

CHAPTER 11 Miscellaneous Use Regulations

SECTION:

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11-11-1: **MISCELLANEOUS USE REGULATIONS.** The purpose of these miscellaneous use regulations is to set specific conditions for various uses, and classification of uses in areas where problems are frequently encountered. In addition to all other regulations specified in this Title, the following provisions in this Chapter shall be adhered to.

11-11-2: **CONVERSION OF DWELLING TO MORE UNITS.** A residential structure may not be converted to accommodate an increased number of dwelling units unless:

- (A) The front, side and rear yard dimensions will meet the yard dimensions required by the zoning regulations for new structures in that district.
- (B) The lot area per family equals the lot area requirements for new structures in that district.
- (C) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
- (D) The conversion is in compliance with all other building and health and safety codes and ordinances.

11-11-3: **TEMPORARY BUILDINGS.** Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work may only be permitted on the site by conditional use permit in any zone during the period construction work is in progress, but not to exceed one (1) year, and such temporary facilities shall be forthwith removed upon completion of the construction work.

11-11-4: [Repealed]. (Ord. 152-05-10, 9/21/2010).

11-11-5: **DANGEROUS, HAZARDOUS OR HIGHLY OBJECTIONABLE USES.** No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise highly objectionable conditions which adversely affect the

surrounding areas or adjoining premises, except that any use permitted by this Title may be undertaken and maintained if the following performance requirements are observed:

- (A) **Fire Hazards.** Any activity involving the use or storage of flammable or explosive materials, including hazardous materials shall be protected by adequate fire fighting and fire protection equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept and maintained in compliance with the Uniform Fire Code.
- (B) **Radioactivity or Electrical Disturbance.** No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
- (C) **Noise.** Objectionable noise due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement, as are noises attendant to ordinary agricultural operations.
- (D) **Vibration.** No vibration shall be permitted which is readily discernable upon any adjoining lot or property.
- (E) **Air Pollution.** Air pollution shall be subject to the requirements and regulations established by the District Seven Health Department or the State of Idaho.
- (F) **Glare.** No direct or reflected glare shall be permitted which is visible from any property adjacent to an industrial-commercial zone which is visible from any street.
- (G) **Erosion.** No erosion, caused by human instrumentalities, shall be permitted which will carry hazardous, noxious or foul-smelling substances onto neighboring properties.
- (H) **Enforcement Provisions.** Prior to the issuance of a Building Permit, the City Council may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

11-11-6: **ACCESSORY BUILDINGS.**

- (A) Accessory buildings shall not be located in any required front yard area or closer to the street than the front face setback line.
- (B) Accessory buildings greater than two hundred (200) square feet in total area shall not be located closer than five (5) feet from any side or rear property line. Accessory buildings less than two hundred (200) square feet in total area shall not be located closer than three (3) feet from any side or rear property line.
- (C) Accessory buildings greater than two hundred (200) square feet in total area shall not be installed or constructed unless a building permit is obtained, provided however accessory

structures in the Agriculture (A) zone may be constructed without a building permit regardless of size.

(Ord. 129,1/15/2008); (Ord. 170-01-13, 1/15/2013); (Ord. 210-02-17, 3/21/2017).

11-11-7: ANIMAL CLINICS, ANIMAL HOSPITALS, VETERINARY OFFICES AND COMMERCIAL KENNELS. Animal clinics, animal hospitals, veterinary offices and kennels shall be located at least three hundred (300) feet from any residence use, motel or hotel, except for an owner's residence. The City may modify these requirements if the animals are housed in sound-proof structures that also screens them from view of the abutting residential property.

11-11-8: BULK STORAGE OF FLAMMABLE LIQUIDS AND GASES, ABOVE OR BELOW GROUND AND FOR RESALE.

- (A) Bulk storage of flammable liquids and gases, above or below ground and for resale shall be located at least three hundred (300) feet from a residence, motel, or hotel, except for an owner's residence.
- (B) Bulk storage of flammable liquids and gases, above or below ground and for resale shall be erected only with the written approval of the City.
- (C) Bulk storage of flammable liquids and gases, above or below ground and for resale shall have suitable loading and unloading spaces and off-street parking facilities in conformity with Chapter 12 of this Title and the Uniform Fire Code.

