE:** A rooflike structure of a permanent nature which projects from the wall of a building.

**MARQUEE SIGN:** Any sign attached to or constructed on a marquee.

**NONCONFORMING SIGN:** Any sign which was lawfully erected and maintained prior to the effective date hereof, which does not comply with the requirements of this chapter, and/or would otherwise not be authorized under this chapter.

**OFF PREMISES COMMERCIAL SIGN:** A sign which, for commercial purposes, directs attention to a business operated for profit, or to a product, commodity or service for sale, at a location other than the property on which it is displayed.

**RESIDENTIAL NEIGHBORHOOD IDENTIFICATION SIGN:** A sign at the entrance of a residential neighborhood, subdivision, or multi-family residential complex identifying the neighborhood.

**ROOF SIGN:** A sign erected, constructed, or maintained upon a roof, or which projects above the roofline of a building. Signs mounted on mansard facades, eaves, and architectural projections such as canopies and marquees shall not be considered roof signs.

**ROOFLINE:** The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**SMALL SIGN:** A freestanding sign not exceeding five (5) square feet in gross sign area and five feet (5') in height, which is not illuminated.

WINDOW SIGN: A sign affixed to, painted upon, or etched into the surface of a window with its message intended to be visible to, and readable from, the public way or an adjacent property. (Ord. 559, 7-12-2016)

#### **11-22-4: SIGNS AUTHORIZED WITHOUT A SIGN PERMIT:**

While subject to other applicable requirements and permits, the following signs are authorized without a sign permit:

A. Small Signs: Small signs are authorized without a sign permit, but are subject to the following limitations:

1. Small signs may carry any lawful message;
2. Small signs shall not be illuminated;
3. No small sign shall exceed five feet (5') in height above ground level;
4. Three small signs shall be authorized per lot, except in the case of warning signs;
5. Warning signs (e.g., "Beware Of Dog" or "No Trespass") shall be limited to no more than two (2) such small signs in any five hundred (500) linear feet of frontage on the parcel; and
6. Small signs shall not exceed five (5) square feet in gross area.

B. Governmental Signs: "Governmental signs", as defined in this chapter, do not require a sign permit.

C. Directional Signs: Directional signs do not require a sign permit, but are subject to the following limitations:

1. Only one exit/entrance directional sign shall be authorized per legal approach.
2. Directional signs shall not exceed two (2) square feet in gross area.
3. Not more than twenty five percent (25%) of the area of such sign shall be devoted to personal or business identification or logos.
4. Regulatory and/or traffic control signs shall not be considered directional signs, as defined herein.

D. Flags: Flags do not require a sign permit, but are subject to the following limitations:

1. Groupings of more than three (3) flags on a single lot shall require a sign permit.
  2. A flagpole for such an exempted flag may not exceed thirty feet (30') above ground level in the agricultural zone or any residential zone; and a flagpole for such an exempted flag may not exceed forty five feet (45') above ground level in any commercial or industrial zone.
  3. Such flag shall not exceed a maximum area of sixty (60) square feet in the agricultural zone or any residential zone; and such flag shall not exceed one hundred thirty five (135) square feet in any commercial or industrial zone.
- E. Danger/Hazard Signs: Signs exclusively devoted to warning the public of dangerous conditions or hazards (e.g., drop offs, high voltage, fire danger, or explosives) are authorized without a permit, provided that such signs do not exceed three (3) square feet in gross area, unless otherwise provided by state or federal law.
- F. Street And Address Signs: Street name and addressing signs, meeting the standards for such signs as detailed in [title 9, chapter 5](#) of this code shall not require a sign permit.
- G. Window Signs: Signs that are painted, posted or etched on windows are allowed for all zones (including the central business district), subject to the following limitations:
1. The aggregate area of all such signs shall not exceed twenty percent (20%) of the window area on which such signs are displayed. [Temporary decorative paintings are allowed to cover any portion of a window for no more than a total of ninety days per calendar year.](#)
  2. Lettering shall not exceed eight inches (8") in height.
  3. Windows separated by mullions shall be considered one continuous window area.
  4. Window signs shall not be assessed against the sign area permitted for other sign types.
- H. Banners: Banners used on private property for a period of no more than thirty (30) days in any calendar year do not require a sign permit.
- I. Commercial And Industrial Zone Signs: In commercial and industrial zones, in addition to the freestanding signs allowed, businesses with a drive-through window may have two (2) additional freestanding signs located adjacent to the drive-through lane and oriented toward the occupants

of the vehicle, provided they have secured all other required building and/or electrical permits.  
(Ord. 559, 7-12-2016)

### **11-22-5: SIGNS AUTHORIZED WITH A SIGN PERMIT:**

Subject to the applicable requirements of this chapter, this title, and the official building code as adopted by the city of Hayden, signs shall be authorized with an approved sign permit, as detailed below for each of the identified zoning designations:

A. In Agricultural And Residential Zone Designations: In addition to those signs authorized without a sign permit, the following signs shall be allowed in the agricultural and all residential zones with an approved sign permit, subject to standards as detailed below, the general provisions and requirements for all signs, and specific standards for each sign type as detailed in this chapter:

1. For all nonresidential uses, excluding home occupations (e.g., churches, schools, community centers, neighborhood commercial uses):

a. Building Signs: Building signs, subject to the following limitations:

(1) Wall, blade, window, awning, canopy or marquee signs, are permitted, subject to standards applicable to the specific sign type, provided total building signage does not exceed ten percent (10%) of the area of the facade.

(2) Roof signs shall be prohibited.

b. Freestanding, Monument Or Ground Signs: Freestanding, monument or ground signs, subject to the following limitations: On lots with a minimum street frontage of one hundred feet (100'), one freestanding monument or ground sign shall be allowed, or, if the lot has multiple street frontages of greater than one hundred feet (100') each, one such sign per street frontage with an approved approach may be permitted, subject to the following restrictions:

(1) The gross area for each such authorized freestanding, monument or ground sign shall not exceed thirty two (32) square feet;

(2) The area of structural support elements for the sign shall not exceed fifty percent (50%) of the message portion of the sign; and

(3) The height of said monument/ground signs shall not exceed five feet (5'). The height of a freestanding sign shall not exceed ten feet (10').

c. Signs For Neighborhood Commercial Complexes: For multiple-occupancy neighborhood commercial condominium or lease developments under unified control, the requirements for a master sign plan, as detailed in subsection B3 of this section, shall apply.

2. Residential neighborhood signs (e.g., single-family subdivision, multi-family housing complexes, etc.) and subdivision signs shall be limited to one monument or ground sign per public or private street entrance located on a collector or arterial street, subject to the following restrictions:

a. Gross area of each permitted sign shall not exceed twenty four (24) square feet;

- b. The area of structural support elements for the sign shall not exceed fifty percent (50%) of the message portion of the sign;
  - c. The height of the sign shall not exceed five feet (5') from the natural grade of the land at the base of the sign;
  - d. Landscaping and design details of the display shall meet the design standards established for such entrance design, as detailed in [chapter 11](#) of this title.
3. Flashing, animated, revolving and/or neon signs of any type are prohibited in the agricultural and all residential zones.

B. In All Commercial And Industrial Zones, Excepting The Central Business District Zone: In addition to those signs authorized without a sign permit, the following signs shall be allowed in all commercial and industrial zones, excepting the central business district zone, with an approved sign permit, subject to standards as detailed below, the general provisions and requirements for all signs, and specific standards for each sign type as detailed in this chapter:

- 1. Building Signage: Each building or business is permitted roof, wall, window, awning, canopy or marquee signs, and/or blade signs, subject to standards applicable to the specific sign type, provided total building signage does not exceed ten percent (10%) of the area of the building facade upon which the sign is placed; and
- 2. Freestanding Signs: One freestanding sign shall be permitted for every one hundred fifty (150) linear feet of public street frontage up to a maximum of three (3) freestanding signs per development lot, subject to the height and area limits detailed in the following tables. Where more than one freestanding sign is permitted, the total linear feet of street frontage is divided by the number of proposed signs on the development lot to determine the street frontage per sign:

FOR U.S. 95 STREET FRONTAGE

	Feet Of Street Frontage (Per Sign)		
	Less Than 300	301 To 600	Greater Than 600
Maximum sign height (per sign)	25 feet	30 feet	30 feet
Maximum sign area (per sign)	100 square feet	200 square feet	300 square feet

FOR STREET FRONTAGE OTHER THAN U.S. 95

	Feet Of Street Frontage (Per Sign)		
	Less Than 150	150 To 300	Greater Than 300
Maximum sign height (per sign)	20 feet	25 feet	30 feet
Maximum sign area (per sign)	85 square feet	100 square feet	150 square feet

3. Signs For Development Complexes: For multiple-occupancy commercial and industrial condominium or lease developments under unified control (e.g., shopping centers or industrial complexes), the following regulations shall apply:

a. Master Sign Plan Required: A master sign plan shall be required prior to the issuance of new sign permits in the development complex. The master sign plan shall identify standards and criteria for all signs in the complex that require permits. The master sign plan shall be consistent with the standards for all signs generally, and the specific regulations associated with the zoning district in which the complex is located, and shall address at a minimum, the following:

- (1) Proposed sign locations.
  - (2) Materials.
  - (3) Type of illumination.
  - (4) Design of freestanding signs.
  - (5) Size of signs.
  - (6) Quantity of different sign types.
  - (7) Uniform standards proposed for all signage, including signage that does not require a permit (e.g., directional signage), as well as building and freestanding signage which does require a permit.
- b. Compliance With Master Sign Plan: All applications for sign permits for signage within the complex shall comply with the approved master sign plan.
- c. Review Of Master Sign Plan: The master sign plan will be reviewed in accordance with procedures for processing a sign permit application.
- d. Amendments To The Master Sign Plan: Any amendments to the master sign plan must be signed by the owner(s) of the development complex before such amendment will become effective.

C. In The Central Business District Zone: In addition to those signs authorized without a sign permit, the following signs shall be allowed in the central business district zone, with an approved sign permit, subject to standards as detailed below, the general provisions and requirements for all signs, and specific standards for each sign type as detailed in this chapter:

1. Limitations: Each business shall be limited to:

a. One blade sign; and

b. One awning, banner, valance or canopy sign;

c. One monument sign shall be permitted for every public street frontage up to a maximum of three (3) monument signs per development lot, subject to a five foot (5') height limit and thirty two (32) square foot area limit per sign. A monument sign may not be placed in such a way that it will interfere with vehicle and pedestrian safety both internal and external to the site.

d. One wall, window or facade sign, subject to the following standards:

(1) The sign shall be located on the upper portion of the storefront, within or just above the enframed storefront opening; and

(2) The sign shall not exceed fifteen percent (15%) of the building's overall facade.

2. Total Sign Area: The total area of all blade, wall, marquee, and facade signage combined shall not exceed fifteen percent (15%) of the total area of the facade that it is located upon. Monument signs and physical business addressing signs shall not be included in this calculation.

3. Signs For Development Complexes: For multiple-occupancy commercial condominium or lease developments under unified control, the requirements for a master sign plan, as detailed in subsection B3 of this section, shall apply.

