

CITY OF CROUCH ZONING ORDINANCE

12/10/08

(Approved by City Council March 18, 2009)

Ordinance 2009-01

CITY OF CROUCH ZONING ORDINANCE V4

TABLE OF CONTENTS

CHAPTER 1:	GENERAL PROVISIONS
CHAPTER 2:	DEFINITIONS
CHAPTER 3:	STAFF, COMMISSIONS, COMMITTEES AND COUNCIL DUTIES, RESPONSIBILITIES AND AUTHORITY
CHAPTER 4:	GENERAL PROCEDURES
CHAPTER 5:	ZONING CLASSIFICATIONS AND DISTRICT REGULATIONS
CHAPTER 6:	ZONING CERTIFICATES
CHAPTER 7:	CITY COUNCIL APPLICATION REQUIREMENTS AND PROCEDURES
CHAPTER 8:	PLANNED UNIT DEVELOPMENT
CHAPTER 9:	GENERAL AND MISCELLANEOUS PROVISIONS AND REGULATIONS
CHAPTER 10:	EXCEPTIONS, ACCESSORY AND NON-CONFORMING USES, FENCE REGULATIONS
CHAPTER 11:	OFF-STREET PARKING AND LOADING REQUIREMENTS
CHAPTER 12:	SIGN REGULATIONS
CHAPTER 13:	AREA OF CITY IMPACT

CHAPTER 1 – GENERAL PROVISIONS

1-1:	SHORT TITLE
1-2:	INTERPRETATION
1-3:	PURPOSE AND AUTHORITY
1-4:	SEVERABILITY
1-5:	PRIOR RIGHTS AND PERMITS
1-6:	OTHER LAWS; PRIVATE RESTRICTIONS
1-7:	ENFORCEMENT
1-8:	VIOLATIONS AND PENALTIES
1-9:	ZONING MAPS

1-1: **SHORT TITLE:** This Ordinance shall be cited as the “City of Crouch Zoning Ordinance.”

1-2: **INTERPRETATION:** For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The word “Person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
- C. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement and the word “should” is a preferred requirement.
- D. The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied”.
- E. The word “lot” includes the words “plot”, “parcel” and “tract”.

1-3: **PURPOSE AND AUTHORITY:** In order to promote the public health, safety and general welfare of the present and future residents, and to bring forth a coordinated and efficient development of the City of Crouch, the following regulations for the zoning of land within the City are hereby adopted.

1-4: **SEVERABILITY:** If any provisions of this Ordinance or the application to any persons or circumstances are held invalid, the remainder of the ordinance or the application or provision to other persons or circumstances shall not be affected thereby.

1-5: **PRIOR RIGHTS AND PERMITS:** The enactment of this Ordinance shall not terminate or otherwise affect rights, variances and permits acquired or authorized under the provisions of any section hereby revised or repealed. Where a building permit has been issued for the construction of a building or structure, and for an authorized use and occupancy thereof, in accordance with the law prior to the effective date of this revised Ordinance, said building or structure may be in conformance with the approved plans and on the basis for which the said building permit was issued, provided construction of said building or structure is

commenced within sixty (60) days of the effective date of the building permit and diligently pursued to completion. Detailed conditional use applications based upon concept plans approved prior to the effective date of this revised Ordinance shall be subject to the terms and conditions of this revised Ordinance. Upon showing an undue hardship, an applicant may be allowed by the City Council to process such detailed conditional use application under the terms and conditions of the previous Ordinance.

- 1-6: OTHER LAWS; PRIVATE RESTRICTIONS:** It is not intended by this Ordinance to impair or interfere with other regulations of State or local law, or with private restrictions on the use of land, improvements and structures. Where this Ordinance imposes greater restriction than that imposed by other law or private restrictions, this Ordinance shall prevail. The stricter provisions of the District Health and other regulating ordinances or codes shall apply in the enforcement of this Ordinance.
- 1-7: ENFORCEMENT:** A Building Inspector may be contracted by the Mayor and City Council and such officer shall be responsible for the enforcement of the provisions of this Ordinance.
- 1-8: VIOLATIONS AND PENALTIES:** Any person owning, controlling or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the provisions of this Ordinance, or any person, who shall assist in the commission of any violation of these provisions, or who shall build contrary to the plans and specifications submitted to, and approved by, the governing body or its duly appointed officer(s) or, any person who shall omit, neglect or refuse to do any act required in these provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not to exceed three hundred dollars (\$300.00) or of imprisonment not to exceed thirty (30) days or both fine and imprisonment for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- 1-9: ZONING MAPS:**
- A. The boundaries of the use districts shall be established and clearly indicated upon the Zoning Map adopted and made a part of this Ordinance by reference. The governing body shall hold public hearings before establishment and approval of said zones or prior to any future changes. Said Zoning Map shall be and remain on file in the office of the City Clerk. Zoning maps and zoning information for specific parcels or lots may be obtained from the City Clerk's office.
 - B. All amendments of the Official Zoning Map shall follow the procedure set forth in Section 7-02.
 - C. Areas are to be classified according to the established use districts and such zoning shall give due consideration as to conformity with an adopted comprehensive plan and its stated goals and objectives where these exist.

CHAPTER 2 - DEFINITIONS

The following words and terms when used in this Ordinance shall have the meanings ascribed to them in this Section:

- ACCESSORY BUILDING** A building, which is subordinate to, and the use of which is incidental to that of the principal building or use on the same lot; but not including any building containing a dwelling unit as hereinafter defined.
- ACREAGE** Any tract or parcel of land, which has not been subdivided or platted.
- ADMINISTRATOR** An official having knowledge in the principles and practices of zoning who is appointed by the Council to administer this Ordinance.
- AGRICULTURE** The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for parking, treating or storing the produce, provided, however, that:
- A. The operation of any such accessory use shall be secondary to that of normal agricultural activities; and
 - B. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred feet (100') of any residential zoning district. Agriculture does not include the operation or maintenance of a commercial stockyard or feed yard where large numbers of livestock are fed concentrated feeds particularly for the purpose of fattening for market.
- ALLEY** A public way providing the secondary means of access to abutting property and not intended as a traffic thoroughfare.
- ANTENNA** A transmitting or receiving device used in telecommunications that radiates or captures radio signals. Antennas include the following types:
- A. Omni Directional (or "whip") Antenna - Receives and transmits signals in a 360 degree pattern, and which is up to 15 feet in height and up to 4 inches in diameter.
 - B. Directional (or "panel") Antenna - Receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
 - C. Parabolic (or "dish") Antenna - A bowl shaped device that receives and transmits signals in a specific directional pattern.
 - D. Ancillary Antenna - An antenna that is less than 12 inches in its largest dimension and that is not directly used to provide personal wireless communications services. An example would be a global positioning satellite (GPS) antenna.
 - E. Other - All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein, which most closely resembles such equipment.
- APARTMENT** A room or suite of rooms in a multiple-family structure which is arranged, designed

or used as a single housekeeping unit and has complete kitchen and sanitary facilities permanently installed.

AUTOMOTIVE, MOBILE	The sale or rental of new and used motor vehicles, mobile homes, travel trailers or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.
AUTOMOBILE REPAIR	General repair, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and steam cleaning of motor vehicles.
AUTOMOBILE SERVICE STATION	An establishment where automotive fuels and lubricants, accessories and services are sold at retail; however, where the sale of such is only incidental the establishment or premises shall be classified as a public garage.
AUTOMOBILE WRECKING YARD	Any use of premises, excluding fully enclosed buildings, a. Residential Zone - no more than two (2) motor vehicles on 1 acre or less or b. Commercial/Industrial Zone - on which no more than four (4) or more motor vehicles on 1 acre or greater not in operating condition are standing more than thirty (30) days, or on which used motor vehicles or parts thereof, are dismantled or stored.
BAR, PUB or LOUNGE	A building, wherein alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.
BASEMENT	A story partly or wholly underground, but having at least one half (1/2) of its height below the average level of the adjoining ground. Where more than one-half (1/2) its height is above the average level of the adjoining ground, a basement shall be counted as a story for purpose of height measurement.
BILLBOARD	Any structure or portion thereof upon which are placed signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to display official court or public notices, or a sign advertising the sale or lease of the premises on which the sign is located.
BLOCK	The space along one side of a street between the two (2) nearest intersecting streets, or between an intersecting street and a right of way, waterway or other similar barrier, whichever is less.
BOARDING HOUSE	A building other than a hotel or motel where meals and/or lodging are provided for compensation to three (3) or more unrelated persons, but not more than twelve (12) persons, who are not transients, and kitchen facilities are not provided in the individual rooms.
BUILDING	Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings, which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.
BUILDING AREA	The buildable area of a lot is the space remaining after the adherence to the

minimum open space requirements of this Ordinance.

BUILDING, DETACHED	A building located on its own lot and physically separated from other buildings by required yards and/or open space.
BUILDING, GOVERNMENT	A building owned or used by the Federal, State, County or City government, or any political subdivision, agency or instrumentality thereof.
BUILDING HEIGHT	The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.
BUILDING LINE	For the purpose of this Ordinance, the building line is the same as the front yard setback line.
BUILDING	Any building, which does not conform to the requirements of this Ordinance.
BUILDING, PRINCIPAL	A building in which is conducted the main or principal use of the lot on which said building is situated.
BUILDING SITE	Any lot, tract, parcel, or subdivision of land, either public or private, upon which a building is placed or is to be placed.
BUSINESS	The purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood or the ownership or management of office buildings, offices, recreation or amusement enterprises or the maintenance and use of offices or professions and trades rendering services.
CARPORT	A structure attached or made a part of the main structure, which is open to the weather on at least two (2) sides, intended for the use of sheltering not more than two (2) motor-driven vehicles.
CHILD CARE	Care, supervision, or education for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home or homes. There are three (3) types of child care facilities: A. Family Day Care Home - means a home, place or facility providing day care for six (6) or fewer children. B. Group Day Care Facility - means a home, place or facility providing day care for seven (7) to twelve (12) children. C. Day Care Center - means a home, place or facility providing day care for thirteen (13) or more children.
CITY CLERK	The City Clerk of the City.

CLEAR VISION TRIANGLE	<p>The “Clear Vision Triangle” is defined as follows:</p> <p>A. The clear vision triangle at street intersections or street and railroad intersections is the vision triangle formed horizontally by measuring forty (40) feet along the roadway edges or roadway and railroad track edges from the intersection of the roadway edges or roadway edge and railroad track and connecting those points. The clear vision triangle shall be formed vertically by measuring between three (3) and ten (10) feet above grade.</p> <p>B. The clear vision triangle at a driveway and street intersection shall be formed horizontally by measuring ten (10) feet into the lot as measured from the sidewalk edge that is closest to the property line (or from the property line if no sidewalk exists), and twenty (20) feet along the sidewalk edge (or property line if no sidewalk exists) parallel to the street, and vertically by measuring between three (3) and ten (10) feet above grade.</p>
CLINIC	A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons or those who are in need of medical and surgical attention; but which building does not provide board, room or regular hospital care and services.
CLUB or LODGE	A building or portion thereof or premises owned or operated by an organized association of persons for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests; but still not including any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.
COMPATIBILITY	Development which is designed to work together with nearby land uses, forms homogeneous transitions and is capable of existing together in harmony.
COMMERCIAL COACH	A modular building equipped with the necessary service connections and made so as to be readily moveable as a unit on its own running gear and originally designated to be used without a permanent foundation.
COMMERCIAL ENTERTAINMENT FACILITIES	Any profit-making activity, which is generally, related to the entertainment field such as stage, motion picture theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.
COMMISSION	The Planning and Zoning Commission of the city is hereby declared to be the City Council of the city.
COMPREHENSIVE PLAN	The Comprehensive Plan for the city officially adopted by the Council as such.
CONDITIONAL USE	A use which, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Commission and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity. Conditional uses are issued for uses of land and may be transferable from one owner of the land to another.
CONDOMINIUM	Real estate, portions of which are designated for separate ownership and solely the

owners of those portions designate the remainder of which for common ownership. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONVALESCENT HOME	A building housing any facility, however named, whether operated for profit or not, the purpose of which is to provide skilled nursing care and related medical services for two (2) or more individuals suffering from illness, disease, injury, deformity or requiring care because of old age.
DENSITY	<p>A unit or measurement; the number of dwelling units per acre of land.</p> <p>A. Gross Density: The number of dwelling units per acre of total land to be developed, including public right of way.</p> <p>B. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right of way.</p>
DRIVE-UP WINDOW	An establishment, whether it be the primary or an accessory use, other than automobile service station or parking lot, which is designed to accommodate the motor vehicles of patrons in such manner as to permit the occupants of such vehicle, while remaining therein, to make purchases or receive services at a window or service area.
DWELLING UNIT	A building, or portion thereof, containing one or more dwelling units. The term "dwelling" does not include any recreational vehicle, motel, hotel, guesthouse or boarding house as defined herein.
DWELLING, MULTIPLE FAMILY	A building, or portion thereof, containing three (3) or more dwelling units excluding attached single-family townhouse units located on individual lots.
DWELLING, SINGLE FAMILY	A building designed for use and occupancy by no more than one family.
DWELLING, ROW	A row of three (3) to six (6) attached one family dwellings, not more than two and one-half (2 1/2) stories in height, or more than two (2) rooms deep.
DWELLING UNIT	One or more rooms designed for, or used as, a residence for not more than one family, including all necessary household employees of such family, and constituting a separate and independent housekeeping unit, with a single kitchen permanently installed. A dwelling unit may be occupied by a family (related by blood or marriage), or by up to five (5) unrelated individuals. The term does not imply or include such types of occupancy as a lodging or boarding house, club, sorority, fraternity or hotel.
EASEMENT	A grant of the right to use land for a specific purpose of purposes.
ESTABLISHED GRADE	The sidewalk line grade at the front lot line as established by the engineer.
FAÇADE	The front or chief face of a building.
FAMILY	An individual or two (2) or more persons related by blood or marriage or a group of

not more than eight (8) persons living together as a single housekeeping unit in a dwelling unit.

FLOOR AREA, GROSS	The sum of the gross horizontal areas of the several floors including the exterior walls of a building or portion thereof.
FLOOR AREA, NET	That portion of the gross floor area of the building occupied by the listed use or uses and shall include hallways, storage and packaging space, dressing or restrooms and laboratory or work rooms; provided, however, that floor space within the building reserved for parking or loading of vehicles, and basement space used only for building maintenance and utilities shall be excluded.
FRONTAGE	All property on one side of a street between two (2) intersecting streets or natural barriers.
FRONTAGE ROAD	A road which has unlimited access to collector and access streets but has limited access to arterial streets. Access onto arterial streets is limited to one thousand five hundred feet (1,500') between points.
GARAGE, PRIVATE	An accessory building for the storage of not more than three (3) motor-driven vehicles of which not more than one shall be a commercial vehicle of not more than two (2) tons' capacity.
GARAGE, SERVICE STATION	<p>Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail and where, in addition, the following services may be rendered and sales made:</p> <ul style="list-style-type: none">A. Sales and service of spark plugs, batteries and distributor's parts;B. Tire servicing and repair, but not recapping or regrooving;C. Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;D. Radiator cleaning and flushing;E. Washing, polishing and sale of washing and polishing materials;F. Greasing and lubrication;G. Providing and repairing fuel pumps, oil pumps, lines;H. Minor servicing and repair of carburetors;I. Adjusting and repairing brakes;J. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;K. Sales of cold drinks, packaged food, tobacco and similar convenience goods for service station customers, as accessory and incidental to principal operations;

L. Provisions of road maps and other informational material to customers and provision of restroom facilities; and

M. Warranty maintenance and safety inspections.

N. Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop.

GUEST HOUSE

A structure for human habitation, containing one or more rooms with bath and toilet facilities, but not including a kitchen or facilities, which would provide a complete housekeeping unit.

HEALTH AUTHORITY

The local District Health Department or State Department of Health and Welfare that has jurisdictional authority.

HISTORIC PRESERVATION

The research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of this community, the state, or the nation.

HISTORIC PROPERTY

Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of this community, the state, or the nation.

HOME OCCUPATION

Any gainful occupation engaged in by an occupant of a dwelling unit including handicrafts, dress-making, millinery, laundering, preserving, office of a clergyman, teaching of music, dancing and other instruction when limited to attendance of one pupil at a time, and other like occupations which meet all of the following conditions:

A. The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

B. The use is conducted entirely within a dwelling and is carried on by the inhabitants thereof.

C. No article shall be sold or offered for sale on the premises, except such as is produced by the occupants on the premises, and no mechanical or electrical equipment shall be installed or maintained other than such is customarily incidental to domestic use.

D. The use does not change the character of the dwelling or adversely affect the uses permitted in the residential district.

E. The use creates no additional traffic and requires no additional parking space.

F. No persons are employed other than those necessary for domestic purposes.

G. Not more than one-fourth (1/4) of the gross area of one floor of said dwelling is used for such use.

H. The entrance to the space devoted to such use is from within the building and no

internal or external alterations or construction features not customary in dwellings are involved.

HOSPITAL	An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients twenty-four (24) hours a day. The term "hospital" does not include clinic, convalescent, or boarding homes, or any institution operating solely for the treatment of mentally ill persons, drug addicts, liquor addicts or other types of cases necessitating forcible confinement of patients.
HOTEL	A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six (6) or more guest rooms, and in which no provisions are made for cooking in any individual room or suite.
INSTITUTION	Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.
JUNK YARD	An outdoor space where waste and discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored or handled, including housewrecking yards, used lumber yards and places where such uses are conducted entirely within a completely enclosed building, such as pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment or for used cars in operable condition, or salvaged materials incidental to manufacturing operations.
KENNEL, COMMERCIAL	Any lot or premises or portion thereof, on which three (3) or more dogs, cats and other household domestic animals of at least three (3) months of age are maintained, harbored, possessed, boarded, bred or cared for in return for compensation or kept for sale.
KENNEL, NONCOMMERCIAL	Any lot or premises or portion thereof, in which more than two (2) dogs, cats or other household domestic animals of at least three (3) months of age are kept and/or boarded.
LABORATORY	A place devoted to experimental study such as testing and analyzing. Manufacturing of a product or products is not to be permitted within this definition.
LOADING SPACE	An off-street space or area on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.
LODGING HOUSE	A building with not more than five (5) guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or transients.
LOT	A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein

required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record; or
- C. A combination of complete lots of record, or of portions of lots of record.

LOT COVERAGE The area of a lot occupied by the principal building or buildings and accessory buildings.

