

# Title 18

---

## City of Donnelly Zoning Code

**City of Donnelly Planning and Zoning Commission**  
**12/1/2015**

**Title 18  
ZONING**

**Chapters:**

18.05	General Provisions
18.10	Definitions
18.15	Zoning Map
18.20	Administrative Provisions
18.25	Comprehensive Plan
18.30	General Development Standards
18.35	Public Use and Open Space District (PU/OS)
18.40	Rural Residential District (RR)
18.45	Very Low Residential District (R1)
18.50	Low Density Residential District (R4)
18.55	Medium Density Residential District (R8)
18.60	Central Business District (CBD)
18.65	General Commercial District (C)
18.70	Light Industrial District (LI)
18.75	Airport District (A)
18.80	Flood Hazard Overlay District (FH)
18.85	Nonconforming Uses and Buildings
18.90	Parking and Loading
18.95	Fences and Signs
18.100	Manufactured/Mobile Homes
18.105	Wireless Communications Facilities
18.110	Conditional Use Permit Procedures (CUP)
18.115	Variance Procedures
18.120	Text Amendments
18.125	Public Hearings
18.130	Planning and Zoning Commission and Hearing Examiner
18.135	Design Review
18.140	Planned Unit Developments (PUD)
18.145	Subdivisions
18.150	Annexations

**Chapter 18.05  
GENERAL PROVISIONS**

**Sections:**

18.05.010	Purpose
18.05.020	Title
18.05.030	Authority
18.05.040	Most restrictive standards shall govern
18.05.050	Combining of permits
18.05.060	Separability clause
18.05.070	Existing permits and private agreements
18.05.080	Repeal

**18.05.010 Purpose**

This title is enacted for the purpose of promoting the public health, safety, and general welfare; to conserve and protect property and property values; to secure the most appropriate use of lands; to control the density of population; to prevent traffic congestion; and to facilitate adequate and economical provisions for public improvements and services; all in accordance with the City of Donnelly comprehensive plan for the desirable future physical development of the City of Donnelly; to provide a method of administration and to prescribe means of enforcement of the provisions hereafter described.

**18.05.020 Title**

This title shall be known as the City of Donnelly Zoning Ordinance, a.k.a. Donnelly City Code (DCC).”

**18.05.030 Authority**

This zoning ordinance is adopted pursuant to authority granted by Chapter 65 of Title 67 of the Idaho Code and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.

**18.05.040 Most restrictive standards shall govern**

In their interpretation and application, the provisions of this title shall be held to be minimum requirements adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this title conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern, unless prohibited by superior law.

**18.05.050 Combining of permits**

The commission, and in the case of the impact area the Valley County Planning and zoning commission, shall coordinate with other departments and agencies concerning all permits which may be required in this title. Applications may be submitted as a

combination with other applications for the purpose of reducing errors, misunderstandings, confusion, and unnecessary delay for everyone involved.

**18.05.060 Separability clause**

Should any section or provision of this title be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this title as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**18.05.070 Existing permits and private agreements**

This title is not intended to abrogate or annul any permits issued before the effective date of the ordinance codified in this title or any easement, covenant, or other private agreement.

**18.05.080 Repeal**

All ordinances of the City of Donnelly or parts of any such ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this title are specifically repealed to the extent necessary to give this title full force and effect.

**Chapter 18.10  
DEFINITIONS**

**Sections:**

18.10.010	Interpretation of terms or words
18.10.020	Meaning of terms or words

**18.10.010 Interpretation of terms or words**

For the purpose of this title, certain terms or words used herein shall be interpreted as follows:

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, or any other entity capable of owning or holding any interest in real property, as well as an individual;

The word “shall” is a mandatory requirement; the word “may” as used herein is permissive;

The present tense includes the future tense, the singular includes the plural, and the plural number includes the singular, unless the context clearly indicates otherwise; The words “used” or “occupied” include the words “intended, designed, maintained, or arranged.”

**18.10.020 Meaning of terms or words**

**ABANDONED SIGN:** means a sign which no longer advertises a bona fide business, lessor, owner, product or activity

**ABOVE GROUND COMBUSTIBLE LIQUID TANK(S):** means any vessel containing more than 60 gallons (227 L) of Class II liquids, Class III-A liquids, or Class III-B liquids as defined herein as “combustible liquid” (e.g., diesel). Above ground combustible liquids do not include LPG (propane). The use of any above ground combustible liquid tank is prohibited except where listed as a conditional and/or accessory use. Home heating fuel for personal use is exempt from this definition.