4. Prohibited: Because the central business district is an overlay zone with special development and design standards to encourage economic development by creating an aesthetically pleasing pedestrian oriented commercial district, the following shall be prohibited in the central business district:

a. Signs that obscure architectural detail;

b. Signs that project from the roof or parapet;

c. Illuminated signs that consist of changeable letters or numbers;

d. Illuminated awnings or canopies unless the awning/canopy material is opaque;

e. Internally lit plastic signs;

f. Digital electronic signs;

g. Inflatable signs and novelties; and

h. Freestanding pole signs. (Ord. 559, 7-12-2016)

### 11-22-6: PROHIBITED SIGNS:

The following signs are expressly prohibited in all districts within the city of Hayden:

- A. Signs Constructed Without Required Permit: Any sign constructed after the effective date hereof without a sign permit approved by the city of Hayden, excepting those signs expressly identified as signs authorized without a sign permit.
  
- B. Signs Which Obstruct Or Interfere With Traffic: Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
  
- C. Signs Which Simulate Traffic Control Devices: Signs which simulate or imitate the size, lettering, illumination, or design of any traffic control device in such a manner as to interfere with, mislead, or confuse the public.
  
- D. Signs On Public Property: No portion of a privately owned sign, or its supporting structure may be located on, extend into, encroach upon, or overhang publicly owned property, or a public right of way (such as a street, sidewalk, or waterway).
  
- E. Flashing Signs: Signs which blink, flash, or are animated by lighting in such a way as to have the appearance of traffic safety signs and/or lights, or municipal vehicle warnings from a distance.
  
- F. Signs Attached To Vehicles: Any sign attached to, or placed on a vehicle or trailer parked on public or private property in a position visible to traffic on a public road, waterway, or parking area for a period longer than six (6) days in a sixty (60) day period, except for signs meeting the following conditions:
  - 1. The primary purpose of such vehicle or trailer is not the display of signs; if it is used for display, the area of the vehicle shall be counted toward the overall allowed area of a monument or pole sign;
  - 2. The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle; and
  - 3. The vehicle is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.



G. Revolving Signs: Revolving signs; and

H. Off Premises Commercial Signs: Off premises commercial signs, as defined in this chapter.

I. Banner signs used as permanent signs (Ord. 559, 7-12-2016)

## **11-22-7: GENERAL PROVISIONS AND REQUIREMENTS FOR ALL SIGNS:**

A. Conformance To Codes: Any sign hereafter erected shall conform to provisions of this title, and all other applicable provisions of this code.

B. Sign Setbacks, Generally: All freestanding monument and pole signs shall be set back a minimum of five feet (5') behind the back of sidewalk (or the property line, where no sidewalk is present), and no part of the sign shall extend into the public right of way, or over the edge of sidewalk, if said sidewalk is located in an easement rather than right of way. The setback for a freestanding monument sign shall be measured from that portion of the sign that is closest to the back of the sidewalk or the property line as delineated herein. The setback for a freestanding pole sign, so long as the sign portion is mounted ten feet or higher from finished ground elevation, shall be measured from that portion of the pole upon which the sign is mounted which is closest to the back of the sidewalk or the property line as delineated herein. If the sign portion is mounted at less than ten feet from finished ground elevation; the setback for the freestanding pole sign shall be measured as for a freestanding monument sign.

C. Traffic Visibility: Signs and sign structures shall not be erected in such location as to cause visual obstruction or interference with motor vehicle traffic, or traffic control devices. Signs and/or sign structures shall not obstruct the line of vision in any direction from any street intersection or driveway. Specifically, signs and sign structures shall not be located within the "sight triangle" as defined by this code, and/or street standards as adopted by Hayden city council.

D. Construction: The following standards shall apply to the construction of all signs in the city, regardless of whether the sign does or does not require a sign permit:

1. Code Requirements: All signs shall be constructed in compliance with the adopted building and electrical codes of the city.
2. Fastenings: All signs must remain safe and secure during the period of use. All parts of the signs, including bolts and cables, shall remain painted, and free of corrosion.

3. Stability: Signs shall be constructed so that they will withstand wind pressure of at least seventy (70) pounds per square foot of surface and will otherwise structurally be safe, and securely anchored or otherwise fastened, suspended, or supported so that they will not be a hazard to persons or property.
  4. Lighting: External lighting shall be shielded from view and shall be focused on the sign to avoid stray lighting. Flashing, rotating, and intermittent lighting is prohibited.
  - ~~5. Identification: All signs shall identify the name and an operating phone number of the owner and person responsible for maintenance of the sign. This information shall be posted on a weatherproof label of two inches by four inches (2" x 4"), located on the bottom portion of the sign frame nearest the closest right of way.~~
  6. Proximity To Electrical Conductors: Signs and their supporting structures shall be located no closer to electrical utilities than is permitted by the applicable code. No sign, including cables and support shall, in any event, be within six feet (6') of any electrical conductor, electrical light pole, electric streetlight, traffic light, or public utility pole.
  7. Prohibited Obstruction: Signs shall not be erected in any manner which interferes with free passage from, or otherwise obstructs a fire escape, downspout, window, door, stairway, ladder or opening required as a means of ingress or egress, or required by code for the provision of light, air, or stormwater drainage.
- E. Maintenance Of Signs: All signs and sign structures shall be properly maintained in good condition and repair. Should any sign become structurally unsafe or a safety hazard, the owner, upon notification by the city, shall be required to return the sign to a safe condition or remove the sign.
- F. Removal Of Obsolete, Nonmaintained Or Abandoned Signs: All signs, including those painted on a building, which no longer serve the purpose for which they were intended, are not maintained, have been determined to present a hazard, or have otherwise been abandoned, shall be removed or restored by the business or property owner within thirty (30) days of notice by the city.
- G. Nonconforming Signs: Any sign legally existing at the passage date hereof that does not conform in use, location, height, or size with the regulations of the zone in which the sign is located, shall be considered a legal nonconforming use or structure, and shall be permitted to continue in such status until such time as the sign is abandoned, removed, relocated or replaced, subject to the following restrictions:
1. The structure of the sign may not be altered in any way except toward compliance with this chapter. Structural alterations which are necessary for the maintenance, repair or restoration of the nonconforming sign are permissible, provided said alterations do not increase the size, height, degree of nonconformity, or exceed fifty percent (50%) of the replacement value of the sign.

2. The legal, nonconforming sign may not be replaced, except with a sign conforming to the requirements of this chapter.
3. The legal nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance, and repair. If, however, the sign suffers damage or deterioration in excess of fifty percent (50%) of its replacement value, it must be brought into compliance with this chapter or removed within thirty (30) days of notification by the city.
4. The changing of sign copy, business name, lettering, sign faces, colors, display, graphic matter, and/or the content of any sign copy shall not be deemed an alteration or replacement.

H. First Amendment Protection: Any sign allowed under this chapter may contain, in lieu of any other text, any otherwise lawful noncommercial message that does not, for commercial purposes, direct attention to a business operated for profit or to a product, commodity, or service for sale, provided said sign complies with all other provisions of this chapter, including the specific provisions for the type of sign, within the land use designation/zone where the sign is placed. This provision prevails over any more specific provisions to the contrary. (Ord. 559, 7-12-2016)

#### **11-22-8: STANDARDS FOR SPECIFIC SIGN TYPES:**

A. Building Signs, Generally: If a building contains walls facing more than one street frontage, the sign area will be computed for each building wall facing a different street frontage. The sign area(s) thus calculated shall be allowed to then apply to permitted signs placed on each separate wall facing a street frontage.

B. Freestanding Signs, Generally: For lots with more than one street frontage, sign area for each frontage shall be calculated separately for each different street frontage, however, in no event shall a development lot exceed the maximum number of freestanding signs allowed.

C. Awning, Canopy And Marquee Signs:

1. Sign lettering and logos shall not comprise more than thirty percent (30%) of the total exterior surface.
2. Shall be located a minimum of eight feet (8') above ground level.

D. Projecting/Blade Signs: Projecting/blade signs, attached to and projecting from a building face or wall at a ninety degree (90°) angle:

1. Shall not project more than eight feet (8') from the building;

2. Shall not exceed a maximum height of four feet (4');
3. Shall not exceed a maximum area of twenty (20) square feet;
4. Shall be located a minimum of eight feet (8') and a maximum of fourteen feet (14') above the sidewalk grade, as measured from the sidewalk to the bottom of the frame of the sign; and
5. For buildings with multiple commercial tenants, each business may be permitted one blade sign, provided that blade signs are separated by a minimum of twenty five feet (25').

E. Roof Signs: Roof signs are only permitted in the industrial and commercial zones, excluding, however, the central business district. Where allowed, signs mounted on or above rooftops shall not extend more than ten feet (10') above the roofline, and shall be limited in allowable area for building signage in the applicable zone. The sign area for roof signs shall be assessed against building signage.

F. Wall Signs:

1. Shall be mounted flush and fixed securely to a building wall; and
2. May project no more than twelve inches (12") from the face of the building wall, and shall not extend sideways beyond the building face or the highest line of the building to which it is attached. (Ord. 559, 7-12-2016)

## **11-22-9: PERMIT REQUIREMENTS AND ADMINISTRATION:**

A. Permit Required; Exception: A permit shall be required for all signs, except those expressly authorized without a permit. Exemption from permit shall not, however, exempt the owner of the sign from responsibility for its erection and maintenance in a safe manner, and in a manner in accordance with all other provisions of this chapter.

B. Alteration, Enlargement, Or Relocation Of Signs: No sign shall be structurally altered, enlarged, or relocated except in conformity to the provisions herein, and only upon applying for and securing a permit, unless expressly authorized without a permit.

C. Application Requirements:

1. The applicant must complete and submit the city's standard sign permit application form, which shall be accompanied by ~~a signed letter of consent authorization~~ from the property owner, if the property owner is not the applicant;
2. The application shall include the location and dimension of all existing and proposed signs on the development lot;

3. The application shall be accompanied by a site plan, drawn to scale, depicting the dimensions of lot, location of all right of way/street frontages, and ingress/egress to the site; building footprint, including size and dimensions of the building, and building facade where existing signs are located, and where proposed signs are to be located;
4. The applicant shall provide a graphic depiction, drawn to scale, of the dimension and design of all existing and proposed signs on the development lot; and
5. Construction plans required for all proposed new signs shall be drawn to scale, and shall include dimensions, materials, and required details of construction including loads, stresses, anchorage and other pertinent data. Said building plans shall contain the seal and signature of a registered design professional or professionals, if so required by the adopted building code of the city.

D. Permit Fees: Fees for sign permits, as established by resolution of Hayden city council, shall be due and payable at the time of permit issuance.

E. Processing Of Permit Applications:

1. Within twenty (20) business days of receipt of a complete application for sign permit, the director, or his/her designee will:
  - a. Approve the sign permit application;
  - b. Approve the sign permit application with conditions; or
  - c. Deny the permit application.
2. If the permit application is denied, staff will provide a written statement of the reasons for denial, and what, if anything, can be done to make the application approvable.
3. Upon approval of the sign permit application, satisfaction of any conditions that may be applicable prior to permit issuance, and receipt of the applicable sign permit fees, the sign permit will be issued by the city.