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

LOT TYPES Terminology used in this Ordinance with reference to corner lots, interior lots and through lots is as follows:

- A. Corner lot: A lot located at the intersection of two (2) or more streets;
- B. Interior lot: A lot with only one frontage on a street;
- C. Through lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots; and
- D. Reversed frontage lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

LOT WIDTH The horizontal distance between the lot sidelines.

MANUFACTURED HOME A factory built structure that is manufactured or constructed according to the National Manufactured Housing Construction and Safety Standards Act of 1974, and as may be amended, which became effective June 15, 1976, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For purposes of this code, two types of manufactured homes are established, "Stock" and "Enhanced".

MANUFACTURED HOME, ENHANCED: A manufactured home that has all the architectural placement standards listed below:

- A. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- B. Has exterior siding and roofing which is similar in material and appearance to the exterior siding and roofing material commonly used on residential dwellings within the city or which is comparable to the predominant material used on

surrounding dwelling.

C. Has a pitched roof with a minimum pitch of 2:12 (two inches of rise to twelve inches of run).

D. Eaves are optional with the exception that where eaves are consistent with the predominant construction of immediate surrounding dwellings, the home shall have an eave that projects a minimum of six inches (6") along any wall that faces a street.

E. Has a foundation fascia that is similar in appearance and durability to the masonry foundation or other foundation systems comparable with site-built dwellings and approved by the Planning and Development Services Department. It shall surround the entire perimeter of the structure and completely enclose the space between the siding and the finished grade.

F. Is placed on a foundation base such that the finished floor area of the home is located not more than twelve inches (12") above grade or twenty-four inches (24") above grade if the home is over a basement. Graded earth shall not be closer than six inches (6") to the siding of the home.

G. Is permanently affixed in accordance with the manufacturer's specifications, with the running gear and towing hitch removed and set upon a foundation base having an anchoring system that is totally concealed under the structure.

H. If located within a residential area on an individual lot, the dwelling unit shall have a garage or carport constructed of like materials. Crouch City may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

MANUFACTURED HOME,
STOCK

A manufactured home that does not have all the architectural placement standards of an Enhanced Manufactured Home.

MANUFACTURED HOME,
COMMUNITY

Any site, lot, tract, plot or parcel of land, designed for the placement of ten (10) or more manufactured homes, located and maintained for dwelling purposes on a permanent basis on individual lots, pads, or spaces; whether those lots, pads, or spaces be individually owned, leased, or rented.

MOTEL

A building, or group of buildings, on the same premises, either detached or in connected rows, containing sleeping or dwelling units, independently accessible from the outside, with garage space or parking space located on the premises and designed for, or occupied by, travelers. The term includes, but is not limited to, any buildings or building groups designated as auto courts, motor lodges, tourist courts or by any other title or sign intended to identify them as providing lodging to motorists.

NONCONFORMING USE

Any use lawfully occupying a building, structure, or land at the effective date of this ordinance, or of subsequent amendments thereto or at the time of annexation or rezone, which does not conform to the regulations for the district in which it is located.

NURSERY

Land, building, structure or combination thereof for the storage, cultivation,

	transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.
OPEN SPACE, PRIVATE	An open area for passive or active recreation developed, designated and protected for the benefit and private use of the employees or residents within a planned development or residential development.
PARAPET or PARAPET WALL	That portion of a building wall that rises above the roof level.
PARKING LOT	An open, graded and surfaced area, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free or as an accommodation to clients or customers.
PARKING SPACE	Usable space within a public or private parking area or a building, which meets the parking standards of this ordinance, exclusive of access drives, aisles or ramps, for the storage of one passenger automobile or commercial vehicle.
PORCH	A roofed entrance to a building, projecting out from the wall or walls of the main structure and commonly open in part to the weather.
PERSONAL SERVICES	Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors and similar activities.
PLANNED DEVELOPMENT	A parcel of land, which is planned and developed as a unit under single ownership or control, containing one or more uses, buildings and common open space or recreational facilities.
PRIVATE ROAD	A road, street, alley, or bridge that is not: 1) laid out or established by the State of Idaho or a subdivision of the State; 2) dedicated to the State or a subdivision of the State and accepted by such entity; 3) used by the public for a period of not less than five (5) years; 4) worked and kept up by, at the expense of, the public during that period of time.
PROFESSIONAL ACTIVITIES	The use of offices and related spaces for such professional services, as are provided by medical practitioners, lawyers, architects, engineers and similar professions.
PUBLIC SERVICE FACILITY	The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad whether publicly owned or privately owned, or by a Municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.
PUBLIC USES	Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

QUASI-PUBLIC USE	Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.
RECREATIONAL VEHICLE	A portable vehicle or structure used primarily for recreation, hobbies, vacations extended travel, camping, sports and aquatic use. Recreational Vehicles (RV's) may be self-propelled, towed or transported by trailer. RV's may include, but are not limited to, motor homes, converted buses, camping and travel trailers, light-duty trailers and transporters, horse and cattle trailers, boats, rafts and their trailers and off-street vehicles such as snowmobiles, dune buggies, all-terrain vehicles and any type of three or four wheeled sport racing/drag vehicle.
RECREATIONAL VEHICLE, PARK	Any area, tract, plot or site of land, whereupon two (2) or more travel trailers are placed, located and maintained for dwelling purposes on a semi-permanent basis and for which a fee or rental for such use is collected by or collectable to the person holding ownership of the land.
RESTAURANT	Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation, including, among others, such uses as cafe, cafeteria, coffee shop, lunch room, tea room and dining room.
RIGHT OF WAY	A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by topography or treatment) such as grade separation, landscaped area, viaducts and bridges.
ROADSIDE STAND	A temporary structure designed or used for the display or sale of agricultural and related products, the majority of which have been grown on adjacent land.
SEAT OR SEATING	For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated on each twenty four (24) lineal inches of benches, pews or space for loose chairs.
SETBACK AREA	The space on a lot required to be left open and unoccupied by buildings or structures, either by the front and side yard requirements of this Ordinance, or by delineation on a recorded subdivision map.
SETBACK LINE	A line established by this Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground except as may be provided herein.
SHOPPING CENTER	A group of commercial establishments, planned, developed, owned and/or managed as a unit related in location, size and type of shops to the trade area the unit serves.
SIDEWALK	The portion of the road right of way outside the roadway, which is improved for the use of pedestrian traffic.
SIGN	Any display or device consisting of attached or painted letters, symbols or designs, and including any moving parts, lighting, sound equipment, framework, background material or structural support, which display or device is intended to communicate business identification, an advertisement, announcement, direction or other message or attract, distract, hold, direct or focus public attention. "Sign" shall not

include commodities and their attached labels and price tags.

SHOPPING CENTER,
NEIGHBORHOOD

A group of commercial establishments, planned, developed, owned, and managed as a unit related in location, size, and types of shops to the trade area that the unit serves. It provides on-site parking in definite relationship to the type and size of stores.

SPECIAL EXCEPTION

A special exception granted by the City Council for a use, which is not identified as an allowed or conditional use within the zoning district subject to conditions set forth in this ordinance.

STREET

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

A. Local Street: A minor street, which has the primary purpose of providing access for residential traffic.

B. Arterial Street: Provides access from one part of the community to another and also provides for the movement of vehicles through the community.

C. Collector Street: Accommodates circulation within and between neighborhoods.

D. Private Street: A street that is not accepted for public use or maintenance, which provides vehicular and pedestrian access.

STRUCTURAL
ALTERATIONS

Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

STRUCTURE

Anything constructed or erected, either on the ground or on something having location on the ground.

SUPPLY YARDS

A commercial establishment storing and offering for sale building supplies, coal, heavy equipment, feed and grain and similar goods.

TOWNHOUSE

A townhouse is a structure containing separate living units and is owned by persons having divided interest in said structure, including the real property upon which it is situated.

TRAVEL TRAILER

A vehicular portable structure designated as a temporary dwelling for travel, recreational and vacation use. This definition also applies to motor homes.

TRAVEL TRAILER PARK

Any area, tract, plot or site of land, whereupon two (2) or more travel trailers are placed, located and maintained for dwelling purposes on a semi-permanent basis and for which a fee or rental for such use is collected by or collectable to the person holding ownership of the land.

VARIANCE

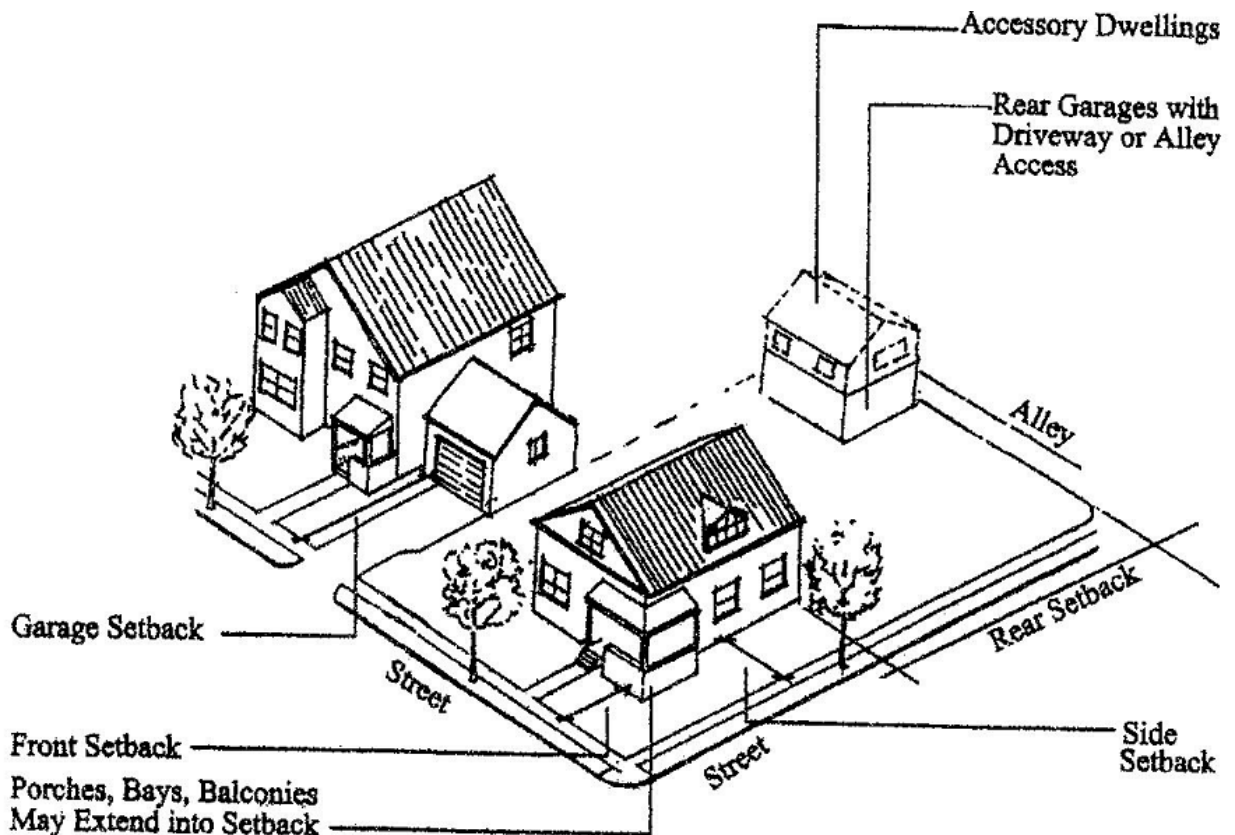
A modification of the requirements of this Ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of the buildings or other provision of this Ordinance affecting the size or shape of a structure or the placement of the structure upon lots. A variance shall not be

considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.

YARD SET BACKS

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

- A. YARD SET BACKS, FRONT - The yard extending across the full width of the lot adjacent to the front street line.
- B. YARD SET BACKS, REAR - The yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
- C. YARD SET BACKS, SIDE - The yard lying between the nearest wall of the principal building, accessory building and side lot line, and extending from the front yard or the front lot line to the rear yard.



CHAPTER 3 - STAFF AND COUNCIL DUTIES, RESPONSIBILITIES AND AUTHORITY

- 3-1:** The Crouch City Council shall have legislative authority on all zoning and land use decisions in the City. The City Clerk function is under the direction of the Council. The specific duties and responsibilities of staff follow:
- A. Provide and maintain a continuing program of public information on zoning matters and provide planning and zoning assistance to the public as requested.
 - B. Review the standards for those allowed uses which must meet specific standards prior to approval, and provide notice to the applicant and adjacent property owners as herein specified.
 - C. Accept, evaluate and submit a written report, including findings of fact and recommended conclusions of law, to appropriate authority for all Council level applications.
 - D. Review building permit applications for zoning compliance.
 - E. Provide public notice of all public hearings held for the review of planning and zoning applications.
 - F. Maintain records and files of all zoning applications and of the hearings and actions thereon.
 - G. Maintain a zoning enforcement program to decrease violations of the Zoning Ordinance.
 - H. Initiate revisions and amendments of the Zoning Ordinance and the Comprehensive Plan.
 - I. Prepare special studies and plans as appropriate.
 - J. Make interpretations of the provisions of the Zoning Ordinance and Comprehensive Plan.
 - K. Determine the classification of all uses not specifically identified in the Zoning Ordinance.

CHAPTER 4 – GENERAL PROCEDURES

4-1:	PURPOSE
4-2:	APPLICATION REQUIRED
4-3:	FEES
4-4:	DETERMINATION OF LEVEL OF REVIEW
4-5:	LEVELS OF ZONING REVIEW
4-5.1:	ADMINISTRATIVE LEVEL REVIEW
4-5.2:	COUNCIL LEVEL REVIEW
4-6:	PUBLIC HEARINGS
4-6.1:	NOTICE AND PUBLICATION OF HEARING
4-6.2:	CONDUCT OF HEARINGS
4-7:	APPLICATION REFERRALS
4-8:	APPLICATION RESUBMIT

- 4-1: PURPOSE:** The purpose of this Chapter is to define the general procedures for obtaining zoning approval from the City of Crouch, the various levels of zoning review and the requirements for public notice and conduct of hearings.
- 4-2: APPLICATION REQUIRED:** Every person seeking zoning, variance, conditional use, conditional use modification, annexation, rezone, area-specific amendments to the Comprehensive Plan and special exception approval as herein defined shall submit an application to the City Clerk on a prescribed form, accompanied by the appropriate filing fee as approved by the City Council.
- 4-3: FEES:** The City Clerk shall maintain a current list of fees for all zoning applications identified in Section 4-2. The fees for zoning applications may be revised only by the City Council. Current fee schedules may be obtained from the Crouch City Clerk.
- 4-4: DETERMINATION OF LEVEL OF REVIEW:** The City Clerk shall advise the public on the preparation of applications. The City Clerk shall decide the appropriate review procedure for each application filed consistent with the requirements of this Ordinance. The decision of the City Clerk may be appealed to the City Council.
- 4-5: LEVELS OF ZONING REVIEW:** Three levels of zoning review are hereby established: Administrative level, Commission level, if such commission exists, and Council level. All applications submitted to the City Clerk shall be subject to one or more of these reviews.
- 4-5.1: ADMINISTRATIVE LEVEL REVIEW:** There is hereby established a category of uses that are considered to be allowed uses but for which final approval may be withheld until certain standards and/or criteria are complied with. The City Clerk is authorized to review the required approval standards and/or criteria for this category of allowed uses and issue or withhold final approval. The action of the City Clerk on administrative applications may be appealed to the appropriate authority as hereinafter set forth.
- 4-5.2: COUNCIL LEVEL REVIEW:** Certain zoning applications require action by the Crouch City Council. An advertised public hearing is required for Council Review. Decisions of the City Council can be appealed through the judicial system.

4-6: PUBLIC HEARINGS:

- A. The purpose of the public hearing process is to provide the following:
 - 1. An opportunity for citizens to present their views on an issue, which may affect them.
 - 2. A definition of the issues upon which a decision is to be made.
 - 3. Essential evidence upon which a decision can be made. To further this process, all material contacts received by public officials outside of the public hearing shall be disclosed prior to the commencement of the public hearing. Material contacts shall be defined as those contacts received outside the public hearing process, which shall have a significant effect on the opinion of a public official on a given issue.
 - 4. An understanding of whether or not the proposal is in harmony with local ordinances and regulations. City staff reports shall be entered as a part of the public record.
- B. If there is a question of conflict of interest, as defined by Idaho Code 67-6506, for any public official, it shall be disclosed prior to the commencement of the hearing.
- C. Public Officials shall not bring up the pros and cons of the subject of the hearing prior to all testimony and evidence being submitted.
- D. At the commencement of the hearing, the chairperson may establish a time limit to be observed by all speakers. Persons representing groups may be given more time than individuals presenting their own views.
- E. The chairperson conducting the hearing shall present an opening statement setting forth the purpose of the hearing and the rules under which it shall be conducted.
- F. No person shall be permitted to speak at a public hearing until; such person has been recognized by the chairperson.
- G. A transcribable, verbatim record of hearings shall be made and kept for a period of not less than six (6) months after final decision on the matter. In order to assure accuracy of the record, each person shall speak before the microphone in an orderly and constructive fashion, giving his or her full name and address and stating views as briefly as possible.
- H. Speakers shall not be interrupted by the audience, public officials or city staff until their time limit has expired or until they have completed their comments.
- I. At the conclusion of the speaker's comments, public officials, when recognized, shall be allowed to question the speaker and the speaker shall be limited to answers to the questions asked. The question and answer period shall be not included in the speaker's time limit.
- J. Rebuttals shall only be allowed if they provide new, relevant and factual information.

- K. If all sides of the issue cannot be heard in the time allotted, the hearing may be recessed to a later time stated by the chairperson. Persons not having had an opportunity to be heard may sign a roster in order to secure their opportunity to speak at the time stated.
- L. Any person not conforming to these procedures may be prohibited from speaking during a public meeting. Should any person refuse to comply with such prohibition, he or she may be removed from the room by order of the chairperson.

4-6.1: NOTICE AND PUBLICATION OF HEARING:

- A. At least fifteen (15) and not more than thirty (30) days prior to the public hearing, notice of the time and place and a summary of the proposal shall be published in a newspaper of general publication within the city.
- B. A notice shall also be made available to other papers, radio and television stations serving the City for use as a public service announcement.
- C. Notice of the time and place and a summary of the proposal shall be sent to all political subdivisions providing services within Crouch's planning area, including school districts, at least fifteen (15) days prior to the public hearing.
- D. For conditional use applications, rezone applications and site-specific appeals, additional notice shall be provided by mail to the applicant and to property owners, purchasers of record and residents within the land being considered; within (300') of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the City Clerk.
- E. The criteria used by the City Clerk for determining if additional areas may also be impacted by the proposed changes shall be as follows:
 - 1. The application could result in significant adverse traffic, environmental, aesthetic, noise, pollution or population density impacts occurring outside the minimum three hundred feet (300') notice area.
 - 2. The public interest would be better served by expanding the area to be notified.
- F. Notice shall also be posted in a conspicuous place on the premises not less than seven calendar days prior to the hearing. The City Clerk shall be responsible for the timely posting of all sites and for the documentation of such postings.

