

## CHAPTER 5

### SUPPLEMENTARY REGULATIONS TO ZONES

#### SECTION:

- 10-5-1: *Effect of Supplementary Regulations*
- 10-5-2: *Yard Space for One Building Only*
- 10-5-3: *Sale or Lease of required Space*
- 10-5-4: *Sale or Use of lots Below Minimum Space Requirements*
- 10-5-5: *Yards to be Unobstructed*
- 10-5-6: *Area of accessory Buildings*
- 10-5-7: *Additional Height, Allowed for Public Buildings*
- 10-5-8: *Clear View of intersection Streets and Ways*
- 10-5-9: *Effect of Street Plan*
- 10-5-10: *Dwelling Sites to Abut Upon a Public Street Exceptions*
- 10-5-11: *Flood Channels and Water Courses*
- 10-5-12: *Swimming Pools*
- 10-5-13: *Concessions in Public Parks and Playgrounds*
- 10-5-14: *Sewage Disposal*
- 10-5-15: *Storage of junk and Debris Not Permitted in Residence Zone*
- 10-5-16: *Trailers*
- 10-5-17: *Storage of Commercial Vehicles in Residential Zones Prohibited*
- 10-5-18: *Minimum Height of Main Buildings*
- 10-5-19: *Exceptions to Front and Side Set-Back Requirements*
- 10-5-20: *Advertising Signs in Residential Zones*
- 10-5-21: *Prohibition of Uses*
- 10-5-22: *Temporary Uses of land and Structures*
- 10-5-23: *Required Parking and Loading Areas*
- 10-5-24: *Landscaping*
- 10-5-25: *Penalty*
- 10-5-26: *Zoning Use Table*
- 10-5-27: *High Density Location Criteria*

**10-5-1:** EFFECT OF SUPPLEMENTARY REGULATIONS: The regulations herein set forth in this chapter qualify or supplement, as the case may be, the regulations within zones appearing elsewhere in this ordinance.

**10-5-2:** YARD SPACE FOR ONE BUILDING ONLY: No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with provisions of this ordinance shall be considered as providing a yard or open space for any other building nor shall any yard or any other required open space on an adjoining lot be considered as providing the yard or open space whereon a building is to be created or established.

**10-5-3:** SALE OR LEASE OF REQUIRED SPACE: No space needed to meet the width, yard, area coverage, parking or other requirements of this ordinance for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided.

**10-5-4:** SALE OR USE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS: No parcel of land which has less than the minimum width or area requirements for the zone in which it is located may be cut off from a larger part of land for the purpose, whether immediate or future, of building or development as a lot. No residential lot meeting the requirements of Chapter 14, Section 3(B), if approved, under five thousand (5000) square feet, and no other residential lot or parcel under eight thousand (8000) square feet shall be considered as a buildable lot or parcel in the City of Ammon and shall be designated as "non-buildable" on any plat being recorded for the City. Except for public and community utilities, no structure shall be placed on any undersized lot within the City without first being consolidated with an adjacent lot under the same ownership.

**10-5-5:** YARDS TO BE UNOBSTRUCTED--EXCEPTIONS: Every part of a required yard shall be open to the sky and unobstructed, except for permitted accessory buildings and for projection of sills, cornices, belt courses, etc., as follows:

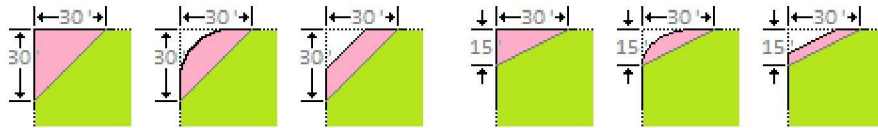
- (A) Belt courses, sills, and lentils or other ornamental features may project not more than eighteen (18) inches into front, rear and side yards.
- (B) Cornices, eaves, and gutters may project into any front yard, side yard or rear yard not more than one-third (1/3) of the width of the minimum required side yard for the lot on which the building is to be erected.
- (C) Unwalled and unroofed porches, terraces, balconies and steps may extend into any side yard not more than one-third (1/3) of the width of the minimum required side yard.

**10-5-6:** AREA OF ACCESSORY BUILDINGS: No accessory building or group of accessory buildings in a residential zone shall cover more than thirty percent (30%) of the rear yard.

**10-5-7:** ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS: Public buildings, public utility buildings, public and parochial schools and churches may be erected to any height, provided the building is set back from the required building set-back lines at least one (1) foot for each additional foot of building height above the maximum height or otherwise permitted in the zone in which the building is located.