F. Standards For Sign Permit Approval: City staff shall approve the permit application, if all of the following standards have been met (or if said standards can be met, with conditions as may be included in a conditional approval):

1. The sign, as proposed, meets all applicable requirements of this chapter;
2. The sign, as proposed, meets all applicable requirements of the city's adopted building and electrical codes;

3. The sign, as proposed, does not violate any other applicable code and/or standards of the city, state and federal government.

G. Appeal Of Decision By The Director, Or His/Her Designee: Permit decisions by the director, or his/her designee may be appealed to city council in accordance with the procedures detailed in [chapter 17](#) of this title. (Ord. 559, 7-12-2016)

## Title 12 SUBDIVISION REGULATIONS, Chapter 2 DEFINITIONS

### 12-2-1: WORDS DEFINED:

For the purposes of this title, the following terms, phrases and words will have the meanings given in this chapter or as defined in Idaho statute:

**ALLEY:** A right of way designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

**BLOCK:** A group of lots, tracts or parcels within well defined and fixed boundaries established by plat.

**CONDOMINIUM:** An estate consisting of an undivided interest in common real property, together with a separate interest in a unit in a project in accordance with title 55 of the Idaho Code.

**CUL-DE-SAC:** A street closed at one end by a circular area of sufficient size for turning vehicles around.

**DEDICATION:** An act conveying property rights or interests.

**FINAL PLAT:** The final drawing of the subdivision and dedication prepared for filing for record with the county recorder and containing all elements and requirements set forth in the Idaho Code and this title.

**LOT:** A designated parcel of land established pursuant to title 50, chapter 13 of the Idaho Code.

**OFF SITE:** Not located on the property that is the subject of a development application nor on a contiguous portion of a street or right of way.

**ON SITE:** Located on the lot in question or on the land being subdivided.

**OPEN SPACE:** Land, essentially free of structures, set aside, dedicated, designated, or reserved for the public or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**PARCEL:** A unit of land of contiguous quantity in the ownership of one person or entity and constituting a separate tract of land.

**PLAT:** A reproducible or permanent drawing of a subdivision and dedications and easements, prepared for filing and recording with the county recorder in accordance with provision of title 50, chapter 13, Idaho Code.

**PRIVATE STREET:** A privately owned and maintained right of way that provides vehicular and pedestrian access to two (2) or more subdivided parcels, which is not publicly dedicated and

accepted for public use, and is not maintained by the city of Hayden.

**SEWERAGE SYSTEM:** All sewerage collection systems, community septic tank and drainfield, pump stations, interceptor and appurtenances that are utilized or will be utilized to transport, treat and dispose of sewage.

**STREET:** A public right of way, which provides vehicular and pedestrian access to adjacent properties, that dedication of which has been officially accepted by the city of Hayden. The term "street" also includes the terms highway, parkway, road, avenue, lane, place, drive, trail, way, court, loop, circle and other such terms.

**SUBDIVISION:** The division of any parcel of land into two (2) or more lots, parcels, tracts or sites that meet the criteria for the purpose of sale, lease, transfer or development, subject to the exemptions set forth in this title.

**SUBDIVISION PLAN:** Both written information and all maps, plans or plats that together fully describe a proposed subdivision as required by this title. (Ord. 398, 8-31-2005, eff. 10-1-2005)

**Will Serve Letter:** a letter from the utility provider, generally water or sewer, confirming that the provider has the current availability, capacity, authority and willingness to service the proposal with the requested service. A proper will serve letter will contain the name of the provider, the date of issuance, a brief description of the proposed project, and will state that the provider has the current availability, capacity, authority and willingness to service the proposal with the requested service. The letter must be signed by an authorized representative of the provider.



## Title 12 SUBDIVISION REGULATIONS, Chapter 3 SUBDIVISIONS

### [12-3-1: APPLICABILITY:](#)

### [12-3-2: EXEMPTIONS:](#)

### [12-3-3: APPLICATION:](#)

### [12-3-4: PROCEDURES:](#)

#### **12-3-1: APPLICABILITY:**

Every division of land into two (2) or more lots, tracts, parcels, sites or divisions, regardless of lot size, whether immediate or future, for the purpose of sale, lease, transfer or development within the incorporated area of Hayden that does not meet the criteria for a minor subdivision under [chapter 5](#) of this title shall proceed in compliance with this chapter. This shall include divisions made for condominium purposes. (Ord. 542, 1-27-2015)

#### **12-3-2: EXEMPTIONS:**

The provisions of this chapter shall not apply to the following:

- A. The transfer of land between two (2) adjacent property owners, which does not result in the creation of any additional building site, provided that a covenant and agreement form for previously platted lots, approved by the city has been executed and recorded with the Kootenai County clerk, which shall serve to permanently combine the subject lots.
  
- B. Any division of land made by testamentary provision or the laws of descent. Parcels of land so created must comply with lot size, frontage, and other standards established by this code and other applicable laws to be eligible for a building permit or to qualify for establishment of an authorized land use.
  
- C. Divisions resulting from the conveyance of a parcel of land to a taxing district, government agency, or utility regulated by the public utilities commission, providing the parcel will not be used for habitable structures such as offices, service centers or fire stations, provided that one of the following conditions have been met:
  1. The improvements, as provided in [chapter 6](#), "Required Subdivision Improvements", of this title, are constructed, or have been constructed on the parcel being conveyed, prior to the actual conveyance of said property;
  2. With the approval of the city council, construction of said improvements, as required in [chapter 6](#) of this title, are deferred for a period not to exceed five (5) years, with the owner providing surety, in a form approved by the city attorney, in the amount of one hundred fifty percent (150%) of the estimated cost of the improvements; or

3. In the event that the parcel being conveyed is less than four thousand (4,000) square feet, and has a right of way frontage of less than one hundred (100) linear feet, the city may accept payment in lieu of improvements, for improvements as required in [chapter 6](#) of this title.

In all cases, construction plans for required improvements, and cost estimates, as may be required, shall be prepared by the entity requesting such exemption, for review and approval by the city engineer prior to the commencement of any construction. In the case of actual construction of improvements by the requesting entity, all construction inspections, acceptance of infrastructure, and warranty requirements, as provided for in subsections [12-3-4M](#) and N of this chapter, shall be applicable. (Ord. 542, 1-27-2015)

### **12-3-3: APPLICATION:**

A. Prior to submittal of a formal subdivision application, the developer shall have completed a preapplication meeting with city staff to review the proposal. A developer seeking a preapplication meeting shall submit a copy of a concept plan to the planning department. A preapplication meeting will be scheduled at the earliest available date, upon receipt of the required conceptual plans and application by the city. The scope of the preapplication meeting shall include, but not be limited to:

1. The general subdivision process.
2. Overall design, lot sizes, and street layout.
3. Preliminary utility design.
4. Conformity to this code, city standards, and policies.
5. Potential off site impacts/mitigations.
6. Off site/on site improvements.

Additional preapplication reviews may be scheduled when, in the collective judgment of staff, the proposed subdivision is extraordinarily complex, proposes large impacts to city infrastructure, or requires extraordinary staff time. When all issues have been adequately addressed, staff shall issue a written notice to proceed with subdivision application.

B. Following the completion of the preapplication meeting, a completed application for a subdivision plan approval may be submitted to and accepted by the city. Said application shall be on a form provided by the city. Along with the application the developer shall submit three (3) copies of the subdivision plan on eighteen inch by twenty seven inch (18" x 27") paper, one copy on eleven inch by seventeen inch (11" x 17") paper, and one copy on eight and one-half inch by eleven inch (8<sup>1</sup>/<sub>2</sub>" x 11") paper. Details and specifications shall conform to the standards described in section [12-3-4](#) of this chapter and the Idaho Code.

Each application shall be accompanied by a fee in an amount to be established by the resolution of the council. (Ord. 542, 1-27-2015)

## 12-3-4: PROCEDURES:

A. Subdivision Plan Standards: Every subdivision plan shall consist of one or more maps, prepared by an engineer or surveyor licensed in the state of Idaho and drawn to a scale that is reasonable and legible with written data which considered together, they shall fully and clearly disclose the following information:

1. The name of the proposed subdivision;
2. The legal description of the land contained within the subdivision;
3. The names, mailing addresses, telephone numbers, fax numbers and e-mail addresses of the applicant and all persons, firms and corporations holding interests in said land;
4. Proof of ownership and consent from all property owners and lienholders granting authorization to subdivide the property and the name and contact information of the authorized agent;
5. A list, prepared by a title company licensed to do business in the state of Idaho, of the names and mailing addresses of all property owners whose property is within or adjacent to the area bounded by lines three hundred feet (300') from the external boundary of the entire proposal area. Such list shall be provided on self-adhesive labels in the number of copies necessary for the hearing(s) scheduled. Said list shall be accompanied by a date stamped tax map prepared by Kootenai County;
6. The name, a mailing address, telephone number, fax number, and e-mail address of the Idaho licensed engineer that prepared the plan;
7. The location of the boundary lines of the proposed subdivision in relation to section, quarter section and quarter-quarter section lines and any adjacent corporate boundaries of the city which are part of the legal description of the property;
8. The boundaries and dimensions of all blocks and lots within the proposed subdivision together with the numbers proposed to be assigned each block and lot;
9. A data table showing the number of lots, the smallest, largest and average lot area within the proposal site, the total acreage of the entire proposal area, and the density in lots per acre;
10. A statement of proposed provisions for irrigation/domestic water supplies and sewage disposal. This shall be accompanied by will-serve letters (dated within 30 days of the application submittal date from the purveyor) and the Idaho department of environmental quality approved facility plan, if applicable;
11. A sketch map of the general vicinity in which the land proposed for subdivision lies prepared at a scale of not more than four hundred feet (400') to the inch. The vicinity map shall show all adjacent lots and shall show how the streets and alleys in the proposed subdivision connect with existing and proposed streets and alleys in neighboring subdivisions and unplatted property;
12. Any existing or proposed easements and right of way dedications, easements to be labeled with the name of the recipient and purpose of the easement;

13. All existing and proposed streets. Show plan, profile and cross sections along with street names (existing and proposed);
14. All adjacent streets. Show existing right of way width, and the location of centerline, swales, curbs and sidewalks, and trees;
15. Show location of existing structures such as septic tanks, drainfields, underground storage, wells, houses and outbuildings with notes to indicate if they will remain or be removed along with setbacks from proposed lot lines and streets. Additionally, show the location of any natural features such as wooded areas, streams, drainageways, flood hazard areas identified on the flood insurance rate map, rock outcroppings, or other sensitive, hazardous, or difficult to develop areas;
16. Location, dimensions and area of all parcels of land to be set aside for parks, open space, or other public use or for the use of property owners in the proposed subdivision. Include information on park amenities and uses demonstrating compliance with the city's park plan, annexation agreements, development agreements and the like;
17. Provide a graphic and narrative depicting and explaining development phases, or stages, if the project will be done over several years;
18. Provide preliminary construction plans (typically 50 - 70 percent design) for the subdivision demonstrating constructability and functionality which shall include:
  - a. Proposed utility infrastructure plan indicating locations, sizes and approximate centerline grades;
  - b. General grading plan showing existing and proposed topography, identifying areas of cut and fill of over two feet (2') along with and existing and proposed all surface water flow patterns. Conceptual stormwater management plans for all proposed subdivision infrastructure shall be provided;
  - c. Pedestrian and bicycle circulation plans;
  - d. A general right of way landscape plan;
  - e. Proposed mailbox locations;
  - f. Traffic studies;
  - g. Snow storage and removal plan;
  - h. Geotechnical or similar study, if required by the city engineer.