4-6.2: CONDUCT OF HEARINGS: The Crouch City Council shall conduct said hearings in conformity with the following standards. At all such hearings:

- A. A sign-in roster shall be kept at the entrance to the hearing room for all persons who wish to testify at the hearing on a particular application issue.

- B. The chair of the meeting shall conduct the hearing in accordance with the rules herein set forth. In order to accommodate all participants, the Chair may determine the allotted time for each speaker.
- C. A transcribable record shall be taken and maintained.
- D. The Mayor shall call upon the staff to make a preliminary presentation of facts.
- E. Following the close of the presentation of the staff, the Mayor shall invite the applicant (or in case of an appeal, the appellant) to make a presentation of evidence to the Council. In situations where the Council is acting as an appeals body and if the appellant is not an applicant for an approval or permit, then the Mayor shall call upon the applicant to present evidence to the Council.
- F. Every document referred to by any person during testimony (including charts, maps, photographic evidence or any other evidence) shall be offered into the record. Every exhibit offered shall be marked and entered into the record of the proceeding. Such exhibits shall be maintained with the City Clerk during the appeal period.
- G. After the staff presentation and testimony by the applicant (or in the case of an appeal, the appellant), the Mayor shall open the hearing for public testimony and shall invite the public to address the Council in the order of names found on the sign-in roster. If in the opinion of the Mayor the number of persons testifying is of sufficient number as to unduly delay the process of the hearing, the Mayor may limit public testimony to three minutes for each member of the public. The public hearing may be continued upon motion to a date certain, which shall be announced to the public there assembled.
- H. During appeal hearings before Council, testimony shall be limited to those issues that were set forth in the written appeal(s). If they desire, the Council may ask questions or request information regarding aspects of the project that were not included in the written appeal.
- I. All persons testifying before the Council, except staff, shall state, for the record, their full name and address.
- J. Members of the Council may question any person who testified at any time or may, upon unanimous consent of the members present, recall a person for further testimony.
- K. Before the close of the public testimony, the Mayor shall ask if any persons attending who did not sign the roster wish to be heard and any such person shall be heard for further testimony.
- L. At the close of public testimony, the Mayor may solicit comments from staff for additional facts or clarification as a result of the testimony given. After comments from staff, the applicant shall be given an opportunity to address final comments to the Council.
- M. After all testimony, the Mayor shall declare the public hearing closed and shall bring the matter back before the Council for discussion and action. The discussion and decision may be deferred until another date certain, which shall then be announced to the public there assembled.

- 4-7: APPLICATION REFERRALS:** Any Administrative decision may be appealed to the Council in accordance with the procedures established in Section 7-04.6. All such appeals must be written, accompanied by the appropriate fee and submitted to the City Clerk prior to the deadlines set forth herein. If the appeal deadline falls on a weekend or holiday, the appeal period is automatically extended to the next workday. Each appeal must clearly state the name, address and phone number of the person or organization appealing and the specific issues, items or conditions that are being appealed.
- 4-8: APPLICATION RESUBMIT:** No application, which has been denied by the Council or withdrawn by the applicant, shall be resubmitted in either the same or substantially the same form or with reference to substantially the same premises or the same purpose in less than one year from the date of final action thereon.
- 4-9: APPLICATION RECONSIDERATION:** A person/s may ask for reconsideration of a land use application if the request for reconsideration is made at the next regularly scheduled meeting of the City Council and the person testified at the previous hearing.

CHAPTER 5 – ZONING DISTRICT REGULATIONS

5-1:	ZONING DISTRICT REGULATIONS
5-1.1:	BOUNDARIES OF DISTRICTS ESTABLISHED
5-1.2:	INTERPRETATION OF DISTRICT BOUNDARIES
5-2:	CONFORMITY REQUIRED
5-2.1:	GENERAL INTENT
5-2.2:	PROHIBITED USES
5-3:	INTERPRETATION OF DISTRICTS, DISTRICTS ESTABLISHED
5-4:	PUBLIC DISTRICT: (P)
5-4.1:	PUBLIC DISTRICT ESTABLISHED:
5-5:	AGRICULTURAL DISTRICT
5-5.1:	AGRICULTURAL DISTRICT ESTABLISHED:
5-5.2:	AGRICULTURAL RESIDENTIALDISTRICT (AR)
5-5.3:	RESIDENTIAL FOREST DISTRICT (RF):
5-5.4:	RESIDENTIAL AGRICULTURALDISTRICT (RA)
5-6:	RESIDENTIAL DISTRICTS: (R-1, R-2, R-3, R-7, R-10, and R-20)
5-6.1:	RESIDENTIAL DISTRICTS ESTABLISHED:
5-6.1.1:	RESIDENTIAL DISTRICT (R-1)
5-6.1.2:	RESIDENTIAL DISTRICT (R-2)
5-6.1.3:	RESIDENTIAL DISTRICT (R-3)
5-6.1.4:	RESIDENTIAL DISTRICT (R-7)
5-6.1.5:	RESIDENTIAL DISTRICT (R-10)
5-6.1.6:	RESIDENTIAL DISTRICT (R-20)
5-7:	COMMERCIAL DISTRICTS: (CBD, MXU, CC)
5-7.1:	COMMERCIAL DISTRICTS ESTABLISHED:
5-7.1.1:	CENTRAL BUSINESS DISTRICT: (CBD)
5-7.1.2:	MIXED USE DISTRICT: (MXU)
5-7.1.3:	COMMUNITY COMMERCIAL DISTRICT (CC)
5-8:	INDUSTRIAL DISTRICTS: (IL and IH)
5-8.1:	INDUSTRIAL DISTRICT ESTABLISHED:
5-8.1.1:	LIGHT INDUSTRIAL DISTRICT: IL
5-8.1.2:	HEAVY INDUSTRIAL DISTRICT: IH

5-1: ZONING DISTRICT REGULATIONS: The regulations for each zoning district set forth by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided. When an original lot or parcel of record has one half (½) or less of its area in a district more restrictive than the district which includes the remainder, the City Clerk may permit the regulation of the less restrictive district to be applied to the entire parcel. In addition to all other regulations as specified in this Ordinance, the following provisions shall be adhered to.

5-1.1: BOUNDARIES OF DISTRICTS ESTABLISHED: The location and boundaries of the zoning or land uses districts established herein are shown upon the map or maps entitled “Zoning Map, Crouch, Idaho” which is hereby incorporated into and made part of this Ordinance by reference. The original copy of said map or maps shall be filed with the City Clerk. The Zoning Map or Maps, together with all notations, reference and other information shown thereon, and all amendments thereto, are a part of this Ordinance and shall have the same force and effect as if said map or maps are fully set forth and described herein.

5-1.2 INTERPRETATION OF DISTRICT BOUNDARIES ESTABLISHED: Wherever any uncertainty exists as to the boundary of any district shown on any zoning map made a part thereof, the following rules shall apply:

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

5-2: CONFORMITY REQUIRED:

5-2.1: GENERAL INTENT: Except as otherwise provided herein, land, buildings and premises in any district shall hereafter be used only in accordance with the regulations herein established for that district.

5-2.2: PROHIBITED USE: Uses not specified in the land use tables are prohibited unless determined by the City Council.

5-3: INTERPRETATION OF DISTRICTS, DISTRICTS ESTABLISHED: For the purpose of promoting pride of ownership, health, safety, morals and general welfare within its area of jurisdiction, the City is hereby divided into the following use districts:

5-4: PUBLIC, QUASI-PUBLIC AND OPEN SPACE: (P)

5-4.1: PUBLIC DISTRICT ESTABLISHED: Certain districts, designed by the symbol “P” and referred to collectively as Public Districts, are established to provide space in suitable locations for the various types of public uses. The district, designed by the symbol “P” is to provide space in suitable locations for governmental buildings and land uses in conformance with the purpose of this Ordinance, such as, municipal service facilities, water treatment facilities, sewer treatment facilities, city halls, county facilities and other governmental buildings.

5-5: AGRICULTURE DISTRICTS: (AR, RF AND RA)

5-5.1: AGRICULTURE DISTRICTS ESTABLISHED: Certain districts, designed by the symbol “AR, RF and RA” and referred to collectively as Agriculture Districts, are established to provide space in suitable locations for the various types of agricultural uses. Irrigated and non-irrigated lands located throughout the city limits and its Area of City Impact that consist of a diversity of natural resource-based land uses, including crops, pastures, grazing, forestry and similar uses that are land-dependent.

5-5.2: AGRICULTURAL RESIDENTIAL (AR) DISTRICT: The AR land use designation is intended to preserve agricultural lands and support agricultural land uses such as small horse/livestock operations, pastures lands for livestock, farming and other agricultural activities. The AR district is also intended to preserve rural landscapes while allowing low-density residential development. The AR zone is the least intense residential designation in the City. This zone allows for the development of single-family homes on

significant acreage at a maximum density of one (1) dwelling unit per twenty (20) acres where septic tanks and wells as described by Central District Health Department.

- 5-5.3: RESIDENTIAL, FOREST (RF) DISTRICT:** The **RF** land use designation is intended to preserve forested landscapes and vistas and maintain forest ecosystems by guiding development away from unsuitable areas. This zone allows for the development of single-family homes on significant acreage at a maximum density of one (1) dwelling unit per ten (10) acres where septic tanks and wells as described by Central District Health Department.
- 5-5.4: RESIDENTIAL, AGRICULTURAL (RA) DISTRICT:** The **RA** land use designation permits the development of large lot, single-family residential areas, and is intended to provide for a rural setting and encourage preservation of open space and recreation areas. This zone allows a maximum density of one (1) dwelling unit per five (5) acres where septic tanks and wells as described by Central District Health Department.
- 5.6: RESIDENTIAL DISTRICTS: (R-1, R-2, R-4, R-7, R-10 AND R-20)**
- 5-6.1: RESIDENTIAL DISTRICTS ESTABLISHED:** Certain districts, designed by the symbol “R” followed by a numeral, or a number and a letter, and referred to collectively as Residential Districts or R Districts, are established to provide space in suitable locations for the various types of residential accommodations needed in the City, and to provide a means of regulating the density and distribution of the population in conformance with the purpose of this Ordinance.
- 5-6.1.1: RESIDENTIAL DISTRICT (R-1):** The **R1** land use designation permits the development of large lot single-family residential areas and is intended to allow larger lot residential subdivisions. The zone allows a maximum density of one (1) dwelling unit per acre. The actual density is based upon availability of adequate water and sewer facilities.
- 5-6.1.2: RESIDENTIAL DISTRICT (R-2):** The **R2** land use designation permits the development of large lot single-family residential areas and is intended to allow larger lot residential subdivisions. The zone allows a maximum density of two (2) dwelling unit per acre. The actual density is based upon availability of adequate water and sewer facilities.
- 5-6.1.3: RESIDENTIAL DISTRICT (R-4):** The **R4** land use designation permits the development of low-density single-family residential neighborhoods. These neighborhoods would consist of larger home sites. The zone allows a maximum density of four (4) dwelling units per acre. The actual density is based upon availability of adequate water and sewer facilities.
- 5-6.1.4 RESIDENTIAL DISTRICT (R-7):** The **R7** land use designation permits the development of medium density single-family housing and is intended to maintain traditional residential neighborhoods. The zone allows a maximum density of seven (7) dwelling units per acre. The actual density is based upon availability of adequate water and sewer facilities.
- 5-6.1.5: RESIDENTIAL DISTRICT (R-10):** The **R10** land use designation permits the development of neighborhoods with multiple family dwelling units and is intended to encourage a variety of housing opportunities. The zone allows a maximum density of ten (10) dwelling units per acre. The actual density is based upon availability of adequate water and sewer facilities.

5-6.1.6 RESIDENTIAL DISTRICT (R-20): The R20 land use designation permits the development of neighborhoods with multiple family dwelling units and is intended to encourage a variety of housing opportunities. The zone allows a maximum density of greater than (20) dwelling units per acre with special conditions. The actual density is based upon availability of adequate water and sewer facilities.

TABLE 1A: PUBLIC DISTRICT (P), RURAL RESIDENTIAL DISTRICTS (AR, RF, RA) - REQUIREMENTS– “P” Prohibited “A” Allowed “CU” Conditional Use

LAND USE	ZONING DISTRICT			
	P	AR	RF	RA
BED AND BREAKFAST INN	P	A	A	A
BOARDING/ROOMING HOUSE	P	P	P	P
CEMETERY	A	CU	P	P
DAY CARE	P	P	P	P
DWELLING UNIT, SINGE FAMILY	P	A	A	A
DWELLING UNITS, DUPLEX	P	P	P	P
DWELLING UNITS, THREE AND FOUR MULTI-FAMILY	P	P	P	P
DWELLING UNITS, MORE THAN FOUR MULTI-FAMILY	P	P	P	P
GOVERNMENT OR PUBLIC UTILITY FACILITY OF NONINDUSTRIAL CHARACTER	A	P	P	P
MANUFACTURED HOME PARK	P	P	P	P
PARKS	A	A	A	A
RELIGIOUS FACILITIES*	P	P	P	P
REST AND CONVALESCENT HOME AND HOMES FOR AMBULATORY AGED/REST HOME/ELDERLY	P	P	P	P
SCHOOLS	P	P	P	P

*Churches, Temples, Synagogues, Mosques and other Religious Facilities

TABLE 1A: PUBLIC (P) and RESIDENTIAL DISTRICTS (R1, R2, R4, and R7) “P” Prohibited “A” Allowed “CU” Conditional Use

LAND USE	ZONING DISTRICT			
	R1	R2	R4	R7
BED AND BREAKFAST INN	A	A	CU	CU
BOARDING/ROOMING HOUSE	P	P	A	CU
CEMETERY	P	P	P	P
DAY CARE	CU	CU	CU	CU
DWELLING UNIT, SINGE FAMILY	A	A	A	A
DWELLING UNITS, DUPLEX	CU	A	A	A
DWELLING UNITS, THREE AND FOUR MULTI-FAMILY	P	CU	A	A
DWELLING UNITS, MORE THAN FOUR MULTI-FAMILY	P	CU	CU	CU
GOVERNMENT OR PUBLIC UTILITY FACILITY OF NONINDUSTRIAL CHARACTER	P	CU	CU	CU
MANUFACTURED HOME PARK	P	P	CU	CU
PARK	A	A	A	A
RELIGIOUS FACILITIES*	CU	CU	CU	CU
REST AND CONVALESCENT HOME AND HOMES FOR AMBULATORY AGED/REST HOME/ELDERLY	P	P	CU	CU
SCHOOLS	CU	CU	CU	CU

*Churches, Temples, Synagogues, Mosques and other Religious Facilities

TABLE 1A: RESIDENTIAL DISTRICTS (R10 and R20) “P” Prohibited “A” Allowed “CU” Conditional Use

LAND USE	ZONING DISTRICT	
	R10	R20
BED AND BREAKFAST INN	CU	CU
BOARDING/ROOMING HOUSE	CU	CU
CEMETERY	P	P
DAY CARE	CU	CU
DWELLING UNIT, SINGE FAMILY	A	A
DWELLING UNITS, DUPLEX	A	A
DWELLING UNITS, THREE AND FOUR MULTI-FAMILY	A	A
DWELLINGS UNITS, MORE THAN FOUR MULTI-FAMILY	A	A
GOVERNMENT OR PUBLIC UTILITY FACILITY OF NONINDUSTRIAL CHARACTER	CU	CU
MANUFACTURED HOME PARK	CU	CU
PARK	A	A
RELIGIOUS FACILITIES*	CU	CU
REST AND CONVALESCENT HOME AND HOMES FOR AMBULATORY AGED/REST HOME/ELDERLY	CU	CU
SCHOOLS	CU	CU

*Churches, Temples, Synagogues, Mosques and other Religious Facilities

TABLE 1B: RESIDENTIAL DISTRICTS, DIMENSIONAL REQUIREMENTS

REQUIREMENTS	ZONING DISTRICTS			
	P	AR	RF	RA
SETBACKS				
FRONT YARD	NA	50 ft.	50 ft.	50 ft.
SIDE YARD – INTERIOR*				
1 - STORY	NA	50 ft.	50 ft.	20 ft.
2- STORY	NA	50 ft.	50 ft.	20 ft.
More than 2 stories	NA	50 ft.	50 ft.	20 ft.
SIDE YARD - STREET	NA	50 ft.	50 ft.	20 ft.
REAR YARD - 1 or 2 Stories**	NA	50 ft.	50 ft.	20 ft.
REAR YARD - More Than 2 Stories	NA	50 ft.	50 ft.	30 ft.
LOT AREA (sq. ft.)				
Interior Lots (sq. ft.)	NA	NA	NA	NA
Corner Lots (sq. ft.)	NA	NA	NA	NA
AVERAGE LOT WIDTH				
Interior Lots (Lineal Feet)	NA	NA	NA	NA
Corner Lots (Lineal Feet)	NA	NA	NA	NA
Street Frontage (Lineal Feet)	NA	NA	NA	NA
Maximum Dwelling Units Per Acre	NA	1 - unit per 20 acres	1 - unit per 10 acres	1 - unit per 5 acres
% of Land Covered by Structure	NA	NA	NA	NA
Height Restriction	25 ft.	25 ft.	25 ft.	25 ft.

*When a Commercial district lot abuts a residential district front or side yard, a 20 ft. setback is required.