11-11-9: HAZARDOUS USES. All chemicals, pesticide and fertilizer storage and manufacturing shall have adequate fire protection, storage area, handling and disposal in accordance with the Uniform Fire Code.

11-11-10: CONTRACTORS YARDS.

- (A) All contractors yards shall be located a minimum distance of the three hundred (300) feet from any residence except for the owner's residence.
- (B) All contractors yards shall have a vision screening fence around areas utilized for storage equipment and demolition material.

11-11-11: **DRIVE-IN RESTAURANTS.**

- (A) All drive-in restaurants shall be enclosed by landscaping or fencing, except for ingress and egress roads or pedestrian entrances, in such a manner as to prevent trash from moving onto other properties.
- (B) All drive-in restaurants shall have a six (6) foot high-sight obscuring fence along the property lines that adjoin a residence.
- (C) All drive-in restaurants shall provide for adequate trash receptacles; and
- (D) All drive-in restaurants shall avoid the direction of night lighting upon adjoining residential uses.

11-11-12: **HOME OCCUPATION CLASSIFICATIONS.** Every Home Occupation, as defined in this Title, shall be classified into one of the following classifications:

- (A) **Clerical Home Occupations.** A “Clerical Home Occupation” is a Home Occupation that, regardless of the nature of the underlying business conducted, only uses one building for office, clerical, planning, file storage, or similar uses.
- (B) **Service Home Occupations.** A “Service Home Occupation” is a Home Occupation that provides services, documents, or intangible products. Examples include: professional skills, expertise, advice, salons, repair shops, schools, banks.
- (C) **Small Service Home Occupations.** A “Small Service Home Occupation” is a Service Home Occupation that is physically visited at the lot by fewer than ten individuals (regardless of whether such individuals are employees, vendors, customers, clients, or otherwise) per calendar month.
- (D) **Merchandising Home Occupations.** A “Merchandising Home Occupation” is a Home Occupation that buys and sells products without changing the form of the products. Examples include: retail merchants, distributors, and resellers.
- (E) **Small Merchandising Home Occupations.** A “Small Merchandising Home Occupation” is a Merchandising Home Occupation that is physically visited at the lot by fewer than ten individuals (regardless of whether such individuals are employees, vendors, customers, clients, or otherwise) per calendar month.
- (F) **Manufacturing Home Occupations.** A “Manufacturing Home Occupation” is a Home Occupation that consists only of one or more uses that are light industrial (as defined in this Title).
- (G) **Industrial Home Occupations.** An “Industrial Home Occupation” is a Home Occupation that includes a use that is heavy industrial (as defined in this Title).

(Ord. 232-08-19, 8/20/2019).

11-11-13: **RESTRICTIONS UPON HOME OCCUPATIONS.** It shall be an infraction if any person fails to comply with the restrictions upon any Home Occupation contained in this Section or to fail to obtain a conditional use permit if one is necessary for the operation of a Home Occupation. Notwithstanding any other provision of this Code, no more than two Home Occupations shall be permitted on the same lot and each Home Occupation (as defined in this Title) is subject to the following restrictions, based on the classifications described and defined in this Chapter.

(A) **Clerical Home Occupations.** A Clerical Home Occupation is a permitted use within any residential zone (*i.e.*, R-A, R-1, R-T, and R-2 zones, as established in this Title), subject to the following provisions:

- (1) The outside appearance of the lot shall not be altered in any way to attract customers or signify the undertaking of the Clerical Home Occupation and there shall be no visible evidence of the conduct of such Clerical Home Occupation.
- (2) No significant traffic shall be generated by such Clerical Home Occupation and the dwelling shall only rarely, if ever, be visited by any customer.
- (3) No equipment or process shall be used in such Clerical Home Occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses at any point outside the lot on which the dwelling is located.
- (4) No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the lot on which the dwelling is located, or which causes fluctuations in line voltage off the premises.
- (5) The business shall not create a nuisance to the surrounding neighborhood in the form of noise, odors, traffic generated, or in any other manner.