B. Agency and Public Notice (subdivisions of over five acres): Once the city staff has reviewed the application and the staff has determined that the application is complete and that sufficient information regarding the proposal can be provided, notice will be provided to involved public agencies, as identified by the city. This notice shall allow fourteen days for agency comment and the results of the agency comment shall accompany and be incorporated in summary in the staff report. ~~At least fifteen (15) days prior to the public hearing, notice of the time and place and a summary of the proposal, including any proposed exceptions, shall be published in the official newspaper of the city and Additional notice shall be provided by mail to~~

~~those property owners and purchasers of record owning land within three hundred feet (300') of the external boundaries of the land being considered along with and any additional properties land that may be substantially impacted by the proposed subdivision, said determination of substantial impact is to be made as determined by the planning and zoning commission. When notice is required to two hundred (200) or more property owners or purchasers of record, extraordinary notice may be given as provided by state law. Notice will also be provided, posted and maintained posted on the property in accordance with the posting standards concerning land use matters of Hayden City Code 11-12-4. The posted notice will be provided and posted by the city. The applicant shall bear all costs of publication, mailing of the notices, and posting on the property. Said notice shall include: one copy of the completed application, a vicinity map, and the proposed subdivision plan on eight and one half inch by eleven inch (8 1/2" x 11") paper. The assessors' maps and the title company search will be current within the sixty (60) days prior to the issuing notice to the public agencies. If the information is more than sixty (60) days old at the time the notice is issued, the applicant shall provide current information.~~

~~C. Public Hearing: Upon completion of a thirty (30) day agency review period, the matter will be placed on the planning and zoning commission agenda for public hearing at the next available date.~~

~~D. Notice Of Public Hearing: At least fifteen (15) days prior to the public hearing, notice of the time and place and a summary of the proposal, including any proposed exceptions, shall be published in the official newspaper of the city. Additional notice shall be provided by mail to property owners and purchasers of record within three hundred foot (300') of the external boundaries of the land being considered and any additional land that may be substantially impacted by the proposed subdivision as determined by the planning and zoning commission. When notice is required to two hundred (200) or more property owners or purchasers of record, extraordinary notice may be given as provided by state law. Notice will also be posted on the property in accordance with posting standards concerning land use matters. The posted notice will be provided and posted by the city. The applicant shall bear all costs of publication, mailing of the notices, and posting on the property.~~

E. Planning And Zoning Commission Public Hearing: At, or prior to, the public hearing, the city staff will provide a report for the planning and zoning commission.

F. Planning And Zoning Commission Recommendation: After the planning and zoning commission has reviewed the subdivision plan at the public hearing, the commission shall forward a written recommendation to the city council. The commission shall recommend approval, approval with conditions, or disapproval of the subdivision as soon as practicable. The city staff shall ~~notify the developer, in writing, of the~~ provide the written recommendation of the commission ~~and any recommended conditions or changes requested to the developer~~ and shall advise the developer that the subdivision will be placed on the agenda of the city council at the earliest practicable date, only upon the developer's written request.

G. City Council Decision: Upon receipt of a written request that the subdivision be placed on the council agenda, the ~~city clerk will place the~~ subdivision request will be placed on the next available council agenda. The city council, upon receipt of recommendations from the planning and zoning commission, and after opportunity to review the file and minutes from the public hearing, shall act upon the request. The city council may approve, approve with conditions, or disapprove the subdivision. City staff will notify the developer in writing of the decision of the city council. Should the planning and zoning commission recommend a substantive change to the preliminary subdivision plan involving a significant change, including, but not limited to, substantial changes in layout, density, or points of access, a public hearing may be required before the city council, with proposed revisions as recommended by the commission subject to agency and public notice requirements for a public hearing, as detailed in subsections C and D of this section.

Should the applicant wish to contest the recommendations of the planning and zoning commission, the applicant may provide a written statement of their objections regarding the planning commission recommendations for inclusion in the city council deliberations on the subdivision request. Such written statements must be received at least five (5) days prior to the scheduled city council meeting.

H. Standards For Planning And Zoning Commission Or City Council Approval: The applicant has demonstrated to the satisfaction of the city engineer ~~and the responsible agency~~ that all existing and proposed infrastructures meets or can be ~~modified constructed within two (2) years after the date of city council approval of the master development agreement which approved the preliminary plat~~ toto meet the following standards:

1. Infrastructure as constructed will function in a manner that promotes the public health, safety, and welfare.
2. Infrastructure can be constructed and located in an orderly manner that accommodates ongoing maintenance needs when taking into consideration collocation of other infrastructure.
3. Infrastructure is or will be in compliance with applicable city, state, and federal policies and regulations as follows:
  - a. Provisions have been made for a water supply system that satisfies city, Idaho department of environmental quality (IDEQ) and Northern Lakes fire district requirements.
  - b. Provisions have been made for a public sewage system in accordance with the city and Hayden area regional sewer boards (HARSB) adopted sewer master plans, as amended, that satisfied city, HARSB, and IDEQ requirements and that the existing systems or proposed can accommodate the proposed sewer flows.
  - c. Provisions have been made for snow storage that satisfies the City Public Works Department as the design relates to snow storage and removal practices. If snow storage is proposed to be collocated with stormwater it shall only be in roadside swale areas and not in regional detention basins unless approved administratively by the City engineer who shall determine that the likelihood of flooding is minimal.

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d. Provisions have been made for stormwater systems that satisfy the city and IDEQ requirements.

e. Provisions have been made for streets that are consistent with the adopted transportation plan, as amended, and the transportation element of the adopted comprehensive plan, as amended and that satisfies the city, ITD, adjacent jurisdictions, and local highway district requirements. Where cul-de-sacs are proposed, they are required to be approved administratively by the City engineer who shall determine that they are limited to portions of developments in which street continuity is not foreseeable due to property configurations and /or that they are needed to address site specific conditions. A cul-de-sac shall be limited to four hundred feet (400') in length measured from the edge of adjacent street right-of-way to the back of the cul-de-sac, unless an exception to this standard is granted by the City Engineer.

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f. Provisions have been made for parks and open space that are consistent with the adopted parks master plan, as amended, and that satisfies the city's requirement.

4. Provisions have been made for erosion controls and geohazards stabilization both during construction and as needed for permanent controls to the satisfaction of the city.

5. Provisions have been made for gas, power, telecommunications, mailboxes, and similar infrastructure-

6. Provisions have been made for driveway locations that take into consideration the width and location of the driveway in relation the location of snow storage, utility boxes, crosswalks, adjacent roads, mailboxes and the like.

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7. The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in this code.

8. The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by paying fees, furnishing land, or providing other mitigation measures for off site impacts to streets, parks, and other public facilities within the community. It is the expectation that in most cases, off site improvements will be dealt with through the agreements.

I. Approval Duration: Failure to file the final plat application within two (2) years after the date of city council approval of the master development agreement which approved the preliminary plat shall cause all approvals of said subdivision plan to be null and void, unless an extension of one year has been applied for by the developer and approved by the city council, except as provided for in subsection K3 of this section. After the two (2) years have elapsed, the developer may apply for and receive additional extensions for good cause of time if actual work has been commenced and is continuing on the installation of the improvements up to a maximum of five (5) years, after which the preliminary plat approval shall be null and void and reapplication for a new preliminary plat application shall be required.

J. Changes, Alterations Or Deletions:

1. Upon issuance of agency and/or public hearing notices, and prior to approval of the preliminary subdivision plan by the city council, any alterations of the plan must be reviewed by the ~~city planner~~ Community and Economic Development Director or his/her designee to determine if the alterations are considered substantive. If the amendment is major or involves a substantial or significant change to the plan, said changes may be subject to agency and public notice requirements as detailed in subsections C and D of this section.
2. After approval of the subdivision plan and before approval of a final subdivision plat, the city engineer may, in writing, approve minor changes of the plan. If an amendment is major or involves a substantial change in the conditions of approval, the same procedures for a public hearing for subdivision plan approval must be followed to address the requested amendment. The public hearing on the proposed amendment shall be limited to the proposed amendment, and the commission shall make a decision to recommend approval, approval with conditions, or denial. The recommendation will be brought forward for city council decision as an addendum to the development agreement.

#### K. Phasing Of Subdivisions:

1. Subdivisions may be phased, to be developed in portions periodically according to a proposed schedule, so long as each phase contains all of the necessary improvements to function as a subdivision without the completion of any of the other phases. The developer shall indicate plans for phasing at the time of application. The plans shall show proposed phasing boundaries, proposed interim or temporary solutions to sanitary sewer systems and to the handling of traffic on local streets within the subdivision and shall be accompanied by a narrative description of assurance of completion of permanent system improvements.
2. A phasing plan shall coordinate required infrastructure systems, dedications, off site improvements, open space/parks, landscaping, private utilities, or other elements of a subdivision. The plan may indicate times of triggering mechanisms for improvements.
3. Approval duration for phased subdivision: The application for the first plat in a phased subdivision shall be made in accordance with section [12-3-3](#) of this chapter and the final plat application for the final phase of a phased subdivision shall be submitted no later than five (5) years after the date of city council approval of the master development agreement which approved the entire subdivision in concept unless extensions of one year have been applied for by the developer and approved by the city council or if some other time frame has been agreed to in the master development agreement.

- L. Commencement Of Construction: Upon approval by the city council, subsequent review and approval of the final construction plans by the city engineer, which substantially conform to the subdivision plans approved by the council, execution of the construction improvement agreement as required in [chapter 7](#) of this title, and completion of a preconstruction conference between the developer, the city, affected agencies and utility providers, the developer may proceed with construction of the subdivision. No construction of any kind, other than the ~~authorized with a site disturbance permit~~ movement or stripping of topsoil, shall take place on the site prior to those actions. ~~The staging or mobilizing of equipment or establishing a temporary construction office or equipment storage yards shall not be considered to be "construction" for the purposes of this section.~~ During construction, the city has the authority to conduct periodic inspections of the project site and the required infrastructure improvements.