**10-5-8:** CLEAR VIEW OF INTERSECTING STREETS AND WAYS: For the purpose of insuring reasonable visibility and safety in the residential districts and in the business districts which require buildings to be set back from the right-of-way line, a sight triangle shall be maintained on the corner of land adjacent to the intersection of two streets, or adjacent to the intersection of an alley or driveway and a street. Where two streets intersect, the sight triangle shall be bounded by the point where the two property lines (or extension thereof) that are adjacent to the two streets intersect, and by the point on each property line located thirty (30.0) feet from the intersection point. Where an alley or driveway and a street intersect, the sight triangle shall be bounded by the point where the property line adjacent to the street, or extension thereof, and near side of the alley or driveway or extension thereof intersect, by the point on the property line located thirty (30.0) feet from the intersection point, and the point on the near edge of the alley or driveway located fifteen (15.0) feet from the intersection point. The sight triangle shall be free from structures, except as otherwise permitted in this section. Trees and other

obstacles to clear sight in such triangles shall be trimmed at least seven feet above the top of curb to provide clear visibility up to that height, plus any additional height required to maintain visibility of street and traffic control signs. Trunks or other support structures shall not exceed twelve (12.0) inches in diameter, and (measured parallel to the street, alley, or driveway, from trunk or support structure center line to center line) shall not be closer to each other than twelve (12.0) feet. Shrubs, fences and walls, and other obstacles to clear sight located therein shall not exceed three (3.0) feet in height.



**10-5-9: EFFECT OF STREET PLAN:** The establishment of planned street widths and building setback lines is necessary in order to insure that there will be adequate amounts of light and air to provide adequate visibility when entering or leaving the streets, to provide a proper setting for buildings away from the noise and fumes of traffic, to promote safety, to reduce congestion and to provide space for landscaping, both now and in the future when all streets and highways have been widened to their ultimate width.

The City Council, after holding a public hearing on a proposal to establish the width of any street or group of streets, may establish said street widths; and such width determination shall be used in calculating the required yards and buildings setback lines set forth in this ordinance.

Whenever a front or side yard is required for a building abutting on a street to be widened or constructed, as designated by the City Council, the depth of such front or side yard shall be measured from the planned street line; and no structure or building or any portion thereof shall be erected within the building setback lines.

**10-5-10: DWELLING SITES TO ABUT UPON A PUBLIC STREET--EXCEPTIONS:** At least one side of each lot used as a dwelling site shall abut upon a street which has been deeded, dedicated or abandoned 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 said building site is located. Except in dwelling groups (planned), or except where approved by the Board of Adjustment, every dwelling site shall face or front upon a public street.

**10-5-11: FLOOD CHANNELS AND WATER COURSES:** No building or structure, fence or other obstruction may be constructed within any natural waterway which has been designated as a floodway by the City Council, and no such waterway may be otherwise reduced in effectiveness in any manner by the dumping of garbage or other refuse or earth or by leveling or by obliteration. All applications for permits to construct buildings within seventy-five (75) feet of the banks of such designated natural flood channels shall be submitted to the Board of Adjustment. The Board of Adjustment may grant such a permit for a building or structure as a conditional use, subject to the following conditions:

- (A) Adequate measures are taken to insure the uninterrupted flow of water during floods.
- (B) Adequate measures are taken to protect the building or structure from damage due to floods.
- (C) Flood damage hazard to surrounding land and improvements will not be increased as a result of the construction of a building or structure for which a permit is requested.

(D) All structures will be located in accordance with the plan of flood drainage adopted by the City Council.

**10-5-12:** SWIMMING POOLS: Swimming pools not completely enclosed within a building having solid walls shall be set back at least five (5) feet from the property lines and shall be completely surrounded by a fence of at least five (5) feet in height. There shall be no openings larger than thirty-six (36) square inches, except for gates, which shall be equipped with self-closing and self-latching devices.

**10-5-13:** CONCESSIONS IN PUBLIC PARKS AND PLAYGROUNDS: Concessions, including, but not limited to, amusement devices, recreational buildings and refreshment stands, shall be permitted on a public park or playground when approved by the City Council.

**10-5-14:** SEWAGE DISPOSAL: Where domestic sewage disposal facilities are to be used, which are not connected to a public sewer, approval of such facilities shall be obtained from the City before a building permit shall be issued therefor. Provided, however, that this provision shall in no way abrogate other ordinances or laws requiring connections to public sewers.

**10-5-15:** STORAGE OF JUNK AND DEBRIS NOT PERMITTED IN RESIDENCE ZONE: No yard or other open space surrounding an existing building in any residence zone, or which is hereafter provided around any building in any residence zone, shall be used for the storage of junk, debris or obsolete vehicles; and no land shall be used for such purposes, except as specifically permitted herein.

**10-5-16:** TRAILERS: No occupied trailer house shall be permitted in Ammon, Idaho, except when located in an approved trailer court, or except when used as a caretaker's dwelling incidental to the use of a lot for commercial or industrial purposes, or in connection with the construction of a structure on the lot. No unoccupied house trailer or mobile home shall be parked or allowed to remain in any required front yard or side yard which faces on a street in any residential zone.