(B) **Small Home Occupations.** A Small Service Home Occupation or a Small Merchandising Home Occupation (together referred to in this Section as “Small Home Occupations”) is a permitted use within any residential zone (*i.e.*, R-A, R-1, R-T, and R-2 zones, as established in this Title), subject to the following provisions:

- (1) The outside appearance of the lot shall not be altered in any way to attract customers or signify the undertaking of the Small Home Occupations and there shall be no visible evidence of the conduct of such Small Home Occupations.
- (2) The business shall continually satisfy the limitation of being visited by no more than ten individuals per calendar month, as specified in the definition of the Small Home Occupations in Section 11-11-12.
- (3) No equipment or process shall be used in such Small Home Occupations that create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses at any point outside the lot on which the dwelling is located.

- (4) No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the lot on which the dwelling is located, or which causes fluctuations in line voltage off the premises.
 - (5) The business shall not create a nuisance to the surrounding neighborhood in the form of noise, odors, traffic generated, or in any other manner.
- (C) **Service Home Occupations.** A Service Home Occupation is a conditional use within any residential zone (i.e., R-A, R-1, R-T, and R-2 zones, as established in this Title), subject to the following provisions and any other conditions imposed by the Council:
- (1) The use of any building on the lot for the Service Home Occupation shall be clearly incidental and subordinate to their use for residential purposes by the occupants. Not more than 20% of the total square footage in the buildings shall be used in the conducting of the Service Home Occupation, and no portion of the Service Home Occupation shall occur on the lot outside the building in which the Service Home Occupation is located.
 - (2) The outside appearance of the lot shall not be altered in any way to attract customers or signify the undertaking of the Service Home Occupation and there shall be no visible evidence of the conduct of such Service Home Occupation other than one sign, not exceeding two square feet in area, indirectly illuminated and mounted flat against the wall of the building in which the Service Home Occupation is located.
 - (3) No significant traffic shall be generated by such Service Home Occupation and any need for parking generated by the conduct of such Service Home Occupation shall meet the off-street parking requirements as specified in this Title and shall not be located in a required front yard.
 - (4) No equipment or process shall be used in such Service Home Occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses at any point outside the lot on which the dwelling is located.
 - (5) No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the lot on which the dwelling is located, or which causes fluctuations in line voltage off the premises.
 - (6) The business shall not create a nuisance to the surrounding neighborhood in the form of noise, odors, traffic generated, or in any other manner.
- (D) **Merchandising Home Occupations.** A Merchandising Home Occupation is a conditional use within any residential zone (i.e., R-A, R-1, R-T, and R-2 zones, as established in this Title), subject to the following provisions and any other conditions imposed by the Council:
- (1) The use of any building on the lot for the Merchandising Home Occupation shall be clearly incidental and subordinate to their use for residential purposes by the occupants and not more than 20% of the total square footage in the buildings or 10% of the area of the lot on which the Merchandising Home Occupation is located

(whichever is less) shall be used in conducting of the Merchandising Home Occupation.

- (2) The outside appearance of the lot shall not be altered in any way to attract customers or signify the undertaking of the Merchandising Home Occupation and there shall be no visible evidence of the conduct of such Merchandising Home Occupation other than one sign, not exceeding two square feet in area, indirectly illuminated and mounted flat against the wall of the building in which the Merchandising Home Occupation is located.
 - (3) No significant traffic shall be generated by such Merchandising Home Occupation and any need for parking generated by the conduct of such Merchandising Home Occupation shall meet the off-street parking requirements as specified in this Title and shall not be located in a required front yard.
 - (4) No equipment or process shall be used in such Merchandising Home Occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses at any point outside the lot on which the dwelling is located.
 - (5) No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the lot on which the dwelling is located, or which causes fluctuations in line voltage off the premises.
 - (6) The business shall not create a nuisance to the surrounding neighborhood in the form of noise, odors, traffic generated, or in any other manner.
- (E) **Manufacturing Home Occupations.** A Manufacturing Home Occupation is not allowed within any residential zone (i.e., R-A, R-1, R-T, and R-2 zones, as established in this Title).
- (F) **Industrial Home Occupations.** An Industrial Home Occupation is not allowed within any residential zone (i.e., R-A, R-1, R-T, and R-2 zones, as established in this Title).

(Ord. 232-08-19, 8/20/2019).