**ACCESSORY USE OR STRUCTURE:** means a structure subordinate to the principal use on the same lot or premises, and serving a purpose customarily incidental to the use of the principal building.

- A. Attached Accessory Structure. Any structure which is not part of the principal structure, but which is located within three feet of, or attached to, the principal structure.
- B. Detached Accessory Structure. Any accessory structure located more than three feet from the principal structure.
- C. Accessory Dwelling Unit: Secondary living unit on a single-family lot. An ADU contains its own kitchen, sleeping area, and bathroom facilities. ADUs can also be attached or detached from the primary residential unit. ADUs are subordinate

in size, location, and appearance to the primary dwelling unit. ADUs are commonly referred to as mother-in-law apartments, ECHO homes (elder cottage housing opportunities), guest cottages, caretaker cottages, garden cottages, carriage houses, or rental units.

**ADMINISTRATOR:** means the City of Donnelly Planning and Zoning Administrator.

**AFFECTED PERSON:** means any Person having an interest in real property which may be adversely affected by the issuance or denial of a permit, variance, or other action of the staff, commission, or board in regard to provisions of this title.

**AGRICULTURAL BUILDING:** means any building to be used for agricultural purposes, placed on agricultural land of five (5) acres or more, categorized as agricultural by the Valley County Assessors' office, and which is not intended for human habitation (including pump houses, barns, tool sheds, storage buildings, etc.

**AGRICULTURAL USES:** means farming; dairying; pasturage; cultivation; tillage; horticulture; floriculture; silvaculture; viticulture; vermicultrude; and animal, poultry, and fish husbandry as the principal use and the necessary accessory use for packing, treating, or storing the produce. Agricultural uses shall not include commercial riding stables, race tracks, slaughterhouses, plants factories, works for the reduction of animal matter, or commercial poultry, kennels or feedlots.

**AIRPORT:** means any runway, landing area, or other facility designed or used either publicly, privately, or commercially by any person for all landing and taking off of aircraft, including any associated taxiway, aircraft storage and tie-down areas, hangars, passenger terminals, and other buildings.

**ALLEY:** means a minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting a street.

**ALTERATION – BUILDING/STRUCTURE:** shall mean any change in size, shape, character, occupancy, or use of a building or structure.

**ANIMATED SIGN:** means any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**APARTMENT:** means a multi-family residential complex; all units are owned by a single person, group of people, or corporation, and rented or leased to individuals.

**APPLICANT:** means any owner of land or an authorized representative; or an individual group who has legal or equitable interest in the land; and, who files an application for a permit, variance, or appeal in accordance with the requirements of this title.

**AREA OF SIGN/SIGN AREA:** means the area of all faces of a sign within a perimeter which forms the outside shape, excluding any necessary supports upon which the sign

may be placed. Where a sign consists of more than one face, section, or module, all areas shall be totaled.

**ART:** means that which has form or beauty and which is not intended to display a commercial message, including paintings, photography, sculpture or drawing.

**ARTISAN SHOP:** means a use in a building which is 3,000 square feet or less wherein an artist or craftsman produces products and sells those same products to the public.

**BANNER:** means any sign of lightweight fabric or similar material permanently mounted to a pole or building located outdoors.

**BASE FLOOD:** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, also, referred to as the "100-year flood". Designation on maps always includes the letters A or V.

**BASE FLOOD ELEVATION (BFE):** means the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the flood insurance study report, or depth of the base flood, usually in feet, above the ground surface.

**BASEMENT:** means any floor level below the first story in a building, provided such floor level is more than four feet below grade for more than 50 percent of the perimeter.

**BED AND BREAKFAST INN:** means a building which has no more than eight sleeping rooms available for rent for short-term (less than 15 days) residential occupancy, and serves through a main entrance.

**BEACON:** means any light with one or more beams directed at any point not on the same property as the light source; also, any light with one or more beams that rotate or move.