**10-5-17:** STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES PROHIBITED: The storage of commercial automobiles and the storage of trucks and construction equipment such as bulldozers, graders, cement mixers, compressors, etc., shall not be permitted on any lot in any residential zone, provided that construction equipment may be stored on a lot during the construction of a building thereon, but not to exceed one (1) year.

**10-5-18:** MINIMUM HEIGHT OF MAIN BUILDINGS: Basement houses shall not be permitted in any district or zone within the City limits.

**10-5-19:** EXCEPTIONS TO FRONT AND SIDE SET-BACK REQUIREMENTS: Where lots comprising forty percent (40%) or more of the frontage of any block on any street are structurally developed, no building hereafter erected or structurally altered on said block shall project beyond the average front yard set-back so established.

EXCEPTION: That no set-back requirement be more than the set-back established for the subject zone, and it is further provided that the front of no building which is to be located between two existing buildings, not exceeding one hundred and fifty (150) feet apart, will be required to set back further than the average of the two existing buildings.

**10-5-20:** ADVERTISING SIGNS IN RESIDENTIAL ZONES: Except as provided in Sections 10-34-17 and 10-34-18 of this City Code, no advertising signs shall be allowed in any residential zone. Signs advertising an allowed and licensed home occupation shall be allowed within any residential zone

**10-5-21:** PROHIBITION OF USES: Uses of land which are not expressly prohibited within this ordinance, except that the provisions of this ordinance shall not apply to properties or land owned by the State of Idaho, and by the United States Government. Nevertheless, the provisions of this ordinance are applicable not only to private persons, agencies and organizations, but also to all public agencies and organizations to the full extent that they may be enforceable in connection with the activities of any such public agencies or organizations.

**10-5-22:** TEMPORARY USES OF LAND AND STRUCTURES: Upon written application showing proof of need, the Board of Adjustment may authorize the issuance of a building permit and/or temporary certificate of occupancy for the use of land and/or the erection and use of buildings for a temporary use, provided that any such building permit shall be valid for a period of not to exceed one (1) year, and such temporary certificate of occupancy shall be valid for a period of one year, subject to renewal at the discretion of the Board of Adjustment for not more than two (2) successive periods.

Temporary uses shall include only non-commercial concrete batching plants, both incidental and necessary to construction within the immediate area; temporary buildings or yards for construction materials and/or equipment both incidental and necessary to construction within the immediate area, provided that no retail or wholesale outlet is maintained in connection therewith; temporary offices used in conjunction with the construction operations within the immediate area, or the sale of property within a project.

**10-5-23:** REQUIRED PARKING AND LOADING AREAS:

- (A) Off-street Parking Necessary. Off-street parking and loading space shall be provided in connection with the erection or change of use or occupancy, or the intensification of use of any building in accordance with the provisions of this ordinance, except that the Board of Adjustment, after a recommendation from planning and zoning, may reduce or eliminate the requirements for off-street parking under any of the following conditions:
1. When it can be shown that adequate parking space existed based on the ordinance in effect at the time the original or subsequent building permit was issued.
  2. When the existence of a unique situation or condition mitigates the need for parking space to the extent required by a literal interpretation of this ordinance.
  3. When a legal entity established for the purposes of supplying off street parking space has issued a statement to the City certifying that said legal entity will supply to the petitioner the required off-street parking space.
- (B) Parking and Loading Facilities, Non-Conforming. Any use of property which, on the effective date of this ordinance or of any subsequent amendment thereto, is non-conforming only as to the regulations relating to off-street parking and loading facilities may be continued in the same manner as if the parking and loading facilities were conforming. However, such parking and loading facilities as do exist shall not be further reduced unless substitute off street parking and loading space is provided which complies with the provisions of this ordinance.

(C) Permissive Parking and Loading Facilities. Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities in excess of those required by this ordinance, provided that all regulations herein governing the location, design and operation of such facilities are adhered to.

(D) Parking Spaces Required. The number of off-street parking spaces required for each use shall be not less than the number set forth herein. When calculating the required number of parking spaces, areas designated as easements for drive-through access to other buildings and other designated driveways shall not be used.

1. Required parking, residential zone. These requirements shall pertain to all residential zones existing now, and those that may be added in the future, as defined by Section 10-11-1(A) excluding the RMH zone.

(a) Number required.

i. One or two unit dwellings shall provide two (2) parking spaces per dwelling unit.

ii. Three or more unit dwellings shall provide as follows:  
Studio, One (1) or two (2) bedroom units shall provide two (2) parking spaces per dwelling unit.

Three (3) or more bedroom units shall provide two and one-half (2-1/2) parking spaces per dwelling unit.