11-11-14: **RIDING STABLES AND SCHOOLS.**

- (A) All stables or loafing sheds shall be located not less three hundred (300) feet from any residence, except for owner's residence. All such facilities shall be set back a distance of thirty (30) feet from any property line.
- (B) All riding stables and schools shall be conducted in a manner that avoids excessive noise and obnoxious odors. No riding stable or school shall be conducted in a manner which creates a nuisance.

11-11-15: **RIFLE AND PISTOL RANGES.**

- (A) All rifle and pistol ranges shall be constructed and operated at all times with an adequate and safe backstop.
- (B) All rifle and pistol ranges shall be designed to avoid a line of fire that is directed towards any residence or business within one (1) mile.
- (C) All rifle and pistol ranges shall incorporate landscaping that is compatible with the surrounding landscaping.
- (D) All rifle and pistol ranges shall provide supervision and security measures during all periods of use.

11-11-16: **WRECKING YARDS AND JUNK YARDS.**

- (A) No wrecking yards or junk yards shall be operated unless the owner or operator thereof constructs and maintains a site-obscuring fence located parallel to and ten (10) feet back of the right-of-way line of any public street or highway for any auto wrecking yard and salvage yard. Said fence shall be constructed around the entire premises devoted to such auto wrecking or salvage yard. Any person operating a wrecking yard or junk yard on the effective date of this Title shall construct such fence within one (1) year from such effective date.
- (B) Materials used for the construction of such fence and details of construction must be approved by the City. The decision of the City shall be guided by the need to preserve and protect the scenic and aesthetic values of the surrounding area, and to protect property value.
- (C) No person operating a wrecking yard or junk yard shall store automobile, junk or salvage material that is visible from any other property.
- (D) No person operating a wrecking yard or junk yard shall store automobiles or junk in a manner that exceeds the height of fence.

11-11-17: **LANDFILLS, RECYCLING CENTERS, INCINERATORS, COMPOST OPERATORS, AND OTHER SOLID WASTE DISPOSAL FACILITIES.** The City Council may grant a conditional use permit for the construction of a landfill, recycling center, incinerator, commercial composting operation, liquid waste land farm or any other type of solid waste disposal or recycling operation subject to the following conditions:

- (A) No such permit shall be granted to allow operation of such use in any residential zone.
- (B) The applicant shall establish to the City Council's satisfaction that he intends to and is financially capable of complying with all State, Federal, and local laws, ordinances, and regulations governing the conduct of such operations.

- (C) Such operation shall be required to plan for, install and maintain such safeguards and measures as the Council shall require to ensure that ground water quality and air quality, are preserved and environmental hazards and nuisance and unsightly areas are not created by the operation.

11-11-18: [Repealed]. (Ord. 192-04-15, 2/17/2015).

11-11-19: **FENCES.** Fences shall not exceed six feet in height when located behind the front setback line of the building within the zone in which the fence is placed. Fences shall not exceed three feet in height if located within the front yard (in front of the front setback line) unless such fence is constructed of material that allows clear vision for sight distance through the fence. If the fence is constructed of such material, it may be constructed to four feet in height in the front yard area. All fences constructed must be permitted in accordance with the following provisions:

- (A) **Permit Required.** No person shall construct or substantially reconstruct any fence or other appurtenance performing a similar function without first obtaining a Fence Permit from the City.
- (B) **Application for Permit.** The application for permit must be accompanied by an application fee of \$50.00, and shall provide the following information:
- (1) The applicant's name and address;
 - (2) The landowner's name (if different);
 - (3) The address at which the fence is being constructed or substantially reconstructed;
 - (4) The legal description of the real property at which the fence is being constructed or substantially reconstructed; and
 - (5) An affirmation that the boundaries of the real property (including any easements near to or affecting the construction of the fence) have been accurately marked by survey or otherwise, including the date on which the locations were marked.
- (C) **Site Inspection.** Upon receipt of the completed application and application fee, the applicant shall schedule an appointment with the Division of Public Works, or other authorized agent on behalf of the City, to inspect the proposed location of the fence together with the marked boundaries of the real property to ensure compliance with this Section, any other applicable provisions of the City Code and Idaho law, as well as the limitations of property boundaries, easements, and any other property interest. After conducting the site inspection, the Division of Public Works (or other authorized agent) may either approve the application or refer the application to the Council for consideration.

(Ord. 239-07-20, 8/18/2020).