M. Completion Of Construction And Acceptance Of Infrastructure: \_\_\_\_\_

1. Prior to scheduling the final inspection of the required subdivision infrastructure improvements for completion, the developer's engineer shall submit preliminary record drawings and construction documentation of the required infrastructure improvements, in accordance with the design standards and policies for the city of Hayden as approved by the city council, for review and approval by the city engineer. Upon approval of the record drawings, the developer's engineer shall submit two (2) full sized twenty four inch by thirty six inch (24" x 36") copies, one half-size eleven inch by seventeen inch (11" x 17") copy, and one electronic copy of the record drawings.
  2. The final inspection of the required subdivision improvements for conformance to the approved construction plans will not take place until the preliminary record drawings and construction documents have been received by the city engineer.
  3. Upon the city engineer's approval of the constructed public infrastructure improvements, the developer shall execute and file with the city a warranty agreement as required in [chapter 7](#) of this title, between the developer and the city of Hayden. The agreement shall also contain a provision that the developer shall be responsible for the successful operation of and all repairs to the public infrastructure improvements for a period of eighteen (18) months following the acceptance of infrastructure. The eighteen (18) month warranty shall be accompanied by surety consisting of a cash deposit, certified check, irrevocable letter of credit or other form of security approved by the city attorney, in an amount equal to twenty five percent (25%) of total cost of all public improvements.
  4. a. Public Infrastructure: Upon approved completion of the required infrastructure improvements, submission of approved record drawings and construction documentation, completion of the final platting process as required in [chapter 4](#) of this title, and execution of the warranty agreement and warranty surety for public infrastructure, the developer shall apply to city for acceptance of infrastructure.  
b. Private Infrastructure: Upon approved completion of the required infrastructure improvements, and submission of approved record drawings and construction documentation, the developer shall complete the final platting process as required in [chapter 4](#) of this title. The approval of the final plat as described in section [12-4-5](#) of this title shall constitute the completion of the project.  
c. Public And Private Infrastructure: Where the required improvements for a single development consist of both public and private infrastructure, the developer shall be required to follow the procedures for public infrastructure, excepting that the conditions of the warranty agreement and surety, and the city's acceptance of infrastructure shall only apply to public infrastructure improvements.
  5. Staff review of the application for acceptance of public infrastructure, completion of all required terms and conditions, and payment of all required fees, payment in lieu of improvements, and surety, must be accomplished before the request for acceptance of infrastructure will be forwarded to the city clerk, with staff's recommendation that it be scheduled for city council approval.
- N. Warranty Inspection And Release Of Surety: Sixty (60) days prior to the completion of the eighteen (18) month warranty period, the developer shall request that the city engineer conduct a warranty inspection of the required subdivision improvements. Those infrastructure

improvements that are identified as in need of repair shall be corrected by the developer, at his own expense before the end of the eighteen (18) month period. The warranty will not be released until the developer receives inspection approval from the city engineer. (Ord. 542, 1-27-2015)

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## Title 12, Chapter 4 FINAL PLAT APPROVAL

### 12-4-1: SUBMITTAL:

### 12-4-2: FINAL PLAT REQUIREMENTS:

### 12-4-3: AGREEMENT AND BOND/GUARANTEE FOR IMPROVEMENT:

### 12-4-4: COUNCIL REVIEW:

### 12-4-5: RECORDATION:

### 12-4-6: BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY:

### 12-4-1: SUBMITTAL:

- A. Final Plat Preliminary Approval: Upon review and approval of the construction plans, and prior to submission of the final plat to the county for review and approval, three (3) copies of the final plat shall be submitted to the city for review by the city engineer to determine that the plat meets all of the requirements of the Idaho Code, this title and the subdivision plan approval, including any conditions imposed by the city council.
- B. Application For Final Plat Approval: Upon completion of the county review process, the developer may request final plat approval by the city. The city shall verify that all required on site and off site public improvements have been completed and are ready for acceptance by the city or have been suitably guaranteed; and, that all private improvements have been completed in accordance with the approved construction plans-- No final plat shall be recorded until a certificate of approval has been issued pursuant to Idaho Code 50-1326 so that sanitary restrictions are not in place at the time of recording. The application shall include one reproducible eleven inch by seventeen inch (11" x 17") reduced copy of the final plat, as approved by the county, any payment in lieu of improvements, and surety where required. (Ord. 542, 1-27-2015)

### 12-4-2: FINAL PLAT REQUIREMENTS:

Every final plat required by this title shall be prepared in accordance with title 50, chapter 13 of the Idaho Code as it now exists or is subsequently amended. (Ord. 542, 1-27-2015)

### 12-4-3: AGREEMENT AND BOND/GUARANTEE FOR IMPROVEMENT:

- A. Before recordation, the developer shall install all required public and private infrastructure improvements and restore any existing streets and other public facilities damaged in the development of the subdivision, or execute and file with the city an agreement between the developer and the city of Hayden, for completion of all required public improvements and repairs to public infrastructure associated with the subdivision. The agreement shall specify the period within which required public infrastructure improvements and repairs shall be completed, and specify all improvements that shall be completed prior to the issuance of certificates of occupancy within the subdivision. Based on the need to maintain access to existing infrastructure, public safety needs, and the like, the City engineer shall determine which improvements can be bonded for and, if applicable, those which must be constructed prior to final plat recordation. The agreement shall be accompanied by surety, consisting of a cash deposit, certified check, irrevocable letter of credit or other form of security approved by the city attorney, in the amount of one hundred fifty percent (150%) of an engineer's stamped the estimated cost of construction accompanied by detailed support documentation for the public

improvements to be completed. In the event that the developer does not meet timely completion of the improvements, the city may proceed against the guarantee. If the cost of completion of the improvements exceeds the amount of the guarantee, the city may recover the full cost and expenses thereof from the developer.

- B. For a phased subdivision, the required surety shall be for the phase which is being developed.  
(Ord. 542, 1-27-2015) **12-4-4: COUNCIL REVIEW:**

When staff-review of the final plat application is completed and all required terms and conditions are satisfied, and all required fees, payment in lieu of improvements, and surety have been paid, staff may forward the final plat to the city clerk with staff's recommendation that it be scheduled for city council review. The city clerk shall place the request for plat approval on the next available city council agenda. The council shall review the subdivision and plat and, upon finding that all of the requirements have been satisfied, shall authorize the mayor and the city clerk to sign the plat. The city engineer's signature shall be the final approval assigned to the plat. (Ord. 542, 1-27-2015)

#### **12-4-5: RECORDATION:**

After the plat is signed by the mayor, city clerk and city engineer, the city shall record the plat with the county recorder, and provide the city with a reproducible copy of the recorded plat. (Ord. 542, 1-27-2015)

#### **12-4-6: BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY:**

- A. No building permits will be issued for lots depicted on the final plat until the final plat has been recorded, and a copy of the recorded plat has been received by the city and the interior monuments have been set in accordance with Idaho Code.
- B. No certificates of occupancy will be issued until all required infrastructure improvements have been constructed, the public infrastructure has been accepted by the city, record drawings of all public infrastructure, signed and stamped by the project engineer have been received by the city, and the interior monuments have been set in accordance with Idaho Code. (Ord. 542, 1-27-2015)

## Title 12, Chapter 5 MINOR SUBDIVISIONS

### 12-5-1: APPLICABILITY:

### 12-5-2: EXEMPTIONS:

### 12-5-3: APPLICATION:

### 12-5-4: PROCEDURES:

### 12-5-5: PRELIMINARY PLAT APPROVAL:

### 12-5-6: APPEAL:

### 12-5-7: CONSTRUCTION:

### 12-5-8: PROJECT COMPLETION; ACCEPTANCE OF INFRASTRUCTURE:

### 12-5-9: WARRANTY INSPECTION:

### 12-5-10: APPROVAL DURATION:

### 12-5-11: CHANGES, ALTERATIONS OR DELETIONS:

### 12-5-12: PHASING OF SUBDIVISIONS:

#### **12-5-1: APPLICABILITY:**

The division of land into six (6) or fewer contiguous lots, parcels, tracts or sites, including divisions made for condominium purposes, shall meet the criteria outlined in this section. If any one of the following criteria is not met, the developer must file a subdivision as outlined in this title. A minor subdivision shall be subject to all development improvement standards established by this title. The proposed minor subdivision and all of the proposed development shall meet the following criteria:

- A. Comply with all minimum standards and requirements of the zoning ordinance, and no zone change is required.
- B. All lots shall have access onto an existing public street or an approved private street. Dedication of additional right of way for future improvements may be required as a condition of approval. (Ord. 559, 7-12-2016)

#### **12-5-2: EXEMPTIONS:**

The provisions of this chapter shall not apply to the following:

- A. The transfer of land between two (2) adjacent property owners, which does not result in the creation of any additional building site, provided that a covenant and agreement form for previously platted lots, approved by the city, or a combination and segregation form for unplatted lots, approved by the city, has been executed and recorded with the Kootenai County clerk, which shall permanently combine the subject lots.
- B. Any division of land made by testamentary provision or the laws of descent. Parcels of land so created must comply with lot size, frontage, and other standards established by this code and

other applicable laws to be eligible for a building permit or to qualify for establishment of a regulated land use.

- C. Divisions resulting from the conveyance of a parcel of land to a taxing district, government agency, or utility regulated by the public utilities commission, providing the parcel will not be used for habitable structures such as offices, service centers or fire stations. These exemptions shall only apply if the improvements as provided in [chapter 6](#), "Required Subdivision Improvements", of this title, are either constructed prior to conveyance of said property, or, with the approval of the city council, construction of the required improvements is deferred for a period not to exceed five (5) years, with the owner providing surety, in a form approved by the city attorney, in the amount of one hundred fifty percent (150%) of the estimated cost of the improvements. Construction plans for required improvements shall be reviewed and approved by the city engineer prior to the commencement of any construction, and all construction inspections, acceptance of infrastructure, and warranty requirements, as provided for in subsections [12-3-4M](#) and N of this chapter, shall be applicable. (Ord. 559, 7-12-2016)

### **12-5-3: APPLICATION:**

- A. Prior to submittal of a formal minor subdivision application, the developer shall have completed a preapplication conference to review the proposal. The requirement for a predevelopment conference for a minor subdivision may be waived, at the discretion of the director.
- B. An application for a minor subdivision must be submitted to the city using the application process established in subsections [12-3-3A](#) and B of this title: [with said radius report meeting the noticing distance requirements of this chapter](#), and meeting the subdivision plan standards of subsections [12-3-4A1](#) through A18 of this title. (Ord. 559, 7-12-2016)

### **12-5-4: PROCEDURES:**

- A. Upon receipt of a completed minor subdivision application, city staff will review the application to determine if it is complete and if it meets the criteria for a minor subdivision, and optionally may schedule a minor subdivision review with the developer.
- B. The city will provide copies of submitted documents, as necessary, to outside agencies and jurisdictions, which, in the opinion of staff, may be affected by the proposal. In addition, the city will provide written notice to the owners of property adjacent to the property proposed for development. The notice shall provide the ~~adjacent~~ property owners [within 100 feet of the exterior boundary of the plat](#) a plan of the minor subdivision, general information concerning the proposal, and the time frame for submitting written comments. The period of time for comment or response for agencies, jurisdictions and adjacent property owners shall not be less than fourteen (14) days from the date of notice.
- C. The director, or his/her designee shall act as hearing officer and shall conduct a minor subdivision review, along with appropriate staff, to ensure that all applicable ordinance provisions are followed or completed. (Ord. 559, 7-12-2016)