TABLE 1B: RESIDENTIAL DISTRICTS, DIMENSIONAL REQUIREMENTS

REQUIREMENTS	ZONING DISTRICTS			
	R1	R2	R4	R7
SETBACKS				
FRONT YARD	25 ft.	25 ft.	25 ft.	25 ft.
SIDE YARD – INTERIOR*				
1 - STORY	10 ft.	10 ft.	10 ft.	10 ft.
2- STORY	10 ft.	10 ft.	10 ft.	10 ft.
More than 2 stories	10 ft.	10 ft.	10 ft.	10 ft.
SIDE YARD - STREET	20 ft.	15 ft.	15 ft.	15 ft.
REAR YARD - 1 or 2 Stories**	20 ft.	20 ft.	20 ft.	20 ft.
REAR YARD - More Than 2 Stories	30 ft.	30 ft.	30 ft.	30 ft.
LOT AREA (sq. ft.)				
Interior Lots (sq. ft.)	43,560	20,000/plus 1,000 per unit	10,000/plus 1,000 per unit	7,000/plus 1,000 per unit
Corner Lots (sq. ft.)	43,560	20,000/plus 6,000 per unit	10,000/plus 4,000 per unit	8,000/plus 2,000 per unit
AVERAGE LOT WIDTH				
Interior Lots (Lineal Feet)	100 ft.	75 ft.	75 ft.	75 ft.
Corner Lots (Lineal Feet)	100 ft.	75 ft.	75 ft.	75 ft.
Street Frontage (Lineal Feet)	100 ft.	75 ft.	75 ft.	75 ft.
Maximum Dwelling Units Per Acre	1	2	4	7
% of Land Covered by Structure***	35	35	40	60
Height Restriction	25 ft.	25 ft.	25 ft.	25 ft.

*When a Commercial district lot abuts a residential district front or side yard, a 20 ft. setback is required.

**When a Commercial district lot abuts a residential district rear yard, a 30 ft. setback is required

*** Includes accessory buildings

TABLE 1B: RESIDENTIAL DISTRICTS, DIMENSIONAL REQUIREMENTS

REQUIREMENTS	ZONING DISTRICTS	
	R10	R20
SETBACKS		
FRONT YARD	25 ft.	25 ft.
SIDE YARD – INTERIOR*		
1 - STORY	10 ft.	10 ft.
2- STORY	10 ft.	10 ft.
More than 2 stories	10 ft.	10 ft.
SIDE YARD - STREET	20 ft.	15 ft.
REAR YARD - 1 or 2 Stories**	20 ft.	20 ft.
REAR YARD - More Than 2 Stories	30 ft.	30 ft.
LOT AREA (sq. ft.)		
Interior Lots (sq. ft.)	10,000	7,000/plus 1,000 per unit
Corner Lots (sq. ft.)	15,000	8,000/plus 1,000 per unit
AVERAGE LOT WIDTH		
Interior Lots (Lineal Feet)	75 ft.	75 ft.
Corner Lots (Lineal Feet)	75 ft.	75 ft.
Street Frontage (Lineal Feet)	75 ft.	75 ft.
Maximum Dwelling Units Per Acre	10	20 units per acre based upon conditions
% of Land Covered by Structure***	50	50
Height Restriction	25 ft.****	25 ft.****

*When a Commercial district lot abuts a residential district front or side yard, a 20 ft. setback is required.

**When a Commercial district lot abuts a residential district rear yard, a 30 ft. setback is required

*** Includes accessory buildings

**** Based upon fire department restrictions.

5-7: COMMERCIAL DISTRICTS: (CBD, MXU, CC)

5-7.1: COMMERCIAL DISTRICTS ESTABLISHED: Certain districts, designated by the symbol “C” and “MXU”, referred to collectively herein as “C” or Commercial District and “MXU” or Mixed Use District, are established to provide space in suitable locations for the various types of business activity needed to serve the people and commerce in the city in conformance with the Comprehensive Plan.

5-7.1.1: CENTRAL BUSINESS DISTRICT (CBD): The **CBD** land use designation is intended to preserve and enhance the Crouch Central Business District, which is the historic heart of Crouch, and the primary tourist and pedestrian activity area of the community. A variety of retail, service, and mixed-use establishments associated with the traditional CBD environment are permitted with housing and walking capability.

5-7.1.2: MIXED USE DISTRICT (MXU): The **MXU** land use designation is the least intense commercial designation in the City, and is intended to provide housing, retail, service, and mixed use establishments that are within easy walking distance for area residents. These small scale commercial uses should be conveniently located and integrated within neighborhoods and designed to complement the pedestrian environment of the neighborhoods in which they are located. This zone allows residential uses at a maximum density of that allowed by the average of the adjacent residential zones.

5-7.1.3: COMMUNITY COMMERCIAL DISTRICT (CC): The **CC** land use designation supports general commercial uses that serve the greater community of the City of Crouch. These retail, service, and mixed-use establishments may be automobile oriented and require a larger lot area provided that they are designed to safely and comfortably accommodate those arriving by foot, bicycle, or transit.

5-8: INDUSTRIAL DISTRICTS: (IL AND IH):

5-8.1: INDUSTRIAL DISTRICT ESTABLISHED: Areas set aside as industrial encourage the grouping together of uses capable of being operated under such standards that they will be unobtrusive and will not be detrimental to surrounding commercial or residential uses. Areas set aside as industrial may be classified as such in conformity with the Comprehensive Plan, and where it is found that in the public interest there is a need for industrial activities substantially free from residential or retail commercial activities.

5-8.1.1: LIGHT INDUSTRIAL DISTRICT (IL): The Light Industrial (**IL**) District is established to provide light manufacturing, processing, storage, warehousing, distribution, which will not impact residential or commercial land uses. This district provides for a mixture of industrial and some limited commercial support services.

5-8.1.2: HEAVY INDUSTRIAL DISTRICT (IH): The Heavy Industrial (**IH**) District is established to provide for the location of all industrial land use, which is incompatible with other district within the city, which, for reasons of health, safety or general welfare is excluded from the IL District. No use intended to be included, which by reason of its location with respect to the boundaries of the district or by reason of its operational characteristics, would create hazardous conditions. Areas set aside as IH identifies land uses that may be considered as a nuisance due to sound, odors or vibrations.

TABLE 2A: CENTRAL BUSINESS (CBD), MIXUSE (MXU) and NEIGHBORHOOD COMMERCIAL DISTRICT (CC), INDUSTRIAL (IL) and INDUSTRIAL (IH) - REQUIREMENTS– “P” Prohibited “A” Allowed “CU” Conditional Use

LAND USE			ZONING DISTRICTS		
	CBD	MXU	CC	IL	IH
ADULT ENTERTAINMENT	P	P	P	CU	P
AMUSEMENT OR RECREATION FACILITY, OUTDOOR	CU	CU	CU	P	P
ANIMAL CLINIC, ANIMAL HOSPITAL, OR VETERINARY	A	CU	A	P	P
AUCTION ESTABLISHMENTS	P	P	A	CU	P
AUTOMOBILE SALES LOT, SURFACED	CU	CU	A	P	P
AUTOMOBILE SERVICE STATION* approval by DEQ	CU	CU	CU	P	P
AUTOMOBILE AND TRUCK REPAIR SHOP	P	CU	CU	A	CU
BANK	A	A	A	P	P
BAR, BREW-PUB, OR NIGHT CLUB	CU	CU	CU	P	P
BOARDING HOUSE	CU	CU	A	P	P
BOWLING ALLEY, DANCE HALL, SIMILAR COMMERCIAL ESTABLISHMENTS FOR PUBLIC GATHERING OR RECREATIONAL USE	A	A	A	P	P
RADIO, TELEVISION, FM BROADCASTING STATIONS, INCLUDING AERIALS	P	P	CU	A	A
CAR WASH	CU	CU	A	P	P
CELLULAR COMMUNICATION TOWER	CU	CU	CU	A	A
CEMETERY	P	P	CU	P	A
CLINIC, MEDICAL (EXCLUDING ANIMAL OR VETERINARY)	A	A	A	P	P

TABLE 2A: CENTRAL BUSINESS (CBD), MIXUSE (MXU) and NEIGHBORHOOD COMMERCIAL DISTRICT (CC), INDUSTRIAL (IL) and INDUSTRIAL (IH) - REQUIREMENTS– “P” Prohibited “A” Allowed “CU” Conditional Use

LAND USE	ZONING DISTRICTS				
	CBD	MXU	CC	IL	IH
CLUB OR LODGE	CU	CU	CU	P	P
COMMERCIAL AND PRIVATE OFF STREET PARKING LOT FOR PASSENGER AUTOMOBILES	CU	CU	CU	A	A
COMMUNITY CENTER	A	A	CU	P	A
CONTRACTING EQUIPMENT, MAINTENANCE	P	P	CU	A	A
CONTRACTORS SHOP	P	P	A	A	A
DAY CARE, SCHOOL FOR STUDENTS OF ART, DANCING DRAMATICS, MUSIC, BUSINESS OR SECRETARIAL WORK	A	A	A	P	P
DRY CLEANING* approval by DEQ	CU	CU	CU	P	P
DWELLING, ACCESSORY	CU	CU	CU	P	P
DWELLING, SINGLE-FAMILY	A	A	CU	P	P
DWELLING, MULTI-FAMILY	A	A	CU	P	P
FARM, GARDEN, LUMBER, OR BUILDING SUPPLY STORE	A	A	A	P	P
SMALL FOOD PROCESSING under 1,000 sq. ft.	P	CU	CU	CU	A
GRAIN ELEVATOR AND BULK STORAGE	P	P	P	CU	A
GREENHOUSES	CU	CU	CU	A	A
GRAVEL PIT, ROCK QUARRIES, SAND AND CLAY AND OTHER NATIONAL RESOURCES OF COMMERCIAL VALUE, ROCK CRUSHING, COMMERCIAL EXCAVATION OF BUILDING OR CONSTRUCTION MATERIALS	P	P	P	P	A

TABLE 2A: CENTRAL BUSINESS (CBD), MIXUSE (MXU) and NEIGHBORHOOD COMMERCIAL DISTRICT (CC), INDUSTRIAL (IL) and INDUSTRIAL (IH) - REQUIREMENTS– “P” Prohibited “A” Allowed “CU” Conditional Use

LAND USE	ZONING DISTRICTS				
	CBD	MXU	CC	IL	IH
HOTEL/MOTEL	A	A	A	P	P
INDOOR THEATER	CU	CU	A	P	P
INDUSTRIAL PARK	P	P	P	A	A
JUNK YARD AND AUTO WREAKING YARDS	P	P	P	P	A
KENNEL, COMMERCIAL	P	P	CU	A	A
LAUNDROMAT	A	A	A	P	P
MEDICAL, PROFESSIONAL AND ADMINISTRATIVE OFFICES	A	A	A	P	P
MINI STORAGE UNITS	P	CU	CU	A	A
MORTUARIES/CEMATORY	CU	CU	CU	CU	P
NURSERY	CU	A	A	P	P
OFFICE PARK	P	P	CU	P	P
OFFICE, TEMPORARY CONSTRUCTION	A	A	A	A	A
OUTDOOR THEATER	CU	CU	CU	P	P
PUBLIC FACILITIES (PARK AND SCHOOLS FACILITIES)	A	A	A	P	P
RECREATIONAL VEHICLE PARK	P	P	A	P	P
RECYCLING CENTER	P	P	P	CU	A
RELIGIOUS FACILITIES*	CU	CU	CU	P	P
RESTAURANT	A	A	A	P	P
RETAIL STORE	A	A	A	P	P

*Churches, Temples, Synagogues, Mosques and other Religious Facilities

TABLE 2A: CENTRAL BUSINESS (CBD), MIXUSE (MXU) and NEIGHBORHOOD COMMERCIAL DISTRICT (CC), INDUSTRIAL (IL) and INDUSTRIAL (IH) - REQUIREMENTS– “P” Prohibited “A” Allowed “CU” Conditional Use

LAND USE	ZONING DISTRICTS				
	CBD	MXU	CC	IL	IH
SALE OF HAY, GRAIN SEED AND RELATED SUPPLIES	A	A	A	A	A
SALE OF SALVAGE GOODS WITHIN AN ENCLOSED BUILDING	P	P	P	CU	A
SHEET METAL, ROOFING OR SIGN PAINTING SHOP	P	P	P	A	A
STORAGE WAREHOUSE AND DSITRIBUTION FACILITIES	P	P	P	A	A
SURFACE TRAILER AND RECREATIONAL VEHICLE SALES AND RENTAL	P	P	P	A	CU
SWIMMING POOL, PRIVATE	CU	CU	CU	P	P
SWIMMING POOL, PUBLIC	CU	CU	CU	P	P
UTILITY FACILITIES	CU	CU	CU	A	A
WHOLESALING, WAREHOUSING, STORAGE AND DISTRIBUTION	P	P	CU	A	A

TABLE 2B: CENTRAL BUSINESS (CBD), MIXUSE (MU), COMMERCIAL DISTRICTS (CC), INDUSTRIAL (IL) and (IH) REQUIREMENTS – DIMENSIONAL REQUIREMENTS

REQUIREMENTS	ZONING DISTRICTS				
	CBD	MXU	CC	IL	IH
SETBACKS***					
FRONT YARD	0*	20*	0*	0***	0***
SIDE YARD – INTERIOR	0*	0*	0*	0***	0***
1 – STORY	0*	20*	0*	0***	0***
2- STORY	0*	20*	0*	0***	0***
More than 2 stories	0*	20*	0*	0***	0***
SIDE YARD – STREET****	0*	0*	0*	0***	0***
REAR YARD - 1 or 2 Stories	0**	0**	0**	0	0
REAR YARD - More Than 2 Stories	0**	0**	0**	0	0
LOT AREA	0	0	0	0	0
Interior Lots (sq. ft.)	0	0	0	0	0
Corner Lots	0	0	0	0	0
AVERAGE LOT WIDTH	0	0	0	0	0
Interior Lots (Lineal Feet)	0	0	0	0	0
Corner Lots (Lineal Feet)	0	0	0	0	0
Street Frontage (Lineal Feet)	0	0	0	0	0
% of Land Covered by Structure	80	80	80	70	70
Height Restriction*****	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.

*When a Commercial district lot abuts a residential district front or side yard, a 10 ft. setback is required.

**When a Commercial district lot abuts a residential district rear yard, a 20 ft. setback is required.

***When an Industrial district lot abuts, touches, or adjoins, or is across the street from a residential district a 20 ft. setback is required.

**** No building or parking is allowed in vision triangle.

***** Based upon fire district restrictions.

CHAPTER 6 – ZONING CERTIFICATES

- 6-1: ZONING CERTIFICATE REQUIRED
- 6-2: ZONING CERTIFICATE NOT REQUIRED
- 6-3: TEMPORARY USES
- 6-4: REVOCATIONS

- 6-1: Zoning Certificate Required:** Every application for a permit or license affecting the use of land or of a structure shall also be deemed an application for a Zoning Certificate. In the case of a new use, where no other permit or license is required, an application for a Zoning Certificate shall be filed on a separate form. The City Clerk shall approve or deny specific applications for a Zoning Certificate within fifteen (15) working days after receipt. Approval may be made contingent upon such conditions as are reasonably necessary to secure the public welfare. The City Clerk shall require guarantees to assure removal of temporary uses and of any debris or refuse resultant therefore, so as to restore the premises to its prior condition and shall establish the date of such removal.
- 6-2: Zoning Certificate Not Required:** No zoning certificate shall be required for any of the following specified uses and structures when such uses are permitted in the District:
- A. Lawful minor accessory uses, not requiring any other permit or license;
 - B. Lawful signs of a type for which no building permit or sign permit are required.
- 6-3: Temporary Uses:** A zoning certificate shall be required for any temporary building, temporary display and sale of merchandise, model homes, trailers, activities, and/or uses incidental to the construction of a building and/or group of buildings on the same or adjacent premises. A zoning certificate shall also be required for seasonal uses (e.g. - fireworks stands, Christmas tree lots, fruit and vegetable stands marketing locally grown produce). Other uses which clearly are not associated with a holiday; the growing season, or the City Clerk may consider a construction project for approval. The three aforementioned classes of uses may be approved provided they comply with the following criteria:
- A. Are issued for a set time period as requested by the applicant and agreed to by the City Clerk not exceeding 180 calendar days.
 - B. The proposed use shall not (except as permitted for temporary, outdoor display or sale of merchandise) allow for placement of any structure, vehicle, sign, etc. within a vision triangle, required setback, required parking stall, service drive area, dedicated trash dumpster location, sidewalk, or any other position on a lot which may interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property, or be potentially hazardous to the public.
 - C. The approval shall include language that the certificate does not exempt the applicant from having to comply with regulations administered and enforced by other city, state and federal agencies.
 - D. No permit, except in the case of seasonal uses or uses incidental to construction, shall be issued for structures or uses, which are intended to be placed upon unimproved property.

6-4: Revocations: Upon violation of any of the conditions or terms of a zoning certificate issued pursuant to the Chapter, the City Clerk may cause the certification to be revoked.

CHAPTER 7 – CITY COUNCIL APPLICATION REQUIREMENTS AND PROCEDURES

7-1:	GENERAL
7-2:	ACTION BY COUNCIL
7-3:	APPLICATION, RESUBMITTAL
7-4:	TIME LIMIT FOR INITIATION OF DEVELOPMENT
7-5:	AMENDMENT AND RECLASSIFICATION: POWER TO AMEND
7-6:	TIME LIMIT FOR INITIATION OF DEVELOPMENT
7-7:	ORDINANCE REQUIRED: ZONING ORDINANCE AMENDMENT
7-8:	REGULATORY TAKING
7-9:	ANNEXATION
7-9.1:	ANNEXATION CLASSIFICATION
7-9.2:	ANNEXATION PROCEDURES
7-10:	ADOPTION, AMENDMENT AND REPEAL OF COMPREHENSIVE PLAN
7-10.1:	COMPREHENSIVE PLAN AMENDMENT
7-11:	SPECIAL EXCEPTIONS
7-11.1:	MODIFICATION, EXTENSION & REVOCATION
7-11.2:	NON-TRANSFER
7-12:	DEVELOPMENT AGREEMENT
7-13:	AMENDMENT; REZONE, RECLASSIFICATION OF THE ZONING ORDINANCE AND MAP
7-13.1:	POWER TO AMEND
7-13.2:	APPLICATION REQUIRED
7-13.3:	PUBLIC HEARING
7-14:	ANNEXATION
7-14.1:	APPLICATION REQUIRED
7-14.2:	PUBLIC HEARING
7-15:	CONDITIONAL USE PERMIT PROCEDURE
7-15.1:	DESCRIPTION AND PURPOSE
7-15.2:	APPLICATION REQUIRED
7-15.3:	PUBLIC HEARING
7-15.4:	CONDITIONS
7-15.5:	PROCESS OF APPROVAL, APPEAL AND JUDICIAL REVIEW
7-16:	SPECIAL EXCEPTIONS
7-17:	VARIANCE PROCEDURE
7-17.1:	DEFINITION
7-17.2:	PURPOSE
7-17.3:	APPLICATION REQUIRED
7-17.4:	PUBLIC HEARING
7-17.5:	ACTION
7-17.6:	DURATION OF APPROVAL
7-18:	OTHER CONDITIONAL USE APPROVAL

7-1: **GENERAL:** The Crouch City Council shall approve, deny, or modify any application to amend this ordinance, to change the boundary of a zoning district, to amend the Comprehensive Plan, to annex property into the corporate limits, to establish a use exception to the Zoning Ordinance. Prior to taking

action on any such application, the Council shall advertise for and hold a public hearing in accordance with the procedures set forth in Sections 4-06, 4-06.1, and 4-06.2

- 7-2: ACTION BY COUNCIL:** The Council shall set a date, time and place of hearing in accordance with the provisions of Sections 4-06, 4-06.1, and 4-06.2. Following the hearing, the Council may approve or disapprove or modify proposed application. The Council is enjoined from granting less restrictive regulations, standard or land use classifications than those applied for and as publicized prior to the public hearing.
- 7-3: APPLICATION, RESUBMITTAL:** Any application for annexation or a rezone which has been denied by the Council or withdrawn by the applicant shall not be resubmitted in less than one year from the date of final action thereon for the same property unless resubmittal is directed by the City Council.
- 7-4: TIME LIMIT FOR INITIATION OF DEVELOPMENT:** Any approval by the City Council given pursuant to the provisions of this Ordinance shall lapse and become null and void eighteen (18) months following the date on which it was given. Unless, prior to the expiration date, construction or development is commenced and diligently pursued toward completion on the site this was the subject of the application. Upon written request to the City Council, containing the reasons therefore, the City Council may grant an extension of time for development not to exceed an additional eighteen (18) months. No permit fees will be refunded without written request to the City Council prior to the eighteen (18) month expiration date.
- 7-5: AMENDMENT AND RECLASSIFICATION: POWER TO AMEND:** This Ordinance may be amended whenever the Council deems that amendment is required for the public convenience or necessity, or for the general welfare. Any amendment shall be enacted pursuant to this Section and for purposes of this Section, includes any measure to change district boundaries, establish or disestablish districts, to change district regulations, to add, repeal or amend district regulations, and to add, repeal or amend any other provisions of this Section or the whole of this Ordinance.