11-11-20: **DEVELOPMENTS NEAR CANALS.** No building or structure shall be constructed within thirty (30) feet from the high water mark of any canal.

11-11-21: **MANUFACTURED HOME PLACEMENT.** Manufactured homes meeting the following standards may be sited on single family lots not located in any historic district within the City limits. The term “manufactured home” shall have the same meaning ascribed in Section 39-4105(8), Idaho Code. Any manufactured home on a lot located outside a mobile home park shall meet the following standards:

- (A) The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet.
- (B) The manufactured home shall be placed on an excavated and back-filled, permanent, foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade, except when placed on a basement foundation.
- (C) The manufactured home shall have a pitched roof, and shall have a slope of at least three (3) feet in height for each twelve (12) feet in width.
- (D) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the City or which is comparable to the predominant materials used on surrounding dwellings as determined by the City Council.
- (E) The manufactured home shall have a garage or carport constructed of like materials. If the predominant construction in the area is attached or detached garages then the same can be required.
- (F) Additions to a manufactured home shall be of compatible construction using like materials.
- (G) The manufactured home, at the time of placement, must meet all City, state, and county building codes and must satisfy all other requirements, including, but not limited to, minimum size requirements, applicable to the zone in which the manufactured home is located.
- (H) Only one (1) manufactured home may be placed on any single lot.

(Ord. 170-01-13, 1/15/2013); (Ord. 221-06-18, 6/26/2018).

11-11-22: **MANUFACTURED/MOBILE HOME PARKS.**

- (A) Mobile home parks may be constructed or operated in R-2 and C zones by conditional use permit, but only when such parks are constructed and maintained in accordance with the following standards and conditions. The park shall be in one (1) ownership and shall remain in one (1) ownership and the same shall not be subdivided.

- (B) The park must be approved by the City prior to the issuance of a permit therefor. The application for said permit shall be accompanied by twelve (12) copies of the plot plan of the proposed park. The plot plan shall contain all of the following information.
- (1) The name and address of the applicant(s), as well as the name and address of the individual or company by whom the plan was prepared.
 - (2) Location and legal description of the tract of land certified by an Idaho Registered Land Surveyor.
 - (3) Name of the manufactured home park.
 - (4) Vicinity map, showing the relationship of the manufactured home park to adjacent properties.
 - (5) Location and width of access way.
 - (6) Street layout, including location, width and proposed names.
 - (7) Location and width of walkways, alleys, crosswalks, and easements.
 - (8) Proposed and existing facilities in the park for water supply, sewage, garbage and waste disposal, and fire protection.
 - (9) Building plans and specifications for existing buildings and facilities shall be included in the plot plan.
 - (10) Location and type of landscaping plantings, fences, walls or other forms of landscaping.
 - (11) Enlarged plot plan of typical manufactured home space, showing location of the land, patio, storage space, parking, sidewalk, utility connections and landscaping.
 - (12) All sites shall be properly indicated by location and size and numbered on the plot.
 - (13) Complete information regarding storm sewers and plans to handle storm water.
 - (14) Grades of driveways; and,
 - (15) Such other information as required by the City.
- (C) The park shall contain at least two (2) acres, and at least one (1) side of the park shall abut upon a public street.
- (D) The park must be connected to the water system of the City and shall be served by a sewage disposal system operated by the I.B.S.D. or any other sewer utility licensed by the State of Idaho and approved by the City.
- (E) Spaces in a park shall be not less than ten thousand eight hundred ninety (10,890) square feet in area. Such minimum area shall include off-street parking areas for the spaces as required by this Title.