EXCEPTION: A reduction in the number of spaces required to one for each three units in residential developments designed for occupancy exclusively by the elderly. To qualify for this exception the applicant must provide written assurance that the occupants of all units will be persons over 62 years of age or their spouses.

(b) Location of parking spaces for dwellings. Applicable to all zones (except those in which dwellings are not permitted). For single family detached dwellings in zones requiring ten thousand (10,000) or more square feet per lot, and for single family attached townhouse dwellings (those attached to adjacent units only via zero lot lines) in zones permitting no more than two (2) dwelling units per building, a minimum of two (2) spaces per dwelling unit for parking of automobiles shall be enclosed in a garage attached to the dwelling unit. For single family attached townhouse dwellings in zones permitting three (3) or four (4) dwelling units per building, a minimum of one (1) of the required parking spaces for each dwelling unit shall be enclosed in a garage attached to the dwelling unit. For single family attached dwelling in zones permitting five (5) or more dwelling units per building, a minimum of one (1) of the required parking spaces for each dwelling unit shall be within a carport or garage (attached or detached). For all other dwellings a minimum of one (1) space for parking of automobiles for dwelling units shall either be enclosed in a garage or carport, or sufficient yards must surround the parking space so that the parking space can be enclosed in a building or carport that maintains the minimum setbacks required in the zone. Additional parking required must meet the requirements of the zone in which it is located. Such parking

spaces shall be located on the same lot as the building, except as may be permitted by the Board of Adjustment. The Board of Adjustment may authorize the Zoning Administrator to permit off-street parking spaces to be located off such lot if all of the following criteria are met:

- i. It would impose an unnecessary hardship upon the property of the appellant to insist that the off-street parking facilities be located on the same lot as the dwellings.
  - ii. Substitute off-street parking facilities can be conveniently provided off such lot and within four hundred (400) feet.
  - iii. A lease for a term of not less than five (5) years to use the substitute parking space can be secured by the appellant, or else the substitute parking space is owned by the appellant.
- (c) Garage access. All parking spaces in a garage must have direct vehicle access to a door leading to the exterior, without being blocked by another vehicle. Except for where each parking space has its own door to the exterior on either end of the garage, tandem garages are prohibited.
- (d) When the required parking area for a multi-family dwelling is provided in the rear of the dwelling, that dwelling shall have a direct access to the rear parking area. No parking in the rear of a multi-family dwelling that does not contain a rear yard entrance from the dwelling shall be counted as meeting the required parking for said dwelling.
2. Required parking, commercial zones. These requirements shall pertain to all commercial zones existing now, and those that may be added in the future, as defined by Section 10-11-1-(B) excluding the PB zone.
- (a) Number required.
    - i. Automobile and machinery sales, excluding automobile sales facilities that do not perform vehicle repair or services: One (1) for each seven hundred fifty (750) square feet of floor area.
    - ii. Banks: One (1) for each two hundred (200) square feet of floor area.
    - iii. Bowling Alleys: Five (5) for each alley. Additional parking spaces for balance of building calculated according to use.
    - iv. Retail establishments and Service Establishments otherwise not enumerated in this section, such as drug stores, department stores, repair shops, animal hospitals, business schools, dance studios: One (1) for each two hundred (200) square feet of building floor area, except area devoted exclusively to warehousing or storage,
    - v. Theaters, auditoriums, stadiums, sports arenas, gymnasiums: One (1) for each five (5) fixed/bench seats or one (1) for every

- thirty-five (35) square feet of seating area, where there are no fixed/bench seats. Also one (1) for each six hundred (600) square feet of floor area not used for seating.
- vi. Cafes, cafeterias, restaurants and other similar places dispersing food or refreshments: One (1) for each five (5) fixed/bench seats or for every thirty-five (35) square feet of seating area where there are no fixed/bench seats.
  - vii. Dance halls and skating rinks: One (1) for each five (5) fixed/bench seats or for every thirty-five (35) square feet of seating area where there are no fixed/bench seats, plus one (1) parking space for each seventy-five (75) square feet of floor area used for dancing or skating.
  - viii. Furniture sales and repair, major household appliance sales and repair: One (1) for each six hundred (600) square feet of floor area.
  - ix. Hotels and Motels: One (1) for each living or sleeping unit, plus one (1) for each employee on the largest shift.
  - x. Medical, chiropractic and dental clinics and offices: Five (5) for each doctor, dentist, nurse practitioner, or physician's assistant.
  - xi. Mortuary and funeral home: One (1) for each five (5) fixed/bench seats of all areas used simultaneously for assembly purposes or for each thirty-five (35) square feet of floor space used for such assembly purposes. Also, one (1) for each vehicle used in connection with the use.
  - xii. Drive-ins (involving no inside seating): One (1) space for each thirty-five (35) square feet of building floor area, plus one space for each employee on the largest shift.
  - xiii. Open air commercial uses, such as nurseries and vehicle sale lots that do not have vehicle repair or service facilities: One (1) for each two thousand (2,000) square feet of lot area devoted to sales and display.
  - xiv. Plumbing, heating and electrical shops: One (1) for each six hundred (600) square feet of floor area, plus one (1) for each vehicle used in connection with the use.
  - xv. Convalescent Home: One (1) for each five (5) patient beds.
  - xvi. Rooming house, dormitory, fraternity house and sorority house: One (1) parking space for each sleeping room or one parking space for each one hundred (100) square feet of floor area used for sleeping purposes, whichever is greater.
  - xvii. Skilled Care/Assisted Living: One (1) space per five (5) patient beds.