If the requested ordinance amendment or reclassification is found by the Council to be in conflict with the adopted Comprehensive Plan, the Council may consider an amendment to the Comprehensive Plan. After the Plan has been amended, the Zoning Ordinance may then be considered for amendment. The zoning districts shall be in accordance with the policies set forth in the adopted Comprehensive Plan.

- 7-6: ORDINANCE REQUIRED: ZONING ORDINANCE AMENDMENT:** No ordinance amending the "Crouch Zoning Ordinance" shall become effective until a public hearing has been held for which fifteen (15) days notice of the time and place of such hearing shall be published in the official newspaper of the city.
- 7-7: REGULATORY TAKING:** The owner of real property that is the subject of zoning or subdivision decisions or conditions of approval under this Title may file a request for a regulatory taking analysis with the City Clerk within 28 days from the date of the final decision.
- A. A decision is not a final City decision until a decision is made by the Council. Every final decision concerning a site-specific land use request shall be provided to the applicant along with notice of the landowner's right to request a regulatory taking analysis.
 - B. Upon request, the City shall prepare a written taking analysis of any decision or condition(s) of approval on any site-specific zoning or development application. The regulatory taking analysis shall comply with the process set forth in this Title including use of the most current checklist

developed by the Idaho Attorney General. The analysis shall be provided to the real property owner no longer than forty-two (42) days after the date of filing the request with the City Clerk. A regulatory taking analysis prepared pursuant to this section shall be considered public information. The request for a taking analysis and the analysis shall be part of the application record. During the preparation of a taking analysis, any time limitations related to the application or action shall be tolled.

- C. If the taking analysis concludes that the decision or attached conditions constitute a taking, the application shall be immediately returned to the City Council for corrective action.
- D. The City's decision is voidable if a written taking analysis is not prepared after a request has been made pursuant to this chapter. A private real property owner, whose land is the subject of city action, and such property is affected by the City's action without the preparation of a requested taking analysis as required by this Section may seek judicial determination of the validity of the governmental action by initiating a declaratory judgment action or other appropriate legal procedure. A suit seeking to invalidate a city action for noncompliance with paragraph B of this section must be filed in a district court in the county in which the private property owner's affect real property is located.

7-8: TAKING GUIDELINES: The regulatory taking analysis shall follow the most current taking guidelines of the Idaho Attorney General. If the State Attorney General modifies the following guidelines, which revised list shall be utilized in the City of Crouch taking analysis.

- A. Does the regulation or action result in a permanent or temporary physical occupation of private property?
- B. Does the regulation or action require a property owner to dedicate a portion of property or to grant an easement?
- C. Does the regulation deprive the owner of all economically viable uses of the property?
- D. Does the regulation have a significant impact on the landowner's economic interest?
- E. Does the regulation deny a fundamental attribute of ownership?
- F. Does the regulation serve the same purpose that would be served by directly prohibiting the use or action; and does the condition imposed substantially advance that purpose?

7-9: ANNEXATION:

7-9.1 ANNEXATION CLASSIFICATION: Annexations shall be classified and processed according to the standards for each respective category set forth herein. The three (3) categories of annexation are:

- A. Category A: Annexations wherein all private landowners raise no objection to annexations of any residential enslaved lands of less than one hundred (100) privately owned parcels, irrespective of surface area, which are surrounded on all sides by land within Crouch or which are bounded on all sides by lands within the City's limits and by lands for which owner approval must be given

pursuant to Section (5) (b) (v), Idaho Code, or which are bounded on all sides by lands within Crouch and by the boundary of the City's area of city impact.

B. Category B: Annexations wherein:

1. The subject lands contain less than one hundred (100) separate private ownerships and platted lots of record and where not all such landowners have consented to annexation; or
2. The subject lands contain more than one hundred (100) separate private ownerships and platted lots of record and where landowners owning more than fifty percent (50%) of the area of the subject private lands have evidenced their consent to annexation at the outset of the annexation process; or
3. The lands are the subject of a development moratorium for water or sewer connection restriction imposed by state or local health or environmental agencies; provided such lands shall not be counted for purposes of determining the number of separate private ownerships and platted lots of record aggregated to determine the appropriate category.

C. Category C: Annexations wherein the subject lands contain more than one hundred (100) separate private ownerships and platted lots of record and where landowners owning more than fifty percent (50%) of the area of the subject private lands have not evidenced their consent to annexation at the outset of the annexation process.

7-9.2: ANNEXATION PROCEDURES: Annexation of lands into City of Crouch shall follow the procedures applicable to the category of lands as established by this section. The implementation of any annexation wherein the City Council determines that annexation is appropriate shall be concluded with the passage of an ordinance of annexation.

A. Procedures for Category 'A' Annexations: Lands lying contiguous or adjacent to the City of Crouch limits may be annexed by the City if the proposed annexation meets the requirements of Category 'A'. Upon determining that a proposed annexation meets such requirements, City of Crouch may initiate the planning and zoning procedures set forth in Chapter 65, Title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

B. Procedures for Category 'B' Annexations: City of Crouch may annex lands that would qualify under the requirements of Category 'B' annexation if the following requirements are met.

1. The lands are contiguous or adjacent to the Boise City limits and lie within the City's Area of City Impact.
2. The land is laid off into lots or blocks containing not more than five (5) acres of land each, whether the same shall have been or shall be laid off, subdivided or platted in accordance with any statute of the State of Idaho or otherwise, or whenever the owner or proprietor or any such person by or with his authority has sold or begun to sell off such contiguous or adjacent lands by meets and bounds in tracts not exceeding five (5) acres, or whenever the land is surrounded by the City.

3. Preparation and publication of a written annexation plan, appropriate to the scale of the annexation contemplated, which includes, at a minimum, the following elements.
 - a. The manner of providing tax-supported municipal services to the lands proposed to be annexed;
 - b. The changes in taxation and other costs, using examples, which would result if the subject lands were to be annexed;
 - c. The means of providing fee-supported municipal services, if any, to the lands proposed to be annexed;
 - d. A brief analysis of the potential effects of annexation upon other units of local government which currently provide tax-supported or fee-supported services to the lands proposed to be annexed; and
 - e. The proposed future land use plan and zoning designation or designations, subject to public hearing, for the lands proposed to be annexed.
4. Compliance with the notice and hearing procedures governing a zoning district boundary change as set forth in Section 67-6511, Idaho Code, on the question of whether the property should be annexed and, if annexed, the zoning designation to be applied thereto; provided however, the initial notice of public hearing concerning the question of annexation and zoning shall be published in the official newspaper of the city and mailed by first class mail to every property owner with lands included in such annexation proposal not less than twenty-eight (28) days prior to the initial public hearing. All public hearing notices shall establish a time and procedure by which comments concerning the proposed annexation may be received in writing and heard and, additionally, public hearing notices delivered by mail shall include a one (1) page summary of the contents of the City's proposed annexation plan and shall provide information regarding where the annexation plan may be obtained without charge by any property owner whose property would be subject to the annexation proposal.
5. After considering the written and oral comments of property owners whose lands would be annexed and other affected persons, the City Council may proceed with the enactment of an ordinance of annexation and zoning. In the course of the consideration of any such ordinance, the City must make express findings, to be set forth in the minutes of the City Council meeting at which the annexation is approved as follows:
 - a. The land to be annexed meets the applicable requirements of this section and does not fall within the exceptions or conditional exceptions contained in this section.
 - b. The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the City.
 - c. The annexation is reasonably necessary for the orderly development of the city.

- C. Procedures for Category 'C' Annexations: the City of Crouch may annex lands that would qualify under the requirements of Category 'C' annexation if the following requirements are met:
1. Evidence of consent to annexation based upon the following procedures:
 - a. Following completion of all procedures required for consideration of a Category 'B' annexation, but prior to enactment of an annexation ordinance and upon an affirmative action by the City Council, the City shall mail notice to all private landowners owning lands within the area to be annexed, exclusive of the owners of lands that receive water or sewer service and owners of lands that are subject to a recorded consent to annex. Such notice shall invite property owners to either give written consent or express written opposition to the annexation, include a description of how that consent or opposition can be made and where it can be filed, and inform the landowner where the entire record of the subject annexation may be examined. Such mailed notice shall also include a legal description of the lands proposed for annexation and a simple map depicting the location of the subject lands.
 - b. Each landowner desiring to consent to or oppose the proposed annexation must submit the consent or opposition, in writing, to the City Clerk by a date specified in the notice, which shall not be sooner than twenty-one (21) days after the date of the mailing of such notice.
 - c. After the date specified in the notice for receipt of written consent or opposition, the City Clerk shall compile and present to the City Council a report setting forth:
 - i. The total physical area sought to be annexed; and
 - ii. The total physical area of the lands, as expressed in acres or square feet, whose owners have consented in writing to the annexation, plus the area of all lands receiving water or sewer service from the City and the area of all lands subject to a recorded consent to annex. Objections received after the conclusion of the twenty-one (21) day period shall not be considered unless the late objection is due to the City's failure to follow the procedures provided herein. Objections received from owners of lands subject to a recorded consent to annex, or from owners receiving water or sewer service from the City, shall not be considered objections for purposes of this section. The Clerk shall report the results to the City Council.
 - d. Upon receiving such report, the City Council shall review the results and may thereafter confirm whether consent was received from the owners of a majority of the land areas and those providing written consent, in addition to all lands subject to the implied consent provisions set forth herein and those subject to consent of record in the office of the Boise County Recorder. The results of the report shall be reflected in the minutes of the City Council. If the report, as accepted by the City Council, confirms that owners of more land area have consented to annexation than oppose such annexation, the City Council may enact an ordinance of

annexation, which thereafter shall be published and become effective according to the terms of the ordinance. If the report confirms that owners of more land area oppose annexation than consent to such annexation, the Category 'C' annexation shall not be authorized

7-10: ADOPTION, AMENDMENT AND REPEAL OF COMPREHENSIVE PLAN:

7-10.1: COMPREHENSIVE PLAN AMENDMENT: Following receipt of a certified copy of the Comprehensive Plan amendment from the City Clerk, the Mayor and City Council shall schedule a public hearing to decide whether to adopt the amendment. The Mayor and City Council shall consider the proposed amendment based upon the procedures established in 67-6509 of the Idaho Code.

- A. The Council shall conduct at least one public hearing, following notice and hearing proceedings set forth in Sections 4-06, 4-06.1 and 4-06.2, in which interested persons shall have an opportunity to be heard.
- B. The Council, prior to adoption, amendment or repeal of the Comprehensive Plan, shall conduct at least one public hearing. Following the hearing of the Council, if the Council makes a material change in the Plan, further notice and hearing shall be provided before the Council adopts the Plan or amendment.
- C. No plan or amendment shall be effective unless adopted by resolution or ordinance by the Council.
- D. Any person may petition the Council, for a Plan amendment at any time. The Council may make amendments to correct errors in the original Plan, or to recognize substantial changes in the actual conditions in the areas.
- E. Any person seeking an amendment to the Comprehensive Plan text or map shall submit to the City Clerk an application form as prescribed by the City Council, designating the change desired the reasons therefore, and wherein the proposed amendment would be in the public interest. City Clerk shall transmit the requested amendment to the Commission. Upon receipt of the request, the City Council shall consider the amendment in accordance with this Section.
- F. Amendment fees are established by Council resolution and are non-refundable. If the requested amendment is for a map change, it may take place under the same fee concurrent with an application for amendment of the Zoning Map or an application for annexation; provided, procedural requirements for each application are met.

7-11: SPECIAL EXCEPTIONS: At the hearing before the City Council, the Council shall hear all persons interested in the special exception then pending before it. The Council shall review the findings and recommendations the City Clerk. The Council may approve, disapprove, or modify the recommendations of the City Clerk recommendations, but in so doing must make the following findings:

- A. That the decision to grant or deny the application is based upon the findings of Section 7-16.
- B. That the approval, denial or modification of the Special Exception does not provide precedent for any other parcel in the city.

- C. In the event the application is denied, the actions, if any, that the applicant could take to obtain a Special Exception permit.

7-11.1: MODIFICATION, EXTENSION & REVOCATION: Upon request of the holder of a Special Exception, the Council may modify or extended the term, conditions and limitations of said permit in accordance with the limitations and requirements of Section 7-16 of this Ordinance. The Council may revoke or modify upon notice and hearing, a Special Exception for the breach or violation of any condition or limitation of said permit.

7-11.2: NON-TRANSFER: Special Exceptions shall be non-transferable through assignment, sale or other means of conveyance without written acknowledgment by the assignee, purchaser or convey in writing of agreement to be bound by conditions which were set forth in the approval of the application pursuant to Section 9-7. Exceptions shall not be considered as establishing binding precedent upon the City. A Special Exception shall become void if not utilized within eighteen (18) months of issuance, or if the authorized use is abandoned for more than a period of six (6) month.

7-12: DEVELOPMENT AGREEMENT:

- A. Purpose: The purpose of a Development Agreement is to provide a vehicle for development in areas and for uses where, in the opinion of the Council, approval of a requested rezone by itself does not satisfy the requirements set forth in the Zoning Ordinance for rezone approval; but, that use of a development agreement will assure compliance with the required rezone findings and conclusions. Development agreements can be used after a determination has been made that the proposed rezone by itself is not appropriate, unless the use of a development agreement could allow development to proceed under stricter restrictions than those imposed generally in the proposed zoning district. Nothing in this section shall be construed as relieving the property which is subject to development agreement restrictions from further compliance with all other permit and code requirements applicable because of the zoning designation of the property. Restrictions imposed upon property as a result of a development agreement are in addition to all other zoning ordinance requirements.
- B. After an application for rezone has been received by the City Clerk, a request to enter into a development agreement for that parcel may be submitted by the rezone applicant; or, a development agreement may be required by Council at the rezone hearing.
- C. Form of Development Agreement Application: All applications for development agreements shall be in a form as required by the City Clerk. No application shall be accepted by the City Clerk, which does not include the following:
 - 1. An affidavit by the owner of the property agreeing to submission of the use and property for a development agreement.
 - 2. The specific use(s) or use restrictions of the property upon which the development agreement is sought.
 - 3. When deemed appropriate by the City Clerk, a concept plan, which shall include at a minimum:

- a. Three site plans and one 8 1/2 x 11 inch reduction showing:
 - i. Existing structures which will remain, labeled as to existing and proposed uses.
 - ii. Building footprint, height, number of stories, proposed uses (office, retail, restaurant, etc.), and square footage of proposed structures. If residential, overall density and number of dwelling units per building shall be described. (If single family residential, information on proposed structures are not necessary.)
 - iii. North arrow.
 - iv. Scale.
 - v. Property boundary.
 - vi. Names of applicant, owner(s) (if different than applicant); plan preparer, and project.
 - vii. Size of project.
 - viii. Existing vegetation, labeled as to remain or be removed.
 - ix. Existing and generalized proposed grades for hillside developments.
 - x. Parking areas with total number of parking spaces shown.
 - xi. Locations and widths of right-of-way, easements, canals, ditches and property lines.
 - xii. Drainage features.
 - xiii. Conceptual landscape plan (landscape areas, sizes and heights).
4. The time period for which the agreement is requested to be valid, including the time period within which the development or use must commence and the time period within which the development and the terms of the agreement are to be completed.
5. A statement that failure to comply with all commitments in the approved development agreement shall be deemed a consent to rezone the property to the pre-existing zone, or in the case of an initial zone at annexation, a zone deemed appropriate by the Council.
6. If the development agreement is being requested by the rezone applicant, as opposed to having been required by Council, a statement must be included that all time limits required by City Code are waived.
7. Fee.

8. Phasing plan and proposed phasing schedule.
- E. Process: Upon receipt of an application for development agreement, the Zoning Administrator shall work with the applicant to prepare a development agreement. The development agreement shall include the requirements of 07-09 (D) and any other matter, which, in the discretion of the Zoning Administrator would address the concerns for the development which has been proposed by the applicant. Such concerns addressed may include, but shall not be limited to: density, bulk, site design, mitigation of impacts on the surrounding neighborhood, appearance, provision of utilities or public facilities, and restrictions on use. The development agreement shall develop by the City Attorney.
- F. Approval of a Development Agreement:
 1. The Council shall hold a public hearing on the agreement and the rezone request. The Council may approve, deny, and may add conditions, terms, duties or obligations to the development agreement.
- G. Upon approval of a development agreement or any modification thereto by the Council and the applicant, within one (1) year from the date of such approval it shall be recorded at the expense of the applicant and prior to the rezone approval. Failure to record the development agreement within the one year time frame shall automatically render approval of the rezone null and void. Proof of recording must be submitted by the applicant prior to the third reading of the rezone ordinance by the City Council. The development agreement or any modification thereto, and all conditions, terms, duties or obligations included therein shall run with the land and shall be considered continuing obligations of the owner, co-owners and each other person acquiring an interest in the property. An owner, co-owner, each subsequent owner or other person acquiring an interest in the property which is restricted by a development agreement or modification adopted pursuant to this Section, shall comply with the terms, conditions, obligations and duties contained in the development agreement or modification.
- H. Modification of a Development Agreement:
 1. Development agreements may only be modified after public hearing by the City Council.
- I. Termination of Development Agreements:
 1. Development agreements may be amended or terminated by the City Council, after public hearing, for failure to comply with the commitments expressed in the development agreement.
 2. Upon termination of the development agreement, the Council shall revert the property to the prior zone or in the case of an initial zone at annexation, to a zone deemed appropriate by the Council. All uses of the property, which are not consistent with the subsequently designated zone following termination of the development agreement, shall cease. The owner of the property shall apply for a conditional use for the property if the use is conditionally allowed within the subsequently designated zone.