### **12-5-5: PRELIMINARY PLAT APPROVAL:**

The director, or his/her designee shall, by written decision, approve, approve with conditions, or deny the preliminary plat for the minor subdivision pursuant to the subdivision standards for approval in subsections [12-3-4H1](#) through H7 of this title, except when the applicant has proposed to serve the subdivision via a private street. In the case of proposed minor subdivisions with private streets, city staff shall recommend approval, approval with conditions, or denial of proposed private streets to the city council prior to making a decision to approve, approve with conditions, or deny the preliminary plat for the minor subdivision. Said recommendation regarding proposed private streets shall be placed on the agenda for the next available city council meeting for city council action. Notice of the action taken shall be mailed to the owners of real property adjacent to the minor subdivision. A decision to deny shall indicate the reasons for denial and indicate what steps are necessary to obtain approval. In the case of approval or approval with conditions, a memorandum of understanding shall be prepared that details the conditions of approval and the responsibilities of the developer. The memorandum of understanding shall be signed by the director, or his/her designee and the developer prior to proceeding to construction plan review and final plat procedures. (Ord. 559, 7-12-2016)

#### **12-5-6: APPEAL:**

The developer or any affected party may appeal the decision of the director, or his/her designee by filing a notice of appeal with the city council no later than fourteen (14) days after the date of the decision. The appeal shall set forth in clear and concise fashion the basis for appeal. The appeal shall be set for consideration before the city council at the next regularly scheduled meeting of the city council at which it can be accommodated. The council shall render a decision either affirming or reversing the decision. (Ord. 559, 7-12-2016)

#### **12-5-7: CONSTRUCTION:**

Upon preliminary plat approval by the city, execution of the memorandum of understanding, subsequent review and approval of the final construction plans by the city engineer, which substantially conform to the minor subdivision plans approved by the city, and completion of a preconstruction conference between the developer, the city, affected agencies and utility providers, the developer may proceed with construction of the minor subdivision. No construction of any kind, other than removal or stripping of topsoil, shall take place on the site prior to those actions. The staging or mobilizing of equipment or establishing a temporary construction office or equipment storage yards shall not be considered to be "construction" for the purposes of this section. During construction, the city may conduct periodic inspections of the project site and the required infrastructure improvements, in accordance with the design standards and policies for the city of Hayden as approved by the city council, to verify conformance to said standards. (Ord. 559, 7-12-2016)

#### **12-5-8: PROJECT COMPLETION; ACCEPTANCE OF INFRASTRUCTURE:**

The process for completion of construction and acceptance of infrastructure for minor subdivisions shall conform to the process as detailed in subsection [12-3-4M](#) of this title for subdivisions. (Ord. 559, 7-12-2016)

#### **12-5-9: WARRANTY INSPECTION:**

The process for warranty inspection for minor subdivisions shall conform to the process as detailed in subsection [12-3-4N](#) of this title for subdivisions. (Ord. 559, 7-12-2016)

**12-5-10: APPROVAL DURATION:**

Approval duration for a minor subdivision shall be pursuant to subsection [12-3-4I](#) of this title. (Ord. 559, 7-12-2016)

**12-5-11: CHANGES, ALTERATIONS OR DELETIONS:**

Changes, alterations or deletions for a minor subdivision shall be pursuant to subsections [12-3-4J1](#) and J2 of this title. (Ord. 559, 7-12-2016)

**12-5-12: PHASING OF SUBDIVISIONS:**

Phasing of a minor subdivision shall be pursuant to subsections [12-3-4K1](#) through K3 of this title. (Ord. 559, 7-12-2016)



## Title 12, Chapter 6 REQUIRED SUBDIVISION IMPROVEMENTS

### 12-6-1: REQUIRED DEDICATIONS AND IMPROVEMENTS:

### 12-6-2: CONSTRUCTION PLANS:

### 12-6-1: REQUIRED DEDICATIONS AND IMPROVEMENTS:

The following dedications and improvements shall be required of all subdivisions and minor subdivisions:

#### A. Right Of Way Improvements And Dedications:

1. Additional required right of way shall be dedicated on the face of the plat for all contiguous existing or proposed streets, with said dedication based upon the adopted city street standards and the functional classification of street as identified in the city's transportation plan.
2. In subdivisions and minor subdivisions where contiguous or adjacent streets are not constructed to city street standards as based upon the functional classification identified in the city's adopted transportation plan, the developer shall be required to make improvements to said streets consistent with the city street standard. Said improvements may include widening or replacement of pavement, and construction of curbs, swales, sidewalks and/or bicycle paths, along the frontage of the subject property.
3. Subdivision improvements shall include the design and construction of streets to provide for the continuation of public streets existing in adjoining subdivisions, and the projection of new streets into areas that are not presently subdivided.
4. Payment in lieu of required right of way improvements may be permitted in circumstances where the city has a planned public improvement project that would address required improvements, and the city deems such payment to be consistent with the public interest. If payment in lieu of improvements is approved, said payment shall be based upon cost estimates for said improvements, as provided by the developer and approved by the city engineer, future valued to the date of scheduled city sponsored improvements, as based upon the "Engineering News-Record (ENR) 20-Cities Construction Index" or other construction cost index as may be approved by the city engineer. In no event, however, shall future valuing exceed a period of ten (10) years. Said payment shall be placed in a reserve account for future street improvements.
5. Right of way dedications for all new public streets serving the development shall be dedicated on the face of the plat, in accordance with the adopted city street standards.
6. All new public streets serving the development shall be constructed to city street standards.
7. Private streets serving the subdivision shall be constructed in conformance with standards as detailed in [title 10, chapter 3](#) of this code, and shall meet all other requirements as detailed therein.

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B. Other Required Improvements And Dedications:

1. Water service shall be provided to meet required flows for domestic and fire protection purposes. Water lines shall be installed in accordance with the requirements of the applicable water purveyor, and fire hydrants shall be installed in accordance with the requirements of the fire district. All required water line easements shall be dedicated on the face of the plat.
2. All lots shall be served by municipal sewer, or other private sewer collection system as may be approved by city council. Required sewer easements shall be dedicated on the face of the plat.
3. Sewer collection lines shall be extended the length of the subdivision boundary along all adjacent street frontages as indicated on the city's current sewer master plan, or in other such manner approved by the city engineer as to ensure service to properties that would otherwise have been so served by municipal sewer.
4. Stormwater management systems shall be provided, in accordance with the requirements of [title 8, chapter 2](#) of this code.
5. Underground electric and communication utilities shall be provided to all lots within the subdivision. Utility easements shall be dedicated on the face of the plat.
6. Streetlights shall be installed by the developer at locations approved by the utility provider and the city engineer.
7. Street identification and traffic control signage meeting MUTCD standards shall be installed by the developer.
8. Sight obscuring fencing, and/or landscaping may be required as a mitigation in cases where potentially incompatible land uses are adjacent.
9. Construction and dedication of pedestrian or bicycle pathways providing connectivity to proximate pathways, parks, schools, or community facilities shall be required if determined to be consistent with the city's adopted comprehensive plan, or necessary to provide connectivity.
10. A thirty foot (30') greenbelt tract, measured from the edge of dedicated right of way, shall be provided in subdivisions located along the frontage of those streets delineated within the city's transportation plan as having a thirty foot (30') landscape buffer requirement. Where such greenbelt tracts are required, the developer shall install landscaping and irrigation systems in conformance with city design standards as a required subdivision improvement; said greenbelts may be utilized to meet requirements for pedestrian or bicycle connectivity, if so required. The developer shall be required to form a property owners' association prior to final plat, with said greenbelts to be owned and maintained by a perpetual property owners' association. Alternatively, a property owners' association will not be required for the ownership and maintenance of the greenbelt tract, if the greenbelt is platted as a separate tract of land, to be owned by the property owner fronting the tract, and a nonrevocable covenant, approved by the city, is recorded against the property fronting the greenbelt which memorializes the obligation of all present and future property owners to maintain the greenbelt tract as an unbuildable, landscape buffer, and the obligation that ownership of said greenbelt tract shall be conveyed together with ownership of the lot upon which it fronts.
11. Residential subdivisions equal to or in excess of fifty (50) gross acres, shall be required to dedicate and develop a minimum of ten percent (10%) of the land for a neighborhood park or parks, to be

owned and maintained by a homeowners' association, as a required improvement for the subdivision, unless the city and the developer have negotiated an agreement that provides for a larger public park within the development. This dedication and development is required for single subdivisions and also for phased subdivisions; or for lands which are contiguous, in common ownership, and which function as one subdivision. Transfer of lands into different forms of ownership to bypass this requirement is not allowed. - When a subdivision is phased, the requirement to develop the park shall apply at the time agreed to by the city and the developer in a development agreement. Development of required parks shall include parking curbs, sidewalks and/or multimodal pathways, swales/stormwater management systems, irrigation systems, ground cover, landscaping, and other such recreational equipment and amenities as may be deemed appropriate and desirable by the developer and approved by the city and shall be designed in accordance with the city's park plan which is in effect at the time of application. Land area dedicated to entry features and related landscaping shall not exceed fifteen percent (15%) of the gross park area. A minimum of seventy percent (70%) of the gross park area must be designed and available for recreation. If said required park is dedicated for public use and access through easement, a reduction in the parks impact fee, as based upon the fair market value of the land and the actual cost of improvements, shall be applied on a pro rata share to individual lots within the subdivision. If said required path is dedicated for public use and access through easement, a reduction in the parks impact fee, as based upon the fair market value of the land and the actual cost of improvements, shall be applied on a pro rata share to the individual lots within the subdivision, or in some other manner agreed to by the developer and the city.

12. Type II-ST landscaping is required in accordance with the requirements of [title 11](#) of this code.

#### C. Property Owners' Associations:

1. Composition; Establishment: Where property owners' associations are required by this code, as based upon the required or proposed subdivision improvements, said property owners' association shall include the owners of all property served by the required or proposed improvements, with said association established in accordance with the following provisions:
  - a. The association shall own and be responsible for the maintenance of private streets, associated drainage facilities, required parks, greenbelts, and other commonly owned properties and improvements.
  - b. The developer shall provide written assurance to the city that the association has perpetual existence and will be responsible for maintenance during its existence.
  - c. The association documents shall be filed of record prior to the signing of the final plat.
  - d. A legal instrument providing a mechanism for funding the perpetual maintenance of the commonly owned property shall be recorded with the county prior to the recordation of the final plat.
2. Separate Lots Required: Commonly owned property and infrastructure improvements must be legally described as a separate lot or lots owned by the property owners' association. The location of such commonly owned property shall be clearly depicted on the face of the plat, and notes shall be included on the face of the plat which shall:

- a. Act to convey to each property owner within the subdivision to be served by the improvement the perpetual right of use and access;
  - b. Provide that such perpetual easement shall run with the land.
3. Protection Of Public Health, Safety And Welfare: The mayor may, in the reasonable exercise of his/her discretion, direct the owners or the entity responsible for the maintenance of any commonly owned property or improvements approved in accordance with the provisions of this section to undertake such repair and maintenance activities as it may determine is necessary to protect the public health, safety, or welfare and make such expenditures from the funds reserved therefor as may be required. The owner or entity responsible shall be deemed, as a condition of approval of any such commonly owned improvement, to have agreed to comply with any such order and to reimburse the city of all its costs, including attorney fees, incurred in obtaining or enforcing any such directive. Any directive entered by the mayor pursuant to this subsection may be enforced by a court of competent jurisdiction, and the city shall be entitled to recover its costs and attorney fees incurred in connection therewith. (Ord. 559, 7-12-2016)