3. Required parking Professional and Manufacturing. These requirements will pertain to professional office or manufacturing zones existing today and those that may be added in the future. Zones included are: PB and M-1.
  - i. Professional business or administrative offices (excluding medical, chiropractic and dental): One (1) for each three hundred (300) square feet of floor area.
  - ii. Professional business or administrative offices with no customers that visit the site: One (1) for each three hundred (300) square feet of floor area.
  - iii. Manufacturing, processing or fabricating establishments: One (1) for each seven hundred fifty (750) square feet of working space.
  
4. Required parking, industrial and warehousing uses.
 

Number required. Industrial and warehouse uses: One (1) space for each one thousand (1,000) square feet of floor area, plus one (1) for each vehicle used in connection with the use.
  
5. Required parking, other uses.
  - (a) Number required.
    - i. Churches, clubs, lodges, fraternal organizations, social halls, assembly halls: One (1) for each five (5) fixed/bench seats in all areas used simultaneously for assembly purposes or one (1) for each thirty-five (35) square feet of floor space used for such assembly purposes whichever is greater.
    - ii. Governmental buildings designed for a public use not otherwise enumerated in this section, such as public libraries: One (1) for each six hundred (600) square feet of floor area.
    - iii. Hospitals and sanitariums: One and one-half (1-1/2) spaces for each patient bed.
    - iv. Public utility facilities, including electrical substations, telephone exchanges, maintenance and storage facilities: One (1) for each six hundred (600) square feet of office space or work area within a structure. Also one (1) for each vehicle used in connection with the use. No requirements for facilities which are normally unattended by employees, except for occasional maintenance.
    - v. Public or private elementary and junior high schools: Ten (10) spaces, plus one (1) space for each full time equivalent employee.
    - vi. Public or private high schools: One (1) for each ten (10) students, plus one (1) for each full time equivalent employee.

6. Required parking, uses not mentioned. The required off-street parking for any building, structure or use of land of a type which is not listed in this section shall be determined by the Board of Adjustment. The Board of Adjustment shall be guided as much as possible by comparison, with similar uses, which are listed.

(E) Location and Control of Parking Facilities, Other Than Dwellings. The off street parking facilities required by this ordinance in connection with uses other than dwellings shall be located on the same lot or parcel of land as the use they are intended to serve, except that a substitute location may be provided which meets the following conditions:

1. All or part of substitute location is within four hundred (400) feet from the principal use for which the parking is being provided. Said distance shall be measured as a walking distance along a public street or sidewalk. Substitute parking must be directly accessible from the parking area to the principal use. In any case that an arterial roadway must be crossed to access substitute parking, there must be an approved crosswalk and any required control devices as required by the City Engineer shall be provided.
2. The substitute lot is possessed by the same owner as the use it is intended to serve, or is possessed by a legal entity established for the purpose of providing off-street parking facilities for its members. Such possession may be by deed or long-term lease, the terms of which meet the approval of the City Council. The present and future owners of the substitute lot shall be bound by covenants filed in the office of the County Recorder, or by a certificate from the legal entity entitling the owner and his customers to parking privileges. The owner of such use shall be required to maintain the number of parking spaces for the duration of the use served.

(F) Computation of Required Parking Space. For the purpose of computing off street parking spaces, which are required by this ordinance, the following rules shall apply:

1. Floor area shall mean gross floor area, unless otherwise specified for a particular use. (See definition.)
2. In stadiums, sports arenas, churches and other places of assembly in which benches or pews are used in place of seats, each eighteen (18) inches of length of such benches or pews shall be counted as one (1) seat.
3. When determination of the number of off-street parking spaces results in a requirement of a fractional space, any fraction of less than one half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one (1) required parking space.
4. In the event a use normally existing in a more restrictive zone is placed in a less restrictive zone the requirements from the most restrictive zone shall apply when calculating the parking needs. EG. A commercial use placed in an I&M zone would require the same requirements as would normally be required in the commercial zone.
5. When calculating parking for a building containing three (3) or more attached dwelling units the garage shall be used as one-half (1/2) of a parking space per garage stall.