- J. Public Hearings: Public hearings required under this Section shall be conducted and notice shall be provided as is described in Section 04-06, provided, however, that under no circumstances shall the notice and hearing requirements be less than what is required by Section 67-6509, Idaho Code.
- K. Enforcement of Development Agreements: Development agreements may be enforced by the City through any means deemed to be appropriate, including, but not limited to, specific enforcement, injunctive relief, damages or criminal penalty for violation of this section. The enforcement options available to the City shall not be considered exclusive.

7-13: AMENDMENT; REZONE, RECLASSIFICATION OF THE ZONING ORDINANCE AND MAP:

7-13.1: Power to Amend:

- A. This Ordinance may be amended whenever the Council deems that amendment is required for public convenience or necessity, or for general welfare. Any amendment shall be enacted pursuant to this Section, and for purposes of this Section, includes any measure to change district boundaries, establish or disestablish districts, to change district regulations, to add, repeal or amend any other provisions of any Section or the whole of this Ordinance.
- B. An amendment to the text of this Ordinance or to the Official Zoning Map may be initiated by a Resolution of Intention by the City Council or by an application of one or more of the owners of property affected by the proposed amendment.

7-13.2: Application Required:

Application: Any person seeking an amendment of the Zoning Ordinance or Map shall submit to the City Clerk an application form as prescribed by the Council, designating the change desired the reasons therefore, and how the proposed amendment would further promote the objectives and purposes of the Zoning Ordinance. A filing fee shall accompany said application. The City Clerk shall then transmit the requested amendment to the Council. Upon receipt of the request, the Council shall consider the amendment, giving particular attention to the effects of any proposed change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning area of the City.

- A. Applications from a property owner shall be filed with the City Council on forms prescribed by the Council, accompanied by such data and information necessary to assure the fullest presentation of facts.
- B. No application from an owner of property for the same general purpose Concerning, the same property, which has been denied by the City, shall be received or processed within twelve (12) months of such denial except by unanimous action of the Council.

7-13.3: Public Hearing: Prior to considering an amendment, the Council shall conduct at least one public hearing, as per Section 4-06, 4-06.1 and 4-06.2, in which interested persons shall have an opportunity to be heard.

- A. In the case of Map amendments, which are in accordance with the adopted Comprehensive Plan, additional notice shall be provided by mail to property owners or purchasers of record within three

hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the Council.

- B. Notice shall also be posted on the premises not less than one week prior to the public hearing.
- C. If the request is not in accordance with the adopted Plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services within the planning area, including school districts, the request shall be submitted to City Clerk, which shall make recommendation to the City Council. The City Council may then adopt or reject an amendment to the plan under the notice and hearing procedures provided in this Section. After the plan has been amended, the Zoning Ordinance may then be amended as provided for in this Section.
- D. When notice is required to be given to two hundred (200) or more property owners or purchasers of record, an alternative form of procedure of official notice of the public hearing for both the Council shall be that the public hearing notice shall be published in the official newspaper two (2) consecutive times.
- E. Public Hearing Required by Council: Amendments to the Zoning Ordinance or Map may be adopted only after a public hearing has been held before the City Council in which parties in interest and citizens shall have an opportunity to be heard.
- F. Amending Ordinance: The Council, upon acceptance of said amendment, shall adopt an ordinance amending the Ordinance or Map.
- G. Reversal of Council Action: If the Council adopts a zoning classification or map amendment pursuant to a request by a property owner, the Council shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent, in writing, of the current property owner for a period of four (4) years from the date the Council adopted said individual property owner's request for a zoning classification change or Map amendment.

7-14: ANNEXATION: Zoning Upon Annexation: The corporate boundary of the City may be expanded whenever the Council deems it to be for the public convenience or necessity or for the general welfare. A request for the annexation of property into the City may be initiated by the City Council or by one or more property owners or holders of valid options to purchase the property. When the annexation request is initiated by the property owner, the City Council may expand or modify the annexation request.

7-14.1: APPLICATION REQUIRED: Every person seeking annexation into the City of Crouch shall file with the City Clerk, an application as prescribed in Section 7-09.

7-14.2: PUBLIC HEARING: The City Council shall hold at least one public hearing for each annexation request as prescribed in Sections 4-06, 4-06.1, 4-06.2.

7-15: CONDITIONAL USE PERMIT PROCEDURE:

7-15.1: DESCRIPTION AND PURPOSE: Certain types of uses possess unique and special characteristics, which require special consideration, prior to their being permitted in a particular district. A conditional use permit may be granted to an applicant if the proposed use is otherwise prohibited by the terms of the Ordinance,

but may be allowed with conditions under specific provisions of the Ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the Comprehensive Plan.

- A. The reason for special consideration involves, among other things, the size of the area required for the full development of such use, the nature of traffic problems incidental to operation of the use, the effect such use has on any adjoining land uses and the effect such use has on the growth and development of the community as a whole.
- B. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonable or incompatible with the type of uses permitted in surrounding areas, and for stipulating such conditions as maybe reasonable so that the basic purposes of the Chapter shall be served. Nothing construed herein shall be deemed to require the City Council to grant a conditional use permit.
- C. No building permit shall be issued when a conditional use permit is required by the terms of this Chapter, unless a permit has been granted by the City Council and then only in accordance with the terms and conditions of the conditional use permit.
- D. No conditional use permit shall be transferable from one property to another. In the event the property changes hands, the new owner, if he or she desires to continue the conditional use, shall appear before the City Council for review. Said continuance shall be subject to the same terms and conditions of the original permit.

7-15.2: APPLICATION REQUIRED: Every person seeking a conditional use permit shall file with the City Clerk/ Zoning Administrator an application as prescribed in Chapter 4, Section 4-02.

7-15.3: PUBLIC HEARING: The commission shall hold at least one public hearing for each application for conditional use permit as prescribed in Chapter 4, Sections 4-06, 4-06.1, 4-06.2.

7-15.4: CONDITIONS: Upon granting a conditional use permit, conditions may be attached, including but not limited to the following, for the purpose of:

- A. Minimizing adverse impact on other development (special yards of spaces, fences and walls).
- B. Controlling the sequence and timing.
- C. Controlling duration of the use.
- D. Assuring that development is maintained property.
- E. Designating the location and nature of development, including signs.
- F. Requiring the provision for on-site public facilities or services.
- G. Requiring more restrictive standards than those generally required in an ordinance (surfacing of parking areas to City specifications, regulation of points of vehicular ingress and egress, landscaping and maintenance, regulation of noise, vibration, odors or other similar nuisances).

- H. Specifying the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the conditional use permit?
- I. Requiring mitigation of effects of the proposed use upon services delivered by any political subdivision, including school districts, providing services within the planning area of Crouch.

7-15.5: PROCESS OF APPROVAL, APPEAL, JUDICIAL REVIEW:

- A. **Effective Date:** The permit shall not become effective until fifteen (15) calendar days from the date of the action by the City Council.
- B. **Judicial Review:** An applicant denied a permit or aggrieved by a decision may within sixty (60) days after all remedies have been exhausted under the ordinances of the City seek judicial review under the procedures provided by Idaho Code 67-5215(b) through (g) and 67-5216 (67-6519).

7-16: SPECIAL EXCEPTIONS: The City Council shall review all requests for special exceptions.

- A. **Justification:** Finding that there are certain uses that because of their normal nature or design are not commonly permitted in a given district, but that with special consideration by the applicant to the standards of the area, impact, design and existing uses, the said use may benefit the immediate community, the City Council may approve, with conditions as outlined below, any use as requested by an applicant as a conditional use under the Special Exceptions provision.
- B. **Intent:** It is the intent of this Section to promote infilling of built areas of the community with minimal community impact. In all districts it is intended to allow uses of equal or lessor impact than those permitted uses in the district. The Special Exception shall not increase density of a permitted use in a residential district, unless it will adaptively reuse a building which is on the historical register of the City or Federal government and which has an existing gross floor area of greater than 5,000 sq. ft.
- C. **Procedure for Filing:** Any person may apply for a Special Exception under this Section upon submittal of an application on a form prescribed by the City Clerk and accompanied by a filing fee as specified herein all answers to questions as prescribed in the form shall be used to validate the application by the City Clerk. The City Clerk shall reject any application which does not fully contain the following:
 - 1. Complete detailed description of the proposed use including, but not limited to, the following: hours of operation, number of employees, expected number of daily customers, anticipated number of needed parking spaces, noise to be generated, signs and other impacts, where applicable; and
 - 2. All applications shall be accompanied by appropriate architectural and site development plans to scale which shall show building location, landscaping, prominent existing trees, ground treatment, fences, off-street parking and circulation, location and size of adjacent streets, north arrow and property lines, drawings of the major exterior elevations showing exterior building treatment, existing grade and proposed new grades; and

3. All applications shall contain a detailed statement explaining how and why the proposed use is appropriate to the site and neighborhood and why such use will not adversely impact the site and neighborhood; and
4. All applications shall contain a written statement, justified with submitted drawings, that the applicant does not require or request a variance in bulk, setback or sign regulations from those required in the existing zoning district of the proposed location.

D. Action by City Council:

1. At every special exception hearing before the City Council, the Council shall hear all persons interested in the subject matter then pending before it.
2. The Council shall use the following findings of fact, which is based upon the evidence presented, and supporting the purposes and objectives of said Special Exception:
 - a. That the Zoning Ordinance does not anticipate that such a use could be a desirable use in the zone under special circumstances; and
 - b. That the use will produce an equal or reduced impact upon the site or neighborhood than would an allowed use; and
 - c. That the location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation and service facilities in the vicinity; and
 - d. That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and such other features as are required by this Ordinance; and
 - e. That the site is appropriate for such proposed use and that proper zoning for the proposed use is not available in the general neighborhood; and
 - f. That natural features and existing trees are appropriately preserved and integrated with the project and that the finished grading, storm drainage and landscaping are consistent with the established or contemplated character of the neighborhood; and
 - g. That access to the property and internal vehicular circulation thereon are safe designed such as to have minimal impact upon the surrounding neighborhood and traffic operations; and
 - h. The approval, denial or modification of the Special Exception does not provide precedent for any other parcel in the City.
 - i. Describe those "special circumstances" which are not anticipated by the Zoning Ordinance

- j. Add any additional conditions, which would allow establishment of the proposed use in a compatible manner with the community.

7-17: VARIANCE PROCEDURE:

7-17.1: DEFINITION: A variance is an adjustment or special exception made in the application of the regulations set forth in this Ordinance to a particular piece of property which, because of special circumstances, may be deprived of privileges commonly enjoyed by other properties in the same zone or vicinity. Among other things, it can be a modification of requirements with respect to fences and walls; lot size; lot coverage; width; depth; front, side or rear yards; setbacks; parking spaces; height of structures; or other Ordinance provisions affecting the size or shape of structures or the placement of structures upon lots.

7-17.2: PURPOSE: The purpose of a variance is to provide fair treatment and to see that individuals are not penalized because of site characteristics beyond their control. A variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing that a) undue hardship exists because of special physical characteristics of the site, which prevent the literal application of zoning regulations, and b) the variance is not in conflict with the public interest. Hardships must result from special site characteristics relating to size, shape or dimensions of a site or the location of existing structures thereon; from geographic, topographic or other physical conditions; or from population densities, street locations or traffic conditions.

7-17.3: APPLICATION REQUIRED: An application for a variance shall be filed with the City Clerk on a form prescribed by the Council. The application shall be accompanied by an accurate scale drawing of the site and any adjacent property affected, showing all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking, off-street loading facilities and landscaped areas, as applicable.

7-17.4: PUBLIC HEARING: Notice and an opportunity to be heard shall be provided to property owners adjoining the parcel under consideration. A notice of public hearing shall be given not less than fifteen (15) calendar days nor more than thirty (30) calendar days prior to the date of the public hearing by mailing notices to adjacent property owners. The notice shall contain the address or location of the property for which the application is taken as well as a brief description of the nature of the variance requested. Public Hearing procedures outlined in Sections 4-06, 4-06.1, and 4-06.2 shall be followed.

7-17.5: ACTION: The Council may grant a variance based on the application, investigation and evidence submitted, upon finding the following:

- A. That literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Ordinance.
- B. That there are extraordinary site characteristics applicable to the property involved or intended use of the property, which do not generally apply to other properties classified in the same zoning district.
- C. That literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
- D. That the granting of the variance will not constitute a grant or special privilege inconsistent with the

limitations on other properties classified in the same zoning district.

- E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

7-17.6: DURATION OF APPROVAL: The use of construction permitted under the terms of any variance shall be commenced within a six (6) month period. If not commenced, the variance is no longer valid. An extension of an additional six (6) months may be granted if requested prior to expiration of the approval.

7-18: OTHER CONDITIONAL USE APPROVAL:

- A. Animal Clinic, Animal Hospital, Veterinary Office and Kennel:

1. Will be located at least five hundred (500) feet from any residence including motels and hotels, except for an owner's residence. The City Clerk may modify these requirements if the animals are completely housed in soundproof structures that completely screen them from view of the abutting residential property.
2. Will comply with all State and local regulations relative to such an operation and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

- B. Bulk Storage of Flammable Liquids and Gases above Ground and for Resale:

1. Will be located at least five hundred (500) feet from a residential zone, any residence, motel or hotel, except for an owner's residence.
2. Will be erected subject to the approval of the appropriate fire district.
3. Will have suitable loading and unloading spaces and off-street parking facilities subject to the approval of the appropriate fire district.

- C. Contractor's Yard:

1. Will be located a minimum distance of three hundred (300) feet from any residence, except for an owner's residence.
2. Will have a screening fence around areas utilized for storage of equipment.
3. Will be limited to storage, maintenance and processing incidental to contracting work. There shall be no general industrial or commercial uses.

- D. Gravel Pits, Rock Quarries, Sand and Clay Pits and Other Natural Resources of Commercial Value:

1. The extent and method of rehabilitation shall be determined in advance of issuing a zoning certificate with due consideration given to what is suitable and compatible with the surrounding area.

2. Upon depletion of the area, all temporary buildings and structures, except property line fences and structures for the loading, measuring or weighing of salable material in storage, shall be entirely removed from the property.
 3. Safety fencing shall be erected around all pits that create a safety hazard.
- E. Outdoor Storage of Commercial and Industrial Materials:
1. Will be screened from view from any existing, adjoining residence or residentially zoned area, whether or not such property is separated by an alleyway or street.
 2. Will not be located within any front yard.

CHAPTER 8 – PLANNED UNIT DEVELOPMENT

8-1:	PURPOSE
8-2:	POLICY
8-3:	PROCEDURES
8-4:	PERMITTED USES
8-5:	REQUIREMENTS
8-6:	OWNERSHIP
8-7:	CONTAINED DEVELOPMENT
8-8:	COMMUNITY FACILITIES
8-9:	PLAN FILING REQUIREMENTS
8-10:	PLAT APPROVAL REQUIRED

- 8-1: PURPOSE:** It shall be the purpose of this Section to encourage the unified and planned development of a site in individual or corporate ownership at the time of development by the use of planned unit developments. Such development may be permitted without customary division into individual lots, or without specific compliance to the zoning district regulations as applicable to individual lots subject to the regulations as hereinafter provided.
- 8-2: POLICY:** Following the spirit and purpose of this Section, much greater latitude is permitted than in conventional and traditional regulations for development. In consideration of the latitude given and the absence of many of the conventional restrictions, the Council shall have wide discretionary powers in judging and approving or disapproving the imaginative concepts and innovations which may be incorporated into the plans presented, provided the Planned Unit Development shall conform to the general purposes and objectives of the Comprehensive Plan.
- 8-3: PROCEDURES:** The use of the procedure given in this Section superimposes each approved specific Planned Unit Development on the underlying zoning district regulations as an exception to such regulations to the extent that such planned development shall modify and supersede the regulations of the underlying use zone. The administrative procedures for a Planned Unit Development shall be the same as special permits.
- 8-4: PERMITTED USES:** Planned unit developments shall be allowed by Conditional Use for uses as specified in the Section 9-15. Planned unit development procedures may permit the inclusion of land uses other than those permitted by the existing zoning district regulations subject to the requirements of this Section and provided the Commission shall find that:
- A. The uses are necessary or desirable and are appropriate with respect to the primary purpose of the development as specified in the order granting the development.
 - B. The uses permitted are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.
 - C. No more than twenty (20) percent of the ground shall be devoted to uses other than the zoning district in which the proposed development is located.

- 8-5: REQUIREMENTS:** Planned unit developments shall comply in all respects with the specific regulations and requirements approved and authorized for such specific Planned Unit Development.
- 8-6: OWNERSHIP:** A Planned Unit Development shall be under one ownership or under a unit control during the planning and developmental state to insure that the development can be accomplished.
- 8-7: CONTAINED DEVELOPMENT:** A Planned Unit Development shall be essentially independent and contained. It shall generally be physically disassociated from surrounding properties, particularly those with different uses. For example, terrain, orientation, streets and highways may create such separation. If containment is impossible, either the development should be disapproved or approval should be conditioned on the density, design and degree of development insuring achievement of the objectives of this section in the manner in which the site is used.
- 8-8: COMMUNITY FACILITIES:** Planned unit development shall include site availability for needed community facilities not otherwise provided for. For example, provisions may be required for sites for schools, public safety uses, utilities, churches, parks and recreation areas.
- 8-9: PLAN FILING REQUIREMENTS:** The engineers, architects and other professionals creating Planned Unit Development concepts shall consult with the appropriate local officials and staffs as ideas develop. At such time as the applicant wishes to file the Planned Unit Development plan on a formal basis, the plan shall contain the following:
- A. An application form provided by the City signed by the developer of the proposed project and by the property owner if other than the developer, indicating:
 - 1. Name and address of developer, land surveyor, engineer, architect, planner and other professionals involved.
 - 2. Legal description of development area.
 - 3. Total area in square feet and in acres.
 - 4. Approximate percentage of area intended for use-in common.
 - 5. Description of intended type of use and of operation, including justification for the project.
 - 6. Approximate maximum height of buildings.
 - 7. For residential use, number of single-family dwelling units and of multiple-family dwelling units intended.
 - 8. Copies of homeowners' association bylaws and related agreements of documents.
 - B. Prints of a drawing, the number to be determined by the City, showing the following information:
 - 1. A vicinity map relating the development to main roads and Section lines.
 - 2. Outline of the area of development.