**BENCH SIGNS:** means any outdoor furniture with commercial signage.

**BEST MANAGEMENT PRACTICES:** means:

- A. The exercise of judgment, and care under the circumstances then prevailing, which persons of prudence and discretion exercise in the management of their affairs.
- B. Best management practices in engineering, planning, or administration to prevent or reduce runoff pollutants.

**BIKE PATH:** means a hard surfaced path which has been created for non-motorized transportation and is usually physically separate from automobile travel lanes.

**BOARDING AND ROOMING HOUSE:** means a building in which the proprietor resides and which has not more than six rooms available for rent or lease for residential

occupancy and in which no cooking or dining facilities are provided in the individual rooms.

**BOND:** means a contract between the applicant and the City in which the applicant guarantees that he will perform certain requirements of any permit under this title. The contract shall require the applicant to secure performance of the contract by surety, cash, collateral, or other consideration sufficient to assure either performance or reclamation of any act or acts authorized by the permit. This contract includes, but is not limited to, performance, reclamation, contractors, material man indemnification or other bond assuring the performance of applicant under any permit and the payment of all labor and material in the performance of any work provided to or for the benefit of the applicant under any permit. Any bond would require an [A+Bests] rating. In the discretion of the board, the principals of such bond may be required to include the real parties in interest such as officers, directors, shareholders or partners.

**BUFFER:** for the purposes of this title, includes, but is not limited to, a landscape strip, solid fence, or solid wall designed to lessen the negative impacts one land use may have on another.

**BUILDING:** means any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING FOOTPRINT:** means the area of the lot or parcel which is within the perimeter created by a vertical extension to the ground of the exterior walls of all enclosed portions of a building, including attached garages, carports, enclosed decks, bay windows, porches, solariums and similar enclosed extensions, attachments and accessory annexes. Not included in the footprint are unenclosed portions or extensions of buildings, including, but not limited to, unenclosed decks, porches, eaves and roof overhangs.

**BUILDING FRONTAGE:** means the width of a building facing the street to which the building or business is oriented. In the case of corner lots the frontage shall be one of the streets to which the building is oriented, to be determined by the Administrator.

**BUILDING OFFICIAL:** means the Valley County building official.

**BUSINESS:** means any retail, or wholesale store, professional office, or similar kind of commercial establishment.

**BULKY RETAIL:** means retail sales of bulky items including but not limited to farm equipment, manufactured homes, furniture, appliances, and farm and garden supplies.

**CATERING SERVICES:** means a facility for the preparation and storage of food and food utensils for off-premises consumption and service.



**CENTRAL SEWAGE TREATMENT FACILITY:** means any plant, lagoon, or system, other than an approved individual modified septic tank, drain field, or pit privy, for receiving, treating and disposing of sewage.

**CHANGEABLE COPY SIGN:** means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the sign. A sign on which the message changes more than one time per day shall be considered an animated sign.

**CHANNEL:** means a natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water, and which, in the absence of evidence to the contrary, shall be presumed to consist of the area between the boundaries of vegetation on either side of the watercourse.

**CHURCH BUILDINGS OR CHURCH CAMPGROUNDS:** means any structure or property which is directly used for exempt purposes and is owned by any church which is qualified as an organization exempt from income tax or operated by a body of religious believers for the purpose of practicing their faith.

**CITY:** the City of Donnelly, Idaho

**CLEAN WATER ACT (CWA):** means the federal water pollution control act (33USC section 1251 et seq.), and any subsequent amendments thereto.

**CLUSTER DEVELOPMENT:** means a subdivision or other development planned and constructed so as to group structures or lots into relatively concentrated and contiguous areas while providing a unified network of open space, wooded area, recreational or agricultural land.

**COMBUSTIBLE LIQUID:** means a liquid having a flash point at or above 100 degrees Fahrenheit (37.8 degrees Celsius). Combustible liquids are subdivided as follows. The category of combustible liquids does not include compressed gases or cryogenic fluids. Class II liquids are those having closed cup flash points at or above 100 degrees Fahrenheit (37.8 degrees Celsius) and below 140 degrees Fahrenheit (60 degrees Celsius). Class III-A liquids are those having closed cup flash points at or above 140 degrees Fahrenheit (60 degrees Celsius) and below 200 degrees Fahrenheit (93.3 degrees Celsius). Class III-B liquids are those liquids having closed cup flash points at or above 200 degrees Fahrenheit (93.3 degrees Celsius).