- (F) The minimum lot width shall be seventy-five (75) feet.
- (G) Yard areas shall be required in accordance with the following:
 - (1) Each home or accessory building shall be located as to provide a minimum side yard setback of ten (10) feet, except the side where the primary entrance is located shall be a minimum of twenty (20) feet.
 - (2) Each home or accessory building shall be set back at least twenty-five (25) feet from the front property line or road right-of-way.
 - (3) A minimum rear yard setback of ten (10) feet shall be required. A minimum setback of twenty (20) feet shall be required for each space adjacent to any exterior boundary of the trailer park.
- (H) The boundaries of each space shall be clearly, distinctly and permanently outlined.
- (I) In no event shall the occupied area of a space exceed fifty percent (50%) of the total space. The area shall be deemed to be occupied when covered, or occupied by a manufactured home or any other stored vehicle or structure, or combination thereof.
- (J) The park shall be completely surrounded by a fence, not less than six (6) feet in height, or a twenty (20) foot wide landscaped lawn area and shrubs shall be installed with the following exceptions:
 - (1) Points of ingress and egress from dedicated public streets.
 - (2) A fifty (50) foot yard shall be provided, landscaped and maintained between the public street and the park.
 - (3) If the park adjoins a similar land use the City may modify the setback requirement along the common boundary.
- (K) Trees, shrubs, grass, or other forms of landscaping shall be provided in sufficient quantities to ensure a residential appearance.
- (L) Off-street parking shall be provided in accordance with the terms of this Title. All driveways and off-street parking spaces shall be paved.
- (M) The layout of the park shall be so designed that it can be coordinated with a residential neighborhood street system in the event such park is discontinued.
- (N) Roads that are three hundred (300) feet or longer are to be stubbed to the perimeter of all sides of the park. The maximum distance between streets to the perimeter are not to exceed one thousand (1,000) feet. At least two (2) access roads shall be provided to and from each trailer park.
- (O) Road rights-of-way shall be constructed with a minimum width of at least sixty (60) feet wide with a five (5) foot wide sidewalk and a five (5) foot wide landscape strip on each side thereof. All driveways and sidewalks shall be hard-surfaced and driveways shall be

lighted at night with electric lamps of not less than twenty-five (25) lumens, or some equal light, spaced at intervals of not more than one hundred (100) feet on the roadway.

- (P) An electrical outlet supply of at least one hundred-ten (110) volts shall be provided for each trailer space.
 - (Q) The owner or operator of a park shall maintain the entire park in a neat and orderly manner. All common areas and facilities required by this Title shall be maintained in a good state of repair.
 - (R) Points of ingress and egress shall be located and designed so as to provide safe and convenient access to and from the park and to eliminate congestion in the streets.
 - (S) No more than one manufactured home or mobile home may be placed on a lot.
- (Ord. 81, 2-16-2000).

11-11-23: **STREET ACCESS.** No building permit shall be issued for the construction of any building or structure upon any lot which does not have frontage upon and access to a dedicated public street. At least one side of each lot used as a dwelling site shall abut upon a street which has been deeded or dedicated to the public for street purposes, and the length of such abutting side shall be at least as great as the width required for dwelling sites in the zone in which such building site is located.

11-11-24: **EXTENDED USE OF RECREATIONAL VEHICLES FOR HUMAN HABITATION PROHIBITED IN RESIDENTIAL ZONES.**

- (A) For the purposes of this section, a “Recreational Vehicle” shall mean a vehicle primarily designed for use as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Such vehicles include, but are not limited to travel trailers, camping trailers, truck campers, fifth-wheel trailers and motor homes.
 - (1) “Camping trailer” means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
 - (2) “Fifth wheel trailer” means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet in the set- up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

- (3) “Motor home” means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.
 - (4) “Travel trailer” means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet.
 - (5) “Truck camper” means a portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
- (B) It shall be unlawful for any person to use, occupy or permit the use of any Recreational Vehicle for the purposes of human habitation upon any lot located within a residential zone within the City for more than thirty (30) days within any period of six (6) consecutive months.
- (C) Notwithstanding the foregoing, upon request by the owner of any lot located within a residential zone, the City Council may grant or authorize a permit for any person to undertake such use or occupation for a period of time greater than allowed by subsection B hereof, provided the applicant can demonstrate exceptional hardship not cause or created by the applicant or a member of his or her household. Such permit shall be for a finite period of time or until such hardship ceases to exist, whichever is shorter. The Council may also impose reasonable conditions upon such permit in order to minimize impact of the permit upon adjoining property owners.

(Ord. 174-05-13, 8/20/2013).

11-11-25: PARKING OF INOPERATIVE OR UNREGISTERED MOTOR VEHICLES PROHIBITED IN FRONT AND SIDE YARD RESIDENTIAL LOTS.