3. Topography showing direction of drainage with minimum contour intervals of twenty (20) feet extending not less than one hundred fifty (150) feet of the boundaries of the development area.
4. All structures and improvements within the development area, which are to remain.
5. All structures and improvements outside the development area within one hundred and fifty feet (150') of the boundaries of the development area.
6. Existing streets bounding and/or within the development area.
7. Street pattern and pedestrian walkway pattern separate from streets within the development area, showing intended street within.
8. Location of building lots and/or building areas and major areas intended for use-in-common.
9. Areas to be assigned for use-in-common.

8-10: PLAT APPROVAL REQUIRED: Plat Approval Required: Approval of plats for condominiums or other subdivisions in Planned Unit Developments shall be as prescribe in Chapter 2 of the Subdivision Ordinance.

CHAPTER 9 – GENERAL AND MISCELLANEOUS PROVISIONS AND REGULATIONS

9-1:	LAND
9-2:	STRUCTURES
9-3:	MISCELLANEOUS
9-4:	SUPPLEMENTARY USE DISTRICT REGULATIONS
9-4.1:	INTENT
9-4.2:	UNIQUE LAND USES
9-4.2.1	HOME OCCUPATIONS
9-4.2.2	DRIVE-UP WINDOWS
9-5:	CONFLICT WITH OTHER LAWS AND REPEALER
9-6:	SEVERABILITY
9-7:	VIOLATION AND PENALTY

9-1: LAND:

- A. Land or premises shall be used, unless otherwise provided in this Ordinance, only in conformity with the regulations herein set forth for the use districts in which such land or premises are located.
- B. No building shall be constructed or erected upon a lot or parcel of land, which does not abut upon a public street or have permanent easement for access to a public street, which easement shall have a minimum width of twenty-five feet (25') unless an easement of lesser width was of record prior to the adoption of this Ordinance.
- C. No building permit shall be issued nor shall any structure be built upon any lot, which allows zero lot line until such time as the owner, developer, contractor, builder or person responsible for the structure has submitted to the City Clerk, a survey map of the property identifying the property corners. All property corners shall be physically marked so that no part of the proposed construction shall extend beyond the appropriate boundary. The requirement for a survey shall not apply to residential areas, except in the event that a person is seeking a variance to allow a structure or some portion of a structure to extend into that area normally protected by set back lines or to or beyond the lot line.
- D. Zoning of Public Ways: All street and alley rights of way, not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street and alley rights of way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley to the centerline unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property.

9-2: STRUCTURES:

- A. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. All new construction, structural alterations, or remodels will be done under the most current edition of the International Building Code adopted by the City.

- B. No building or structure, other than a building for conditional use, shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the zone in which the building is located. Nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.
- C. Every building hereafter erected or structurally altered to provide dwelling units shall be located upon a lot as herein defined and in no case shall there be more than one (1) such building on one (1) lot unless otherwise provided in this Ordinance.
- D. A residence may not be converted to accommodate an increased number of dwelling units unless:
- E. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
- F. The conversion is in compliance with all other relevant codes and ordinances.
- G. Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Temporary structures must be placed on the site where construction is taking place. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the City Clerk.
- H. A dwelling shall not be erected in the Industrial District. However, the sleeping quarters of a watchman or caretaker are permitted.
- I. No residential structure shall be erected upon the rear of a lot or upon a lot with another dwelling, except that in a two-story garage with living quarters upon the second floor, such quarters may be occupied by a servant (and his family) of the family occupying the main structure. There may also be constructed a guest house (without kitchen) or room for guests within an accessory building; provided, such facilities are used for the occasional housing of guests of the occupants of the main structure and not for permanent occupancy by others.

9-3: MISCELLANEOUS:

- A. Enclosed Trash Areas: All trash and/or garbage collection areas for commercial, industrial and multi-family residential uses shall be enclosed on at least three (3) sides by a solid wall or fence of at least four feet (4') in height or within an enclosed building or structure. Adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the City Clerk shall be provided.
- B. No yard or lot existing at the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall meet at least the minimum requirements set forth herein.
- C. Street signs and house numbers are installed, in accordance with city ordinances, which adequately identify the location of such building for emergency purposes.

- D. For the purpose of insuring orderly development and to provide adequate access for fire-fighting equipment and other services to all buildings, no residence or commercial building shall be erected or moved onto any lot, tract or parcel of land in any use district adopted under the provisions of this Ordinance unless said lot, tract or parcel of land has seventy-five (75) feet of frontage on a public right of way and has reasonably efficient access thereto for vehicular traffic and has been legally subdivided. Provided further, that a building permit may be issued for construction of a residence on a private easement where, in the opinion of the City Council, the following conditions have been reasonably met:
 - a. Minimum easement width of twenty-five (25) feet.
 - b. Maximum easement length of four hundred (400) feet.
 - c. Minimum turn-around radius of forty (40) feet.
 - d. Maximum grade of ten (10) percent.
 - e. The easement must serve land which otherwise would have no access to a public road.
- E. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any buildings upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried on and; provided further, such building shall be completed within one year.

9-4: SUPPLEMENTARY USE DISTRICT REGULATIONS:

9-4.1: INTENT: The following provisions shall be subject to the general regulations of this Ordinance and to the special provisions and exceptions in this and the following sections of this Chapter so as to secure the intent of this Ordinance. In all cases of administration and enforcement of this Ordinance for which no other specific provisions are made in this Chapter and other provisions of this Ordinance, the City Council shall provide for the same by order, resolution or the adoption of a rule, regulation or by-law, which provision shall be in accord with and consistent with the objectives and standards of this Ordinance. Uses not specified within use districts are prohibited unless determined by the City Council or its authorized representative to be similar in nature to those specified.

9-4.2: UNIQUE LAND USES: Certain unique land uses pose special problems that may have detrimental influences on surrounding land uses. The performance standards for such unique land uses, as outlined in this Ordinance, shall be adhered to in addition to all other provisions of this Ordinance.

9-4.2.1: HOME OCCUPATIONS:

- A. No more than one person, other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. No new structure shall be built to house any home occupation.
- D. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Chapter 11 of this Ordinance, and shall not be located in a required front yard.
- E. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.
- F. No storage of materials or supplies outdoors.
- G. It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.

9-4.2.2: DRIVE-UP WINDOWS:

- A. Will be enclosed on the property line with landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other properties.
- B. Will have at least a six (6) foot high, sight-obscuring fence or landscaping along the property lines that adjoin a residence with approval from City Clerk. All speakers shall be screened with landscaping or fencing.
- C. Will provide for adequate trash receptacles.
- D. Will avoid the direction of night lighting toward any residence.

9-5: CONFLICT WITH OTHER LAWS AND REPEALER: It is not intended by this Chapter to interfere with other regulations of State or local law, or with private restrictions on the use of land, improvements and structures. Where this Chapter imposes greater restriction than that imposed by other law or private restrictions, this Chapter shall prevail. All other ordinances or parts of ordinances in conflict herewith are hereby repealed upon the effective date of this Chapter.

9-6: SEVERABILITY: If any provisions of this Chapter or the application thereof to any persons or circumstances are held invalid, the remainder of the Chapter or the application of provisions to other persons or circumstances shall not be affected thereby.

9-7: VIOLATION AND PENALTY: Any person or corporation, whether owner, lessee, principal agent, employee or otherwise, who violates any of the provisions of this Ordinance or permits any such violation or fails to comply with any of the requirements approved under this Ordinance shall be guilty of a misdemeanor statute contained in Section 18-113, Idaho Code. Each day's continued violation shall constitute a separate additional violation.

CHAPTER 10 - EXCEPTIONS, ACCESSORY AND NON-CONFORMING USES, FENCE REGULATIONS

10-1:	GENERAL REGULATIONS
10-1.1:	INTENT
10-1.2:	ORIGINAL LOTS OF RECORD
10-2:	ACCESSORY USES
10-2.1:	GENERAL
10-2.2:	PERMITTED ACCESSORY USES
10-3:	NONCONFORMING USES
10-3.1:	GENERAL
10-3.2:	NONCONFORMING USES
10-3.3:	ESTABLISHING A LEGAL NONCONFORMING USE
10-3.4:	NONCONFORMING USE ABANDONMENT
10-3.5:	EXPANSION OF LEGAL NONCONFORMING USES AND CONDITIONAL USES
10-3.6:	NONCONFORMING MOBILE HOME
10-3.7:	CONVERSION OF NONCONFORMING USE TO AN ALLOWED USE
10-4:	ZONING RIGHTS-OF-WAY AND ANNEXED LAND
10-5:	PUBLIC SERVICES EXPECTED
10-6:	FENCE REGULATIONS
10-7:	MICRO-PATHWAY REGULATIONS
10-8:	MOST RESTRICTIVE REGULATIONS GOVERN

10-1: GENERAL REGULATIONS:

10-1.1: INTENT: The following provisions shall be subject to the general regulations of this Ordinance and to the special provisions and exceptions in this and the following Sections so as to secure the intent of this Ordinance. In all cases of administration and enforcement of this Ordinance for which no specific provisions are made in this Section and other provisions herein, the City Council shall provide for the same by order, resolution or adoption of a rule, regulation or by-law, which provision shall be in accord with and consistent with the objections and standards of this Ordinance.

10-1.2: ORIGINAL LOTS OF RECORD: Any single lot or parcel of land, held in one ownership, which was of record and a legal lot at the time of adoption of this ordinance, but does not meet the requirements of the district in which it is located for minimum lot width or area, may be utilized for a permitted use if all other requirements of this ordinance are met.

10-2: ACCESSORY USES:

10.2.1: GENERAL: An accessory use, as defined and regulated herein, is permitted in any district where the principal use to which it is an accessory is permitted.

10-2.2: PERMITTED ACCESSORY USES:

- A. Such uses shall be limited to two (2) stories in height and shall not encroach upon required setback areas in commercial and industrial zones.

- B. Cornices, canopies, eaves or other projections which do not increase the volume of the space enclosed by the building and do not project into any required yard more than two (2) feet; provided that an unroofed stair and landing together with a railing may project not more than three (3) feet into a front yard or six (6) feet into the rear.
- C. Chimney, not more than eight (8) feet in width and projecting more than twenty-four (24) inches.
- D. Driveways.
- E. Decks and Porches
 - 1. Porches may be located within four (4) feet of the front yard setback.
 - 2. Decks and porches located four (4) feet above grade may be within 3 feet from the rear setback
 - 3. Porches may be located within four (4) feet of the rear yard setback.
 - 4. No porches or decks may be located in the side or street side setback.

10-3: NONCONFORMING USES:

10-3.1: GENERAL: Any use or structure lawfully occupying a building or land at the effective date of this ordinance or subsequent amendments thereto or at any time of annexation or rezone, which does not conform with the regulations of the district in which it is located shall be deemed a nonconforming use and may continue to operate as it did prior to the adoption of the Ordinance. A nonconforming use shall exist if the owner or developer of such use has lawfully, in reliance on existing laws, ordinances or permits, made substantial expenditures or otherwise committed him or herself, to a substantial disadvantage, before the law, ordinance or permit is changed. Substantial shall be measured by consideration of all factors evidencing a change in position.

The right to maintain a nonconforming use runs with the land and is not terminated by a change in ownership, provided the nonconforming use is not enlarged, expanded or altered.

10-3.2: NONCONFORMING USES:

- A. Any use lawfully occupying a building or land on the effective date hereof, or of subsequent amendments thereto, which does not conform to the regulations for the district in which it is located shall be deemed to be a nonconforming use and may be continued. Maintenance and minor repairs necessary to keep a nonconforming use in sound condition during such continuance shall be permitted.
- B. A nonconforming building may be enlarged or extended only if thereafter the entire building is devoted to a conforming use.
- C. No building partially occupied by a nonconforming use shall be altered in such a way to permit the enlargement or expansion of the space occupied by such nonconforming use.

- D. No nonconforming use may be enlarged or extended in such a way as to occupy any required open space, or any land beyond the boundaries of the lot on which it existed on the effective date hereof, nor may any such nonconforming use displace any conforming use in the same building or on the same parcel.
- E. Any nonconforming building destroyed by fire or other calamity to an extent of fifty percent (50%) or more of the appraised value immediately prior to such destruction may not be restored unless such restoration shall make the building a conforming building and any intended use shall be a conforming use; provided however, that nothing in this Ordinance shall be construed to prevent the restoration and the resumption of former lawful use of any building that is damaged or partially destroyed by fire, or other calamity, to the extent of less than fifty percent (50%), provided that such restoration is started within one calendar year and diligently prosecuted to completion.

10-3.3: ESTABLISHING A LEGAL NONCONFORMING USE: A Legal Nonconforming Use may be established upon application through the Administrative Level review process outlined in Section 4-5.1, subject to review of verification documentation submitted by the applicant. Following is a list of some, but not all, types of documentation which are accepted as verification of a Legal Nonconforming Use (Grandfather Right):

- A. Documentation:
 1. Rental property receipts showing dates of use, directories, utility bills, etc.
 2. Business receipts showing types of the service or goods provided, dated phone directories, Polk's Directory, etc.
 3. Statements from utilities, such as power, water, or gas which indicates date and type of use, i.e. commercial, multi-family residential, etc.
 4. Licenses such as beer, liquor, retail, or professional occupation showing dates of use.
 5. Notarized statements from neighbors who have observed the nonconforming use over the required time period.
- B. Procedures: Every application for a Certificate of Legal Nonconforming Use shall be deemed to be an application for a Zoning Certificate. The City Clerk must review the verifying documentation submitted and make a determination of approval or denial of the application within (15) calendar days of receipt of application and will submit the findings and conclusions in writing to the applicant. The decision of the City Clerk may be appealed by the applicant, or any affected person, within ten (10) calendar days of the date of the approval or denial in accordance with Section 4-0.

10-3.4: NONCONFORMING USE ABANDONMENT: Whenever a nonconforming use of land or building has discontinued for a continuous period of (6) months, or in case a building originally designed for a commercial or industrial use for a continuous period of one year; or whenever there is otherwise evident a clear intent on the part of the owner to abandon a nonconforming uses, such use shall not thereafter be reestablished, and the use of the premises thereafter shall be in conformity with the regulations for the

district. Any nonconforming use, which is illegally expanded, shall lose its nonconforming status.

10-3.5: EXPANSION OF LEGAL NONCONFORMING USES AND CONDITIONAL USES: Expansion to conditional uses or legal nonconforming uses which do not exceed twenty (20) per cent of the existing facility (based on square footage, or other dimensional measure), or other minor changes to such uses, may be allowed with approval by staff. Expansions to such uses, which exceed twenty (20) per cent or which cannot be considered minor, shall be reviewed by the City Council as a conditional use permit, also subject to the findings below:

- A. That the proposed conversion, restoration, enlargement or expansion will not alter the zoning classification of the nonconforming uses;
- B. That the proposed conversion, restoration, enlargement or expansion conforms to all existing requirements of the Crouch Zoning Ordinance;
- C. That the proposed conversion, restoration, enlargement or expansion will not place an undue burden on existing transportation and service facilities in the vicinity.
- D. That the proposed enlargement or expansion is not inimical to the best interest of the surrounding neighborhood.

10-3.6: NONCONFORMING MOBILE HOME: A nonconforming mobile home in any residential district may be enlarged or replaced provided that the City Clerk shall make the following findings and issue a Zoning Certificate:

- A. Such enlargement or replacement meets all current Idaho and Federal construction codes for mobile homes.
- B. All setbacks and other regulations as required in the zoning district in which the mobile home is located are adhered to.
- C. Hook-up to City sewer and water is required where this service is available.
- D. Home and property are under single ownership.

10-3.7: CONVERSION OF A NONCONFORMING USE TO AN ALLOWED USE: A nonconforming use may be converted to a use that is allowable within the zoning classification applicable to the nonconforming use after issuance of a Zoning Certificate as provided in Section 6-01 of this Ordinance.

10-4: ZONING RIGHTS-OF-WAY AND ANNEXED LAND: All streets, alleys, railroad right-of-way, canal rights-of-way and other public ways, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such alleys, streets, public ways, waterways and railroad rights-of way.

10-5: PUBLIC SERVICES EXCEPTED: This Ordinance shall not limit or interfere with the temporary use of any property as a public voting place, or with the construction, installation or operation of the following by any public agency or private corporation, when such construction is otherwise in conformity with all Federal, State, County and City regulations.

- A. Public street or highway.
- B. Pole, towers, wires, cables, conduits, vaults, laterals, pipes, mains, wells, valves or any other similar distribution and transmission equipment for telephone or other communication, electric power, gas, water and sewer lines, provided that the installation shall conform, when applicable, with the rules and regulations of any Federal or State commissions and agencies, or any other authorities having jurisdiction and subject to other City ordinance provisions, rules and regulations; except poles, towers, or similar installations of height of seventy feet (70') or greater are subject to Section 7-04. Electrical substations are considered a major utility facility and subject to the requirements of this ordinance.
- C. Railroad right-of-way, excluding yards and stations.
- D. Incidental appurtenances to any of the above.