6. Calculations of parking spaces for building permits are based on the zone and input from the property owner at the time the building permit is issued. Issuance of a building permit does not guarantee the issuance of a business license. Business licenses are issued based on the use of the business at the time of application and all parking requirements must be met prior to the issuance of a business license. All parking requirements are the responsibility of the property owner.
- (G) Combined Parking Facilities. The required off-street parking and loading facilities may be provided collectively for two (2) or more buildings or uses, provided that the total number of parking spaces shall be not less than the sum of the requirements for each of the individual uses, and provided that all other requirements of this ordinance are met. Parking may only be combined in the case of single ownership of the shared buildings or with a common area agreement allowing shared parking and loading facilities and in such case, properties must be adjacent to one another. The common area agreement must be on file with the City.
- (H) Mixed Uses. Calculation of parking requirements for a new building shall be done at the minimum requirement of the zone which the use is located in. In the event that two (2) or more uses occupy the same building, lot or parcel of land, the total requirements for off-street parking and off-street loading space shall be in the sum of the requirements of the various uses computed separately.
- When calculating mixed uses for an existing building and those mixed uses operate and create different demands of parking based on the operating hours and/or peak hours of operation the parking requirements may be reduced below the combined total of the two uses. Reduction in parking requirements shall only be allowed after a presentation of the hours and/or peak hours of the given uses to the reviewing staff for business licensing.
- (I) Size of Parking Spaces.
- No off-street parking space shall have dimensions of less than nine (9) feet in width and eighteen (18) feet, in length. The size of a required parking space shall be determined by City policy 50-003 as standards adopted by the City of Ammon. No part of the area of a required parking space shall be used for driveways, aisles or other required improvements. Stalls under the minimum size shall not be included in the calculation for required parking spaces.
- (J) Access to Parking Facilities. Access driveways shall be provided for ingress to and egress from all parking and loading facilities. Each parking and loading space shall be easily accessible to the intended user. The width of driveway entrances and exits from a public street shall be as set forth in City ordinances controlling and regulating access to public streets.
- (K) Other Access Requirements. The following additional requirements shall govern access to off-street parking facilities:
1. Forward travel to and from parking facilities from a dedicated street or alley is required for all uses except residential. The parking area shall be adequate to facilitate the turning of vehicles to permit forward travel upon entering a street.

2. All uses, which adjoin a major or secondary highway, shall, wherever possible, have access by way of a service road or alley.
3. The access to all off-street parking facilities shall be designed in a manner, which will not interfere with the movement of traffic.
4. Access driveways across sidewalks or pedestrian ways shall be designed in such a manner as to promote pedestrian safety.

(L) Circulation Within a Parking Area. The circulation within a parking area shall comply with the following requirements:

1. Minimum aisle widths shall be provided in accordance with the angle of the parking spaces they serve:

30° Parking - 12 feet  
 45° Parking - 12 feet  
 60° Parking - 18 feet  
 90° Parking - 24 feet

Other aisle widths shall be determined by interpolation from the above minimum requirements.

2. Circulation within a parking area with more than one (1) aisle must be such that a car need not enter the street to reach another aisle within the same parking area.

(M) Location of Parking Facilities Restricted. The location of parking and loading facilities shall comply with the following:

1. In Residential Zones, the parking required by section 10-5-23-(D)-1-(b), shall not be permitted in the required front yard or the required side yard that faces on a street. Parking may be permitted in other required side and rear yards in the residential zones, providing all other requirements of this ordinance are met.
2. In the Business Commercial and Industrial Zones, the required yard areas may be used for parking (except when specifically prohibited in the zone), provided that a protective curb shall be installed not less than two (2) feet from the edge of the sidewalk or in the case where there is no sidewalk then two (2) feet from the edge of the street line to prevent the use of the sidewalk for automobile parking, bumper overhang and travel purposes.
3. No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to any residence, school, hospital or other institution for human care located on an adjoining lot, unless screened by a masonry wall or hedge not less than four (4) feet in height.

(N) Development and Maintenance of Parking Areas. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and a vehicle sales area, shall be developed and maintained in good condition and in accordance with the provisions of this ordinance and the requirements of the zone in which the parking space is located. All commercial parking areas, parking area drive aisles and commercial drive aisle/sales areas shall be constructed of hard surface material such as but not limited to

asphalt and concrete. All areas required to be hard surface that are adjacent to the front of a building, the frontage of a city street or the area adjacent to a required landscape area shall be either asphalt or concrete, or on a case by case basis, similar material that may be approved by the City Engineer. Areas in the rear of a commercial or industrial building contained in a fenced area are not required to be hard surface but must be maintained weed free and with gravel in any area that is used for parking and/or storage.