## 12-6-2: CONSTRUCTION PLANS:

It shall be the responsibility of the developer of every subdivision or minor subdivision to have prepared by a registered engineer, a complete set of construction plans, including profiles, cross sections, specifications and supporting data, for all required streets, streetlights, utilities and other facilities. Such construction plans shall be based on the approved subdivision, and shall be prepared in conjunction with the final plat. The planned improvements must be constructed prior to filing of said final plat, or in accordance with terms of surety accepted by the city. All construction plans shall be prepared in accordance with the public agencies' standards or specifications, and shall be installed in conformance with the following conditions and specifications:

- A. Monuments shall be set in accordance with the Idaho Code and all street monuments shall be installed in monument boxes approved by the city;
- B. Water line construction shall be governed by the standards of the water purveyor and shall include a separate water meter to each lot. Public water supply shall be provided in conformance with the standards of the applicable water purveyor and the Idaho department of environmental quality;
- C. Sewer line construction shall be governed by the requirements of [title 8, chapter 1](#) of this code, and sewer standards and policies as adopted by the city council. Any sewerage system shall be provided in conformance with the sewer master plan of Hayden, state law and sewer policies and procedures approved by the city council;
- D. Stormwater management facilities shall be designed in conformance with [title 8, chapter 2](#) of this code, and constructed in accordance with the design standards and policies for the city of Hayden approved by city council;

E. Adequate provisions for fire protection shall be made in accordance with the international fire code adopted by the city;

F. Sidewalks and streetlights shall be constructed pursuant to city policies and design standards, as approved by city council. Pedestrianways and bicycle paths, streets and stormwater drainage systems shall be constructed in accordance with the design standards and policies for the city of Hayden approved by the city council. Electric and communication utility lines shall be installed underground. (Ord. 559, 7-12-2016)

## Title 12, Chapter 10 BOUNDARY LINE ADJUSTMENTS

### 12-10-1: APPLICABILITY:

### 12-10-2: APPLICATION:

### 12-10-3: REVIEW AND APPROVAL:

### 12-10-4: ISSUANCE OF BUILDING PERMITS:

#### **12-10-1: APPLICABILITY:**

A. The provisions of this chapter establish the requirements for adjustment of common boundary lines of platted lots or legally created unplatted lots, and not to lots that are being consolidated.

#### **12-10-2: APPLICATION:**

A. An application for a boundary line adjustment must be filed with the city on a designated form along with such other information as may be required. Along with the application, the applicant shall include a certificate from a title insurance company licensed under the laws of the state of Idaho, issued no later than thirty days prior to the date of the application submittal, for each of the affected properties and a scaled drawing of the proposed adjustment showing the following:

1. All existing and proposed boundaries of the affected lots with dimensions;
2. All existing structures with dimensions and distances from both eaves and foundation lines to existing and proposed boundaries;
3. Existing sewer and water services to the affected lots;
4. Existing street frontages and accesses to each lot;
5. Existing easements and their purposes. (Ord. 559, 7-12-2016)

#### **12-10-3: REVIEW AND APPROVAL:**

A. Once the application has been accepted, reviewed, and has been determined by the staff to be complete so that sufficient information regarding the proposal can be provided, notice will be provided to outside agencies and jurisdictions which in the opinion of staff, may be affected by the proposal, and lienholders of record, as identified in the title policy submitted with the application. Said notice shall include: one copy of the completed application, a vicinity map, and the proposed plan. Agencies, jurisdictions and lienholders will have thirty days from the date that the materials have been mailed to submit comments. At the termination of the comment period; staff, agency, and lienholder comments will be forwarded to the applicant who may then submit a record of survey for review and approval by the city. ~~The record of survey must contain a certificate of approval for the city engineer.~~ The director ~~or his/her designee and engineer~~ will approve the boundary line adjustment only after determining that all of the following conditions have been met:

1. No more than two (2) deflection points are being set on the adjusted line. Nothing impacts the ability to consolidate two (2) or more lots into one.
2. If one or both existing lots are currently nonconforming as to lot size, setbacks, and lot coverage, they may be adjusted so long as neither resulting lot exceeds the original degree of nonconformity of the other and so long as no additional nonconformities are created if the lots currently conform with City code.
3. The lot line adjustment does not result in lots spanning a public right of way or private road easements unless such a condition(s) existed pre-boundary line adjustment.
4. The lots being adjusted were legally created.
5. No additional lots are being created.
6. The accompanying deed of conveyance accurately describes the property to be transferred and the remainder property. Said deed shall also include new aggregate legal descriptions of the adjusted areas. A statement shall be included on the deed of conveyance indicating that the instrument is being recorded for lot line adjustment purposes, and that the portion of property being transferred is not of itself a buildable lot.
7. No existing easements or accesses have been impaired without appropriate remedy.
8. Adjusted lots that are currently served by sanitary sewer and water services have not been adjusted so that they do not, or cannot, have sewer and water services that conform to applicable city policies and standards.
9. The record of survey has been prepared by an Idaho licensed surveyor in conformance with the requirements of Idaho state statutes and this chapter.
10. All new property corners have been monumented as required by this title and Idaho Code.

Upon determining that all of the above requirements have been met, ~~the boundary line adjustment will be approved for recordation. the city engineer will affix a certificate of approval to the record of survey.~~ (Ord. 559, 7-12-2016)

#### **12-10-4: ISSUANCE OF BUILDING PERMITS:**

No building permits will be issued on lots or parcels whose boundaries have been adjusted without the approval of the city, nor will they be issued on lots or parcels whose boundaries are being adjusted until all the requirements of this chapter have been met and the record of survey and warranty deeds recorded. (Ord. 559, 7-12-2016)

## **Title 11, Chapters 4-9**

## CUL-DE-SAC STANDARDS

### 11-4-3: SITE AREA:

- A. The following site area requirements apply in the agricultural zone except that where a lot has less area or frontage than required in this section as shown by any official plat on file in the office of the county clerk, or shown by the last conveyance of record, at the time of passage hereof; these regulations shall not prohibit one private dwelling and its accessory buildings on such lot, provided sixty five percent (65%) of the area of the site be left in open space free from all structures;
- B. After the effective date hereof, the minimum lot size requirements in the agricultural zone shall be five (5) acres and a minimum of twenty feet (20') of frontage on a public or private street. If a lot fronts on a cul-de-sac, the minimum frontage for that lot shall be twenty six feet (26') measured at curb line with a minimum forty feet (40') of width at front yard setback line;
- C. The maximum height of principal buildings shall not exceed two (2) stories or thirty five feet (35') except that nondwelling structures may exceed this height by special use permit. The maximum height of accessory buildings shall not exceed twenty feet (20'). (Ord. 559, 7-12-2016)

(Ord. 559, 7-12-2016)

### 11-5-3: SITE AREA:

The following site area requirements apply in the R-S zone:

- A. On any parcel of land or lot of whatever size a minimum of sixty five percent (65%) of the area of the site shall be left in open space free from all structures, with the exception of any parcel of land or lot of not less than five (5) acres platted prior to December 20, 1977, as shown on the official plat on file in the office of the county clerk.
- B. The maximum height of buildings shall not exceed two (2) stories or thirty five feet (35') except that nondwelling structures may exceed this height by special use permit. The maximum height of accessory buildings shall not exceed twenty feet (20').
- C. The minimum lot size is one-half ( $\frac{1}{2}$ ) an acre and each lot requires a minimum frontage of twenty feet (20') on a public or private street. If a lot fronts on a cul-de-sac, the minimum frontage for that lot shall be twenty six feet (26') measured at curb line with a minimum forty feet (40') of width at front yard setback line.-(Ord. 559, 7-12-2016)

### 11-6-3: SITE AREA:

The following site area requirements apply in the R-1 zone:

- A. On any parcel of land or lot of whatever size a minimum of fifty five percent (55%) of the area of the site shall be left in open space free from all structures; and

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B. The maximum height of buildings shall not exceed two (2) stories or thirty five feet (35') except that nondwelling structures may exceed this height by special use permit. The maximum height of accessory buildings shall not exceed twenty feet (20').

C. The minimum lot size is eight thousand two hundred fifty (8,250) square feet and each lot requires a minimum frontage of twenty feet (20') on a public or private street. If a lot fronts on a cul-de-sac, the minimum frontage for that lot shall be twenty six feet (26') measured at curb line with a minimum forty feet (40') of width at front yard setback line. (Ord. 559, 7-12-2016)

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#### 11-7-3: SITE AREA:

The following site area requirements apply in the R-M/F zone:

A. On any parcel of land or lot of whatever size a minimum of sixty five percent (65%) of the area of the site shall be left in open space free from all structures; and

B. The maximum height of buildings shall not exceed thirty five feet (35') except that nondwelling structures may exceed this height by special use permit. The maximum height of accessory buildings shall not exceed twenty feet (20'). (Ord. 559, 7-12-2016)

C. The minimum lot size for a single family residential dwelling is eight thousand two hundred and fifty square feet (8,250 sq. ft) and each lot requires a minimum frontage of twenty feet (20') on a public or private. street. If a lot fronts on a cul-de-sac, the minimum frontage for that lot shall be twenty six feet (26') measured at curb line with a minimum forty feet (40') of width at front yard setback line.

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C. The minimum lot size for a two family residential dwelling is nine hundred square feet (9,900 sq. ft) and each lot requires a minimum frontage of twenty feet (20') on a public or private. street. If a lot fronts on a cul-de-sac, the minimum frontage for that lot shall be twenty six feet (26') measured at curb line with a minimum forty feet (40') of width at front yard setback line.

C. The minimum lot size for a three family residential dwelling unit or more is fifteen thousand square feet (15,000 sq. ft) and each lot requires a minimum frontage of twenty feet (30') on a public or private. street. If a lot fronts on a cul-de-sac, the minimum frontage for that lot shall be thirty feet (30') measured at curb line with a minimum forty feet (40') of width at front yard setback line.

#### 11-7-4: USES PERMITTED:

The following uses and ones similar in nature, as determined by the city, are permitted:

For single-family residences, an accessory living unit meeting the standards of section [11-11-2](#) of this title for accessory living units.

Home daycares.

Home occupations class A, as established in section [11-11-18](#) of this title. Limited to single-family dwellings only.

~~On lots as defined by this title, of not less than fifteen thousand (15,000) square feet with a minimum of twenty feet (20') of frontage on a public or private street, as specified in section [11-1-3](#) of this title, the following use is permitted:~~

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One multi-family residential dwelling per lot consisting of not more than four (4) dwelling units with the usual accessory buildings and private garages. Accessory buildings and private garages shall not exceed one thousand five hundred (1,500) square feet.

~~On lots as defined by this title, of not less than nine thousand nine hundred (9,900) square feet with a minimum of twenty feet (20') of frontage on a public or private street, as specified in section [11-1-3](#) of this title, the following use is permitted:~~

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One two-family dwelling per lot with the usual accessory buildings and private garages. Accessory buildings and private garages shall not exceed one thousand five hundred (1,500) square feet.

~~One single family residential dwelling per lot with the usual accessory buildings and private garages. Residential dwellings that are permitted in the R-zones and their accessory buildings provided that the minimum lot size, frontage, site areas, building setback and off street parking requirements are met for the R zone under which that particular R use would be classified.~~

Temporary sales, development offices or storage facilities for subdivision or building sites.