- (A) **Definitions.** For the purposes of this Section, the following terms shall be defined as follows:

DRIVEWAY:	A regularly traveled way used for parking and movement of motor vehicles between a public street and an attached or unattached garage or carport serving a main building located upon a Lot, or if there is no garage or car port, then a paved, concrete or gravel surface upon a Lot, which surface is regularly used for parking
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of motor vehicles owned or operated by the occupants of the residence.

INOPERATIVE VEHICLE: Any Motor Vehicle, which in its current state is not capable of being used as a means of transportation, whether due to broken, defective or missing parts, including missing or flat tires, missing doors, missing or badly damaged windshields or broken or defective parts essential for movement.

LOT: A platted or unplatted parcel of real property located within a residential zone within the City.

MOTOR VEHICLE: Every self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a highway. The term "Motor Vehicle" does not include Recreational Vehicles, riding lawn mowers, garden tractors or vehicles moved solely by human power, electrical personal assistive mobility devices and motorized wheel chairs or other such vehicles that are specifically exempt from titling or registration requirements under Title 49, Idaho Code.

OPEN SPACE: Any area on a Lot which is vacant or not occupied by a residential building or accessory building.

RECREATIONAL VEHICLE: Such term shall have the same meaning as ascribed in section 11-11-24(A) of this Title.

UNREGISTERED VEHICLE: Any Motor Vehicle which is not currently registered under Title 49, Chapter 4, Idaho Code or any Motor Vehicle which does not bear current license plates or decals issued by the State of Idaho or any other State or is not currently registered in such other State.

YARD: An open space on a Lot upon which there is a principal building or group or

buildings, which space is unoccupied by a building or structure used for human habitation or accessory use.

YARD, FRONT:

A Yard lying between the front Lot line and the nearest foundation line of the main building and extending across the full width of the Lot.

YARD, REAR:

A Yard lying between the rear Lot line and the nearest foundation line of the main building and extending across the full width of the Lot. In the case of a corner Lot where the building fronts on a side street, the Rear Yard may be established from the rear of the house to the side property line.

YARD, SIDE:

A Yard lying between the sides of the main building and the side line of the Lot and located between the Front Yard and the Rear Yard of the Lot.

- (B) **Storage of Inoperative or Unregistered Motor Vehicles in Front or Side Yards.** Except as set forth below, it shall be unlawful for any person to park, store or allow the parking or storage of any Inoperative or Unregistered Motor Vehicle i) within the Front Yard of any Lot, or ii) within any Side Yard facing a public street, unless such vehicle is parked upon a Driveway.
- (C) It shall also be unlawful for any person to park, store or allow the parking or storage of more than one (1) Inoperative or Unregistered Motor Vehicle within or upon the Driveway of any Lot within the City.

(Ord. 178-01-14, 1/21/2014).

11-11-26: PRIVATE ACCESS ROADS.

- (A) Notwithstanding the provisions of section 10-1-16(B) of this Code, lots located within any residential zone may derive access to a public street through a private access road, commonly referred to as a flag lot, provided it is constructed in accordance with the provisions of this Section.
- (B) All private access roads must comply with the following requirements:
 - (1) Such access shall not be less than 20 feet in width.

- (2) The surface of the access road shall not be less than 20 feet in width throughout the entire length of such road and shall be comprised of a graveled surface containing not less than 4 inches of crushed $\frac{3}{4}$ -inch aggregate gravel or a paved surface comprised of not less than 2 inches of asphalt over 4 inches of $\frac{3}{4}$ -inch crushed gravel.
 - (3) The landowner shall construct and post at the entrance of such private access road to a public street a clearly visible sign containing letters not less than 2 inches in height, reflecting the street address of the residence accessed by the private access road. Such sign shall also contain the words "Parking on Private Roadway Not Allowed." The landowner shall also keep such sign in a good state of repair.
 - (4) Private gates shall not be permitted or constructed across such private access road at any time.
 - (5) The location and distance of the lot served by such private access road shall comply with all fire codes and public safety codes, relative to the nearest distance to a fire hydrant.
- (C) The landowner shall at all times keep and maintain the surface of such private access road in good and passable condition, including keeping the roadway plowed and free of obstruction from snow and ice. Failure to maintain the road or sign in such condition or failure to fully comply with the terms and conditions of such permit, shall be deemed an infraction under this Code.

(Ord. 182-05-14, 8/19/2014); (Ord. 245-09-2020, 9/15/2020).