- (O) Lighting of Parking Areas. Any lighting used to illuminate off-street parking facilities or vehicle sales area shall be so arranged as to reflect the light away from the adjoining premises in any residential zone.
- (P) Limitation on Use of Required Parking Areas. Required parking areas shall be used exclusively for vehicle parking in conjunction with a permitted use and shall not be reduced or encroached upon in any manner. Parking areas above minimum standards may be used for special events or merchandise stands providing any required permits have been obtained from the City. The parking facilities shall be so designed and maintained as not to constitute a nuisance at any time, and shall be used in such a manner that no hazard to persons or property, or unreasonable impediment to traffic will result.
- (Q) Continuing Obligation. The required off-street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading facilities without providing other vehicle parking or loading area which meets the requirements of this ordinance.
- (R) Plot Plan Approval Required. At the time a building permit is requested for any building or structure, or at the time a new use of land which would require off-street parking is established, a plot plan shall be submitted showing the proposed development of the property, including the layout and development of the parking and loading facilities; except that said plans shall not be required when parking space is to be provided by a legal entity established for the purpose of providing off street parking facilities. All parking and loading spaces shall be designated, as well as the access aisles and other improvement. The Zoning Administrator may disapprove such plans if he finds they are inconsistent with the requirements of this ordinance.
- (S) Required Off-street Loading Space. One (1) off-street loading space shall be provided and maintained for every building or separate occupancy having a gross floor area of ten thousand (10,000) square feet or more which requires the receipt or distribution of goods, material merchandise or supplies by vehicle, except that the Board of Adjustment may permit off-street loading facilities for two (2) or more buildings to be combined. One (1) additional loading space shall be provided for each additional twenty thousand (20,000) square feet of gross floor area of such building or for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater.

Each required off-street loading space shall not be less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height. Such required off-street loading space shall be provided on the same lot as the building or principal use, except that the Board of Adjustment may authorize the use of substitute loading facilities subject to the following conditions.

1. The substitute off-street loading facilities are conveniently located on nearby property.
2. Use of public streets or alleys will not be required in loading and unloading activities, and all such activities can be conducted off public rights-of-way.

**10-5-24:** LANDSCAPING: The purpose of the landscaping requirements in this ordinance shall be to bring relief from heat, noise and glare through proper placement of green plants and trees and to enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings.

- (A) Landscaping Defined. Landscaping shall mean some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination or design may include rock and such structural features as fountains, pools, art works, screens, walls, fences or benches, but such objects alone shall not meet the requirements of this ordinance. The selected combination of objects for landscaping purposes shall be arranged in a harmonious manner.
- (B) Landscaping and Screening Required. In zones requiring landscaping there shall be a landscaped strip of lawn, shrubbery and/or trees provided and maintained along the entire length of any street within the zone. A landscaping width of thirty (30) feet for all developments abutting any arterial street shall be required. Developments abutting a collector street shall provide a fifteen (15) foot buffer along the collector. Developments having frontage on both an arterial and a collector or local street shall provide the above landscaping requirements on both streets. The landscaping plan shall show the location and species of all plants, along with plans for sprinkler irrigation and other landscape features. Additional landscaping may be required as determined by the Planning and Zoning Commission or the Governing Board.
- (C) Maintenance. Required landscape areas shall be maintained in a neat, clean orderly and healthful condition. This is meant to include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants, when necessary, and the regular watering of all plantings. Required landscaped areas shall be provided with a suitable permanent method for watering or sprinkling of plants. This watering system shall consist of sprinklers or hose bibs to insure a sufficient amount of water for plants within the landscaped area.
- (D) Screening Requirements. Screening shall be provided between residential and non-residential zones. Screening shall consist of evergreen shrubs closely spaced, walls, fences to be maintained at a minimum height of six (6) feet unless otherwise specified. In some cases, the requirement of the "park landscape strip" buffer may be required.
- (E) Plot Plan Required. Where landscaping is required in this ordinance, a plot plan showing the proposed landscaping development, water system and use of the property shall be submitted to the Zoning Administrator. The same plot plan used to show parking layout or other requirements for the issuance of a building permit may be used, providing all proposed landscaping is adequately detailed on said plot plan. The Zoning Administrator may disapprove such plans if he determines that they are not consistent with the purposes of this ordinance.
- (F) Nonconforming Status. Any use of property which, on the effective date of this ordinance or any subsequent amendment thereto if non-conforming only as to the regulations,

relating to landscaping may be continued in the same manner as if the landscaping was conforming. However, such may not be increased in intensity except in accordance with the requirements of the ordinance shall not be reduced unless suitable substitutions are made which would meet the requirements of this ordinance.

- (G) Time to Complete. In zones requiring landscaping, no certificate of occupancy shall be granted until landscaping has been installed in accordance with the approved landscape plan for such property. Where the Board of Adjustment determines it is warranted, an exception to this requirement may be granted, subject to such terms and conditions as imposed by the Board to assure completion of installation of all required landscaping by a later, specified date.