10-6: FENCE REGULATIONS:

- A. No fence, wall, berm, shrubbery, or hedge shall unreasonably obstruct or interfere with traffic visibility. Fences, walls, berms, shrubbery and hedges are permitted in any required yard or along the edge of any yard to a height of six feet (6'). Provided, that no fence, wall, berm, shrubbery, or hedge which obstructs sight-lines at elevations between three feet and ten feet (3' - 10') shall be placed or permitted to remain on any lot within twenty-five feet (25') of the intersection of a lot line and a street right-of-way line. The same sight-line limitations shall apply to corner lots within the side yard area adjacent to the street which intersects the street upon which the building fronts. No tree shall be permitted to remain within said restricted sight-line areas unless the foliage line is kept clear between the elevations described above. In any required front yard, no fence, wall, berm, shrubbery, or hedge shall be permitted which materially impedes vision across such yard between the height of three feet and ten feet (3' - 10').
- B. No fence or wall shall be constructed or installed in any zone without the review and approval of such by the City Clerk. An administrative application shall be submitted to determine compliance with the following approval criteria.
- C. Electric fences are prohibited within the corporate limits of the City of Crouch.
- D. Barbed wire may be permitted in commercial and industrial zones only when used as the top section for security fences. Any barbed wire forming part of a security fence shall be a minimum of seventy-two (72) inches above grade. Public correctional or penal facilities are exempted from this limitation.
- E. For the purposes of this section, walls lattice work and screens shall be considered to be fences and shall be built and maintained in compliance with the provisions thereof.
- F. The use of boxes, sheet metal, old or decayed wood, broken masonry blocks or other like unsightly materials for fencing is hereby prohibited.
- G. Upon and within lots in all residential districts for dwelling units:

1. Interior lots: Solid or closed non-vision fences to a height of thirty-six (36) inches, or open-vision type fences to a height of forty-eight (48) inches, may be built from the front yard setback to and including the front property line. Fences to a height of seventy-two (72) inches may be built from the front yard setback to and including the rear property line.
2. Corner lots:
 - a. Any fence, wall or planting on or within the clear vision triangle shall be limited to thirty-six (36) inches in height measured from the crown of the street.
 - b. Solid or closed non-vision fences to a height of thirty-six (36) inches or open vision type fences to a height of forty-eight (48) inches, may be built along the front property line and along the side property line to the front yard setback, except that a fence of seventy-two (72) inches in height may be built upon street and side property lines from the front yard setback to and across the rear property line provided that no fence which exceeds thirty-six (36) inches in height may be erected in the clear vision triangle.
 - c. Concrete and masonry walls of any height, and fences over six feet (6') tall must also be approved by the City Council.

10-7: MICRO-PATHWAY REGULATIONS: The placement of walkways and pathways are intended to encourage safe, convenient and aesthetic alternative travel routes to common destinations such as schools, parks and shopping areas. These may be provided with approval of the City Council.

10-8: MOST RESTRICTIVE REGULATIONS GOVERN: Wherever the regulations made under the authority of this Ordinance require a greater width or size of yards or courts, are more restrictive as to height of building or permit a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose standards which are more restrictive than are required by any other City Ordinance or regulation, the provisions of this Ordinance shall govern.

CHAPTER 11- OFF-STREET PARKING AND LOADING REQUIREMENTS

- 11-1: **General Provisions**
- 11-1.1: **Intensity of Use**
- 11-1.2: **Parking Area and Service Drive Improvements**
- 11-1.3: **Nonconforming Parking Spaces**

11-1: GENERAL PROVISIONS: Off-street parking and loading facilities shall be subject to the following regulations and requirements in addition to the general regulations of the Crouch Zoning Ordinance; Stall size and service drive dimensional requirements are set forth in Table 1, "Minimum Standards for Parking Lot Design", of this chapter:

11-1.1: INTENSITY OF USE: When the intensity of use of any building, structure or premises is increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified as requiring parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

11-1.2: PARKING AREA AND SERVICE DRIVE IMPROVEMENTS: All public or private parking areas and parking spaces shall be designed and laid out to conform to the minimum standards required by this Chapter and in accordance with the minimum standards for parking lot design as follows:

- A. Minimum dimensional standards for parking lot designs are stated in "TABLE 1 Minimum Standards for Parking Lot Design."
 - 1. The minimum unobstructed interior width of a two-car private residential garage shall be twenty (20) feet. The minimum unobstructed depth of the stalls must be 20 feet for the first stall and may be 16 feet for the second stall. These dimensions must be kept clear of any permanent obstructions including, but not limited to, mechanical units.
 - 2. Vehicle backup areas shall be provided. This area may include the width drive or alley.

11-1.3: NONCONFORMING PARKING SPACES: Nonconforming parking spaces, which exist at the adoption of this ordinance, shall have five (5) years to come into compliance.

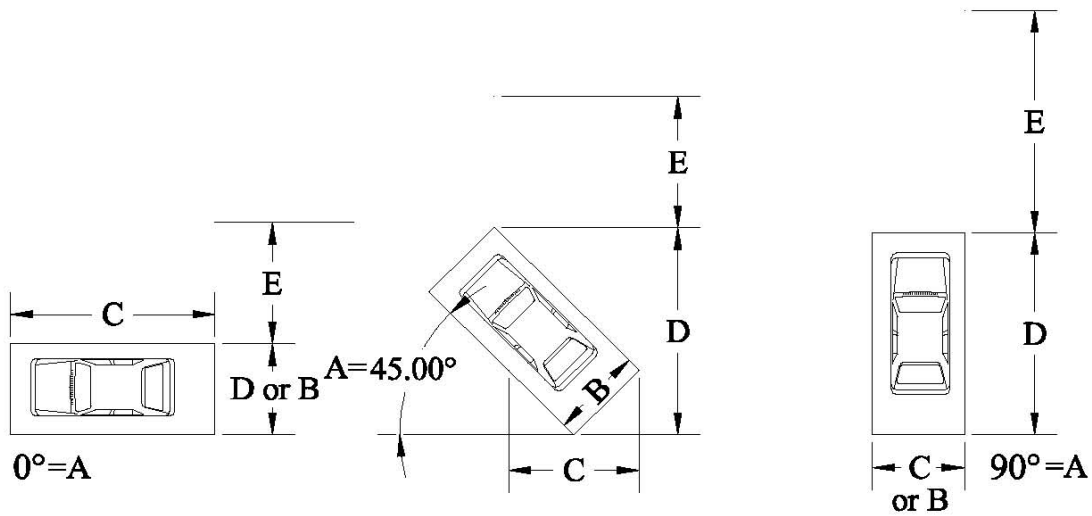
TABLE 1

MINIMUM STANDARDS FOR STANDARD VEHICLES

Parking Angle A	Stall Width B	Curb Length Per Car C	Stall Depth D	Driveway Width E
0	9'-0"	23'-0"	9'-0"	12'-0"
20	9'-0"	26'-4"	15'-3"	11'-0"
30	9'-0"	18'-0"	17'-8"	11'-0"
40	9'-0"	14'-0"	19'-6"	12'-0"
45	9'-0"	12'-9"	20'-5"	13'-0"
50	9'-0"	11'-9"	21'-0"	14'-0"
60	9'-0"	10'-5"	21'-10"	16'-0"
70	9'-0"	9'-8"	21'-10"	18'-0"
80	9'-0"	9'-2"	21'-4"	20'-0"
90	9'-0"	9'-0"	20'-0"	22'-0"

MINIMUM STANDARDS FOR COMPACT VEHICLES

Parking Angle A	Stall Width B	Curb Length Per Car C	Stall Depth D	Driveway Width E
45	7'-6"	10'-6"	16'-0"	11'-0"
60	7'-6"	8'-9"	16'-9"	14'-0"
75	7'-6"	7'-10"	16'-4"	17'-5"
90	7'-6"	7'-6"	15'-0"	20'-0"



- B. Surfacing: All parking lots, service drives, vehicle storage areas, and vehicle sales lots in the Central Business District shall be paved and constructed to meet the City of Crouch Standards, for base course and asphaltic concrete mat thickness; utilizing the appropriate traffic index. The design shall be prepared by a licensed, professional engineer. All other areas of the city shall meet the paving requirements set forth by the City Engineer.
- C. Access to parking spaces as required herein for commercial and industrial uses shall be not less than twelve (12) feet wide and not more than forty (40) feet wide at the curb line.
- D. No lawfully existing building shall be deemed to be a nonconforming building solely because of the lack of any such required spaces; provided, that space being used for off-street parking or loading in connection with any such building at the time of the effective date hereof shall not be further reduced in area or capacity.
- E. When the calculation of the required number of spaces called for herein results in a fractional number, fractions equal to or greater than one-half ($\frac{1}{2}$) shall be adjusted to the next higher whole number of spaces.
- F. Parking space requirements for a use not specifically mentioned shall be the same as for a use specified which has similar traffic generating characteristics.
- G. Except as required for dwellings and motels, off-street parking facilities for several buildings, structures or uses, or for mixed uses, may be provided collectively; provided, that the total number of spaces so located together shall not be less than the sum of the separate requirements for each of the buildings or uses.
- H. All open off-street parking areas, except for single dwelling spaces, shall be hard-surfaced, including access driveways.
- I. Lighting used to illuminate off-street parking areas shall be directed away from residential properties, and such parking areas shall be effectively screened on any side adjoining property in a residential zone by a wall, fence or hedge to a height of six (6) feet except for the front yard setback area of the adjoining residential property, in which case the maximum height shall be three (3) feet.
- J. Required parking spaces for dwellings shall be upon the same premises as the dwelling, and no parking space shall be located in any required front or side yard.
- K. Loading Spaces:
 - 1. For every building hereafter erected containing more than 15,000 square feet in area and which is designed to be occupied by any use requiring regular receipt or dispatch of merchandise by truck, there shall be provided and maintained with adequate design to provide safe and efficient means of access and maneuvering: 1 loading space not less than thirty (30) feet in length and ten (10) feet in width, exclusive of access platforms and

maneuvering areas.

Table 2 - PARKING REQUIREMENTS

Single family dwelling unit	2 parking spaces per unit
Duplex to four units	2 parking spaces per unit
Above four units	1.5 parking spaces per unit
Guest bedroom in a hotel, motel, club, lodging house, fraternity or sorority house	1 parking space, plus 1 parking space for each 3 beds.
Convalescent, nursing or rest home, sanitarium or home for the care of children or the aged	1 parking space per four beds, plus 1 parking space for each doctor assigned full time to the staff, plus 2 parking spaces for each 3 other employees.
Clinic	1 parking space for each 1,000 square feet of net floor area plus 1 parking space for each 4 regular employee
Religious facilities, auditorium, theater or sports arena	1 parking space for each 5 seats in the principal assembly room or area
Floor space used by the public or by members in a social hall, dance hall, nightclub, pool hall, restaurant or other similar enterprise or establishment	A number of parking spaces equal to 20% of the capacity in persons. For the purposes of this subsection, capacity in persons shall mean the gross floor area divided by 15 square feet.
Bowling alley	2 parking spaces for each lane
Retail stores, banks and shops	1 parking space for each 200 square feet of the net floor area.
Drive-in banks	Retail requirements plus 1 additional parking space for each teller.
Retail sales establishments handling only durable goods or bulky merchandise such as machinery, furniture or vehicles, personal service and repair shops, wholesale stores, building supplies and landscaping materials, animal feed and supplies	1 parking space for each 600 square feet of net floor area.
Business office, Medical or dental office or clinic	1 parking space for each 250 square feet of the net floor area.
Manufacturing establishments	1 parking space for each employee per shift.

CHAPTER 12 – SIGN REGULATIONS

12-1:	PROPOSE
12-2:	PUBLIC SIGNS EXCLUDED
12-3:	GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS
12-4:	MEASUREMENT OF SIGN AREA
12-5:	PERMITTED SIGNS
12-6:	SPECIAL PERMITTED SIGNS
12-7:	SIGN SETBACK REQUIREMENTS
12-8:	NONCONFORMING SIGNS
12-9:	VIOLATIONS

- 12-1: PURPOSE:** The purpose of this Chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights of way, provide more open space, curb the deterioration of the natural environment and enhance community development.
- 12-2: PUBLIC SIGNS EXCLUDED:** For the purpose of this Title, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.
- 12-3: GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS:** The regulations contained in this Section shall apply to all signs and all use districts:
- A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed to permit the beams and illumination which is to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises to cause glare or reflection that may constitute a traffic hazard or nuisance.
 - B. No sign shall employ any parts or elements, which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections A and B of this Section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.
 - C. All writing, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the applicable code in effect.
 - D. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two feet (2'), including those projecting from the face of any theater or motel marquee. In general, projecting signs are not encouraged.

- E. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- F. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as herein provided.
- G. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- H. No sign erected or maintained in the window of a building visible from any public or private street or highway, shall occupy more than twenty percent (20%) of the window surface.
- I. No sign of any classification shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape.
- J. All signs hung and erected shall be plainly marked with the name of the person responsible for maintaining the sign.
- K. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the City Clerk proceed at once to put such sign in a safe and secure condition or remove the sign
- L. No sign shall be placed in any public right of way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
- M. Signs along interstate and primary highways shall conform to the state transportation department regulations.

12-4: MEASUREMENT OF SIGN AREA: The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

12-5: PERMITTED SIGNS: The following signs may be permitted upon the issuance of a zoning certificate by the City Clerk:

- A. Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
- B. Professional nameplates not to exceed four (4) square feet in area.
- C. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

- D. Temporary signs not exceeding fifty (50) square feet in area announcing special public or institutional events, the erection of a building, the architect, the builders or contractors may be erected for a period of sixty (60) days plus the construction period.
- E. On premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.
- F. Political signs provided such signs should not be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right of way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following Election Day.
- G. In a commercial or manufacturing district, each business shall be permitted up to three (3) flat or wall on premises signs; one sign per each side of the building, for the proposed business. Projection of wall signs shall not exceed two feet (2') measured from the face of the main building. The sign may have an area equivalent to one and one-half (1 1/2) square feet of sign area for each linear foot of building width, or part of a building occupied by such enterprise, but each sign shall not exceed a maximum area of one hundred (100) square feet.
- H. In a commercial or manufacturing district, two (2) off premises signs with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off premises sign shall exceed one thousand two hundred (1,200) square feet, nor shall off premises signs visible to approaching traffic have a minimum spacing of less than two hundred feet (200'). Off premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty feet (20') above the level of the roadway at its nearest point. Off premises wall signs shall have all structural and supporting members concealed from view.
- I. Freestanding on premises signs not over thirty feet (30') in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten feet (10') to any street right of way line and not closer than ten feet (10') to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one freestanding sign for each building, regardless of the number of businesses conducted in said building.

12-6: SPECIAL PERMITTED SIGNS: The following signs may be allowed upon the issuance of a Conditional Use Permit by the City Council:

- A. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
- B. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

- C. Freestanding on-premises signs over thirty feet (30') in height, having a maximum total sign area of one hundred (100) square feet per display area may be erected to serve a group of business establishments. There shall be only one freestanding sign for each building, regardless of the number of businesses conducted in said building

12-7: SIGN SETBACK REQUIREMENTS: Off-premises signs shall not be erected in front of the required setback line for the appropriate zoning district, except for the following:

- A. For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half foot (1/2') but need not exceed one hundred feet (100').
- B. Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution within residential zoning districts may be erected not less than ten feet (10') from the established right-of-way line of any street or highway, provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.
- C. On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within ten feet (10') of a side or rear lot line.

12-8: NONCONFORMING SIGNS: Nonconforming signs, which exist at the adoption of this ordinance, shall have five (5) years to come into compliance.

12-9: VIOLATIONS: In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this chapter, the City Clerk shall recommend to the Council that action be taken to remedy the violation. Political signs posted in violation of this chapter are subject to removal by the council five (5) days after written notice of the violation.

CHAPTER 13 - AREA OF CITY IMPACT AGREEMENT

- 13-1: CROUCH AREA OF CITY IMPACT BOUNDARY
- 13-2: ANNEXATION
- 13-3: APPLICABLE PLAN POLICIES AND ORDINANCES
- 13-4: COORDINATION OF PLAN AMENDMENTS, ORDINANCE AMENDMENTS AND ZONING APPLICATIONS
- 13-5: RENEGOTIATION

13-1: CROUCH AREA OF CITY IMPACT BOUNDARY (NOTE: THE CITY WILL NEED TO RENEGOTIATE THEIR AREA OF CITY IMPACT):

- A. The Crouch Area of City Impact is the area designated on the Crouch Area of City Impact Boundary Map dated **XX X, 2009**, incorporated herein by reference, and attached hereto, copies of which are available for inspection at the City Clerk office.
- B. Upon annexation of any portion of the Area of City Impact into Crouch, the provisions of this Chapter shall no longer apply to such annexed areas.

13-2: ANNEXATION: Crouch shall limit its annexation to those lands within its Area of City Impact. If Crouch wishes to annex lands outside of its Area of City Impact, it shall renegotiate its Area of City Impact Boundary with Boise County in accord with Idaho Code 67-6526(d) unless renegotiation is not required pursuant to Idaho Code 50-222, Annexation by Cities, Category A.

13-3: APPLICABLE PLAN POLICIES AND ORDINANCES:

- A. The Crouch Comprehensive Plan adopted by Crouch as of _____, **2008** shall apply within the unincorporated part of the Crouch Area of City Impact.
- B. **The Boise County Code, Title XX, the Zoning Ordinance shall be used to implement this Chapter.** All land use applications shall also comply with the provisions of this Chapter.
- C. The Boise County Uniform Street and Address Number Ordinance shall apply to all property within the Crouch Area of City Impact. Street names and addresses shall be assigned by Crouch. Existing street names and addresses in the Crouch Area of City Impact, not in compliance with the Crouch Uniform Street and Address Number Ordinance at the time this section goes into effect, shall not be changed until address changes are necessary for address continuity.

13-4: COORDINATION OF PLAN AMENDMENTS, ORDINANCE AMENDMENTS AND ZONING APPLICATIONS:

- A. At least 30 days prior to a planning and zoning commission hearing all County and City amendments to their respective Comprehensive Plans and zoning ordinances which apply within the Crouch Area of City Impact shall be sent by the entity considering such amendment to the other entity. The city shall send all zoning ordinance amendments to the county.

- B. At least 30 days prior to any public hearing, all County applications for subdivisions, rezones, and conditional use permits within the Crouch Area of City Impact shall be sent to Crouch. Written comments and recommendations shall be sent to Boise County no later than 24 days after the referral is received. The City Council may direct staff for review and comment on such applications.
- C. Applications for subdivisions and rezones within the Crouch Area of City Impact shall occur as a result of a request for annexation to Crouch; however, Boise County may consider such applications in those exceptions where annexation is not approved by Crouch or where the parcel on, which such application is filed is not contiguous to Crouch and therefore cannot be annexed.

13-5: RENEGOTIATION:

- A. In accordance with Idaho Code 67-6526(d), the Crouch City Council or the Board of Boise County Commissioners may request to renegotiate any provision of this Chapter. Within thirty (30) days of receipt of such written requests by each part, a meeting between the two jurisdictions shall occur.
- B. While renegotiation is occurring, the provisions of this Chapter shall remain in effect until this chapter is amended or a substitute ordinance is adopted by Crouch and Boise County, in accordance with the notice and hearing procedures provided in Boise County and Idaho Codes, or until a declaratory judgment from the District Court is final. However, this Chapter or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.