Utility infrastructure or facilities, minor.

Development and use standards for this zoning district are established in [chapter 11](#) of this title. (Ord. 559, 7-12-2016)

### 11-8-3: SITE AREA:

The following site area requirements apply in the commercial zone:

A. The maximum height of buildings shall not exceed forty five feet (45'); and

B. All lots as defined by this title shall have a minimum frontage of thirty feet (30') on a public or private street. (Ord. 559, 7-12-2016)

### 11-9-3: SITE AREA:

The following site area requirements apply in the L-I zone:

A. No building hereafter created or structurally altered shall exceed a maximum height of sixty feet (60').

B. No building hereafter created or structurally altered that is located within three hundred feet (300') of the runway edges shall exceed the height of any building on the airport property.

C. When the building is located within three hundred feet (300') of a residential zoning district or is within the airport runway protection zone established in the Coeur d'Alene airport master plan the maximum building height shall be forty five feet (45').

D. All lots as defined by this title shall have a minimum frontage of thirty feet (30') on a public or private street. (Ord. 559, 7-12-2016)

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## Title 10, Chapter 3 PRIVATE STREETS

### 10-3-1: APPLICABILITY:

### 10-3-2: GENERAL STANDARDS:

### 10-3-3: CONSTRUCTION AND DESIGN STANDARDS:

### 10-3-4: OWNERSHIP, MAINTENANCE, AND ACCESS REQUIREMENTS:

#### **10-3-1: APPLICABILITY:**

Private streets may be permitted, at the discretion of the city council, in the following circumstances:

- A. Private streets meeting all standards and requirements of this chapter may be permitted in minor subdivisions, and subdivisions of fifteen (15) or less residential lots or residential units, however, in no case shall they serve more than fifteen residential (15) lots or fifteen (15) residential units;
- B. Private streets may be allowed in planned unit developments, without regard to the number of lots or units served, provided they meet all standards and requirements of this chapter and the planned unit development ordinance.

~~Emergency access roads, driveways serving no more than two (2) lots, driveways to nonoccupiable utility infrastructure, internal circulation roads within multi-family dwelling complexes, aiseways within shared parking lots, alleys, and private driveways streets in existence prior to the effective date hereof~~ are exempt from the requirements of this chapter. (Ord. 559, 7-12-2016)

#### **10-3-2: GENERAL STANDARDS:**

Private streets may be permitted only if the city council determines that the private street is in conformance with each of the following standards:

- A. Unique or special circumstances exist with respect to the proposed use, design, location, topography, or other features of the development or its surroundings such that private streets will serve to enhance the overall serviceability of development; or, when the parcel shape, site topography, and/or surrounding topography would not allow street design to meet city public street standards;
- B. The private street provides safe and effective movement of both vehicular and pedestrian traffic;
- C. The private street provides adequate access for service and emergency vehicles;
- D. The private street does not adversely affect access, connectivity, or sound transportation planning to adjacent property and to area wide transportation networks;

- E. The private street does not landlock or diminish the development potential of adjacent property due to topography, existing structures or parcel layout;
- F. Other than to provide emergency access, the private street does not connect one public street to another, in such a way as to encourage travel through the development served by the private street;
- G. The use or alignment of the private street does not interfere with the continuity of public streets; and
- H. An appropriate mechanism, meeting the requirements of section [10-3-4](#) of this chapter, has been established for the maintenance and repair of the private street. (Ord. 559, 7-12-2016)

**10-3-3: CONSTRUCTION AND DESIGN STANDARDS:**

Private streets shall conform to the following construction and design requirements:

- A. All private street construction shall be in accordance with the city of Hayden structural standards for streets, including compacted subgrade, ballast, base course and asphaltic concrete mat thickness, utilizing the appropriate traffic index as based upon use.
- B. Construction plans shall demonstrate adequate treatment of stormwater runoff on private lands via grassy swales, or other stormwater treatment method as may be approved by the city engineer.
- C. Private streets shall be constructed in accordance with city structural standards for public streets, excepting that the minimum width of pavement, and requirements for curbs and sidewalks for private streets will be according to the following table:

Use	Lots/Units	Minimum Width Of Pavement	Sidewalk Or Path	Curbs
Residential	15 or fewer lots and 15 or fewer units	24 feet	4 feet minimum width, at least 1 side	Not required
Residential	Greater than 15 lots or greater than 15 units	Planned unit development only (in accordance with performance standards)		
Commercial/	6 or fewer lots	26 feet, or as	5 feet	6 inch

industrial		required to accommodate truck movement and turning radii	minimum width, adjacent to all lots served	vertical or rolled
Commercial/ industrial	Greater than 6 lots	Planned unit development only (in accordance with performance standards)		

D. Private streets serving more than fifteen (15) residential lots or fifteen (15) residential dwelling units, and private streets serving more than six (6) commercial or industrial lots will only be permitted within planned unit developments.

E. Private streets in planned unit developments may be permitted, with flexibility in design standards related to width of pavement, curbs, sidewalks, and swales, provided that the private street meets the following performance standards:

1. Width Of Pavement: The public street standard provides adequate width for emergency vehicle access, and on street parking in residential areas. If a private street is proposed for a width of less than the public street standard, the developer must demonstrate:
  - a. Adequate parking has been provided in residential areas to allow for overflow (a minimum of 200 percent of the off street parking requirements contained within [title 11, chapter 18](#) of this code shall be required for residential units on private streets where no parking is allowed; a minimum of 150 percent of the off street parking requirements contained within [title 11, chapter 18](#) of this code shall be required for residential units on private streets where parking is allowed on only 1 side of the street);
  - b. Adequate width to accommodate emergency vehicle access around a standing vehicle has been provided (minimum width of 24 feet on a two-way residential street, and 26 feet on a two-way commercial/industrial street with no on street parking; minimum width of 30 feet on a two-way street with parking on 1 side). Additionally, private streets serving commercial and/or industrial lots must demonstrate adequate width to accommodate truck maneuvering requirements and turning radii.
  - c. Developer will be required to provide and maintain "no parking" signage, as appropriate for the width of the proposed street, as part of the subdivision improvements. Enforcement of "no parking" zones shall be the responsibility of the property owners' association (as described in section [10-3-4](#) of this chapter).
2. Pedestrian Accessibility: The public street standard provides adjacent pedestrian access to all street frontage lots. The proposed design must provide comparable pedestrian accessibility.
3. Curb Requirements: The public street standard provides for six inch (6") vertical curbing in commercial and industrial zones, and vertical or rolled curbs in residential areas to prevent parking in the drainage swales, and/or adjacent sidewalks, to reduce the cost of future maintenance and/or

extend the life of the pavement, and to enhance the aesthetics of the street. If a private street is proposed with a modified design for curbing, the developer must demonstrate that:

- a. The design provides a similar degree of protection of swales and sidewalks as standard curbs;
- b. The design proposed will provide continuity of design with surrounding properties and enhance the long term serviceability of the proposed development, or will otherwise enhance the aesthetics of the development.

F. All private streets longer than one hundred fifty feet (150') in length shall originate in a public right of way and terminate in a public right of way by way of a loop, or at one of the following ~~approved~~ turnaround areas if approved by the city engineer and fire marshal:

1. A cul-de-sac ~~with a minimum radius of forty five feet (45') in the case of streets serving fifteen (15) or less lots, and/or less residential units, and a minimum radius of fifty feet (50') in the case of streets serving in excess of fifteen (15) lots or fifteen (15) residential units;~~
2. A hammerhead/tee type turnaround, ~~subject to the approval of the Northern Lakes fire department and the city engineer; or~~
3. Other such turnaround design as may be approved by ~~the Northern Lakes fire~~ marshal department and the city engineer upon a finding of functional equivalency to specific terminal designs as authorized by subsection F1 or F2 of this section.

G. Traffic signs required for safe pedestrian and vehicle traffic, including, but not limited to, designated parking and no parking areas, speed, stop, and such other signs as may be deemed necessary, shall be provided by the developer and maintained by the property owners' association (as described in section [10-3-4](#) of this chapter). All required signage shall conform to MUTCD standards. Construction drawings shall include a plan for signage for review and approval by the city engineer.

H. Private streets shall conform to all other city of Hayden public street standards.

I. All private streets shall, during the progress of construction, be inspected and tested, at the expense of the owner or developer, by a qualified inspector, in order to ensure compliance with the construction and design standards as set forth in this section, and consistent with the construction drawings as set forth by the registered professional engineer and approved by the city engineer, and sound engineering and construction practices. Reports of such inspections and tests shall be submitted, together with a certification of such compliance, for the review and approval of the city engineer, prior to occupancy of any dwellings served thereby. (Ord. 559, 7-12-2016)

### 10-3-4: OWNERSHIP, MAINTENANCE, AND ACCESS REQUIREMENTS:

A. Property Owners' Associations Required: Subdivisions developed with private streets must establish and maintain a property owners' association that includes the owners of all property served by the private street(s).

1. The association shall own and be responsible for the maintenance of private streets, associated drainage facilities, and other commonly owned properties and improvements.
2. The developer shall provide written assurance to the city that the association has perpetual existence and will be responsible for maintenance during its existence.
3. The association documents shall be filed of record prior to the signing of the final plat.
4. A legal instrument providing a mechanism for funding the perpetual maintenance of the street shall be recorded with the county prior to the recordation of the final plat.

B. Private Street Lot Required: Private streets must be legally described as a separate lot owned by the property owners' association unless as a special exception the City engineer waives this requirement upon a determination by him/her that the development would be better served by an easement providing similar functionality. The location of the private street shall be clearly depicted on the face of the plat, and notes shall be included on the face of the plat which shall:

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1. Act to convey to each property owner within the subdivision to be served by the private street the perpetual right of ingress and egress over the described private street;
2. Provide that such perpetual easement shall run with the land.

C. Easements Required:

1. An easement encompassing the street lot shall be granted to the city and other political subdivisions and public utilities providing effective use of the property for utilities and maintenance of the same.
2. The easement shall also provide the city with right of access for any purpose related to the exercise of governmental service or function, including, but not limited to, fire and police protection, inspection, and code enforcement.
3. The easement shall permit the city to remove any vehicle or obstacle within the street that impairs emergency access.
4. Easements for dry utilities, including electric, telephone and cable shall also be provided in accordance with the city public street standards.



5. The city may additionally require public access easements for sidewalks and/or pedestrian/bicycle paths, in order to maintain pedestrian and nonvehicular connectivity.
  
- D. Protection Of Public Health, Safety And Welfare: The mayor may, in the reasonable exercise of his/her discretion, direct the owners or the entity responsible for the maintenance of any private street approved in accordance with the provisions of this section to undertake such repair and maintenance activities as it may determine is necessary to protect the public health, safety, or welfare and make such expenditures from the funds reserved therefor as may be required. The owner or entity responsible shall be deemed, as a condition of approval of any such private street, to have agreed to comply with any such order and to reimburse the city of all its costs, including attorney fees, incurred in obtaining or enforcing any such directive. Any directive entered by the mayor pursuant to this subsection may be enforced by a court of competent jurisdiction, and the city shall be entitled to recover its costs and attorney fees incurred in connection therewith. (Ord. 559, 7-12-2016)