**10-5-25:** Penalty: Any person, firm or corporation, whether as principal, agent, employee or otherwise who fails to comply with the conditions and or requirements this chapter shall be guilty of an infraction and shall be subject to penalties prescribed for such violations under section 1-4-2 of this code. Each day such violation continues, shall be a separate violation, which shall be deemed as a separate infraction and a citation may be issued therefore. Violations shall be assessed on a per violation per day basis.

**10-5-26:** Zoning Use Table: Uses are shown by zone as allowed, not allowed or allowed by conditional use permit (CUP) or master plan approval (MP).

**10-5-27:** High Density Location Criteria: The following criteria pertains to all property developments zoned R-2 or higher.

(A) Criteria Applicable to ALL High Density Projects.

1. Principal or Arterial Street Location. High-density projects must be located directly on a principal or arterial street, as defined by the currently adopted definitions of the Bonneville Metropolitan Planning Organization (BMPO); and
2. Collector Streets. Collector Streets may be considered if projects meet all other criteria; and
3. Prohibited Access. A high-density development shall not require access to an arterial through a lower density residential development; and
4. Design Review. All high-density projects require Design Review approval prior to seeking a building permit; and
5. Maximum Density. Developments shall not exceed the maximum density allowed by the underlying zoning district; and
6. School District Comments. Prior to any consideration by the Planning and Zoning Commission, comments shall be requested from Bonneville School District 93.

(B) R-2: Criteria Applicable to High-density Project in R-2 Zone

1. All criteria as required by Section 1; and
2. Minimum Development Acreage. Developments shall be a minimum of two (2) acres. (Note: Minimum acreage does not apply to infill projects); and

3. Maximum Development Density. R-2 development shall not exceed eighty (80) units total per development; and

4. Public Green Space. If the development does not provide public green space, the development must:

- a) Be located within one-half (1/2) mile walking distance of a city park, as measured along any line that meets the definition of Pedestrian Access; and
- b) Have or provide direct pedestrian access to the park; and
- c) Contribute financially to enhancing park infrastructure; and

5. Platting of Units. All units must be individually platted.

(C) R2-A: Criteria Applicable to High-density Project in R2-A Zone

1. All criteria as required by Section 1; and

2. Minimum Development Acreage. Development shall be a minimum of three (3) acres. (Note: Minimum acreage does not apply to infill projects); and

3. Maximum Development Density. R2-A development shall not exceed one hundred twenty (120) units total per development; and

4. Required Amenities. Developments shall be within one-half (1/2) mile walking distance, as measured along any line that meets the definition of Pedestrian Access, to a commercial area that provides grocery shopping and either retail shopping or dining. Development shall have or provide direct and uninterrupted Pedestrian Access to the required amenities; and

5. Public Green Space. If the development does not provide public green space, the development must:

- a) Be located within one-half (1/2) mile walking distance of a city park, as measured along any line that meets the definition of Pedestrian Access; and
- b) Have or provide direct Pedestrian Access to the park; and
- c) Contribute financially to enhancing park infrastructure; and

6. Platting of Units. All units must be individually platted.

(D) R-3 & R3-A: Criteria Applicable to High-density Project in R-3 and R3-A Zone

1. All criteria as required by Section 1; and

2. Minimum Development Acreage. Development shall be a minimum of four (4) acres. (Note: Minimum acreage does not apply to infill projects); and

3. Maximum Development Density. R-3 or R3-A development shall not exceed 200 units total per development; and

4. Required Amenities. Developments shall be adjacent to a commercial area and within a quarter (1/4) mile of grocery shopping, as measured along any line that



meets the definition of Pedestrian Access. Development shall have or provide direct and uninterrupted Pedestrian Access to the required amenities; and

5. Private Green Space. Development shall provide privately owned green space within the development; and

6. Public Green Space. R-3 and R3-A developments shall:

a) Be located within one-half (1/2) mile of a public city park or donate a public city park through the platting process; and

b) Have or provide direct pedestrian access to the park; and

c) Contribute financially to enhancing park infrastructure; and

7. Setbacks. If the development shares a property line with a low-density residential area, all buildings located along the shared property line between the project and the low-density residential area shall have a setback of twenty-five (25) feet plus four (4) feet for every one (1) foot of building height. Building height is measured to the top plate. a) Example: If Building Height is thirty (30) feet, setback would be:  $25 + (4 \times 30) = 145$  feet; and

8. Agency Comments Required. Prior to any consideration by the Planning and Zoning Commission, R-3 and R3-A developments require comments from the following outside agencies: Bonneville School District 93, Bonneville County Fire District, Bonneville County Road and Bridge, the Bonneville County Sheriff's Office, EIRWWA, Progressive Irrigation, and the Idaho Canal Company (if applicable).