**COMMERCIAL USE:** means occupancy of a building, structure or other property which involves any retail sale, wholesale distribution, professional office, entertainment service, recreational area, restaurant, room for rent, hybrid production facility or any combination of any of these uses with any other use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

**COMMISSION:** means the Planning and Zoning commission of the City of Donnelly, Idaho.

**COMMON OPEN SPACE:** means a portion of real property for use by all property owners within the subdivision including permanent view-sheds, golf courses, conservation easements, or other like uses that also meet the definition of Open Space.

**COMMUNITY OR CIVIC EVENT:** means a public event which is of interest to the community as a whole rather than the promotion of any product, political candidate, religious leader, or commercial goods or services.

**CONDITIONAL USE:** means a use or occupancy of land permitted only upon the issuance of conditional use permit, and subject to the limitations and restrictions specified in such permit in addition to all other applicable regulations and provisions of this title.

**COMPREHENSIVE PLAN:** means compilation of goals, objectives, maps, and other data guiding the physical, social, and economic development, both public and private, of the country and its environs as defined in the local planning act of 1975, and adopted by resolution from the Donnelly Planning and Zoning Commission to the Donnelly City Council or as hereafter amended.

**COMMUNITY HOUSING:** Residential units that are occupied by local employees, local retirees, and other long term community residents as their primary home, that is affordable for low to moderate income households and have restrictions that will preserve their affordability into the future through deed restrictions.

**CONDOMINIUM:** means a multifamily dwelling containing two or more dwelling units in which each unit is under single ownership, excluding the ground beneath the unit.

**CONSTRUCTION:** means the erection, fabrication, reconstruction, demolition, conversion, repair of a building, or the installation of equipment therein normally a part of the structure.

**CONSTRUCTION ACTIVITY:** means activities occurring in furtherance of a construction project, including, but not limited to, land disturbing activities; temporary crushing and screening operations lasting less than one hundred eighty calendar days; hauling soil and rock, explosive and abrasive blasting; implosion; handling of building materials; concrete, stone and tile cutting; operation of motorized and non-motorized machinery; and the operation of motor vehicles on a construction site, a staging area, a parking area, a storage area, or any access routes to the construction site.

**CONVENIENCE STORE:** means a small-scale grocery operation that may provide self-service gasoline.

**COUNCIL:** means the City Council of the City of Donnelly, Idaho.

**COUNTY:** means Valley County, Idaho and/or its representative's staff or assigns.

**COUNTY RECORDER:** The County Recorder of Valley County, Idaho

**COPY:** means any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof which is intended to advertise, identify, or notify.

**CUL-DE-SAC:** means a dead end street that provides a turnaround at its terminus (court or place).

**DAY CARE BUSINESS:** means the care and supervision, provided for compensation during part of a 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 own home. This term includes preschools, nursery schools, play schools, kinder-care, and any like or similar operation, in accordance with "National Health & Safety Performance Standards".

- A. DAY CARE CENTER: means a day care operation providing care for 13 or more children.
- B. DAY CARE FACILITY: means a day care operation providing care for no more than 12 children.
- C. DAY CARE HOME: means a day care operation providing care for six or fewer children at any one time, having not more than three employees, and operating between the hours of 7:00 a.m. and 6:00 p.m.
- D. CHILD: means any person under 12 years of age.
- E. EMPLOYEE: means any person working for compensation in any day care operation.

**DECK:** means an exterior floor system connected to an adjoining residential dwelling where the top of the floor system is less than 30 inches above adjacent grade (e.g., a porch or a patio). A "deck" is not a building or structure subject to the setback requirements of this title.

**DEDICATION:** means the setting apart of land or interests in land for the use by the public. Land becomes dedicated only when accepted by the board as public dedication, either by the passage of a City ordinance or by entry of a resolution of approval in the official minute book of the meetings of the Council.

**DENSITY:** means the number of residential lots or dwelling units per acre of land.

**DEVELOPMENT:** means any grading, vegetation removal, construction activity, or any other activity which changes the existing character or use of the land or has any impact on adjoining properties.

**DEVELOPMENT AGREEMENT:** means a contract between the applicant and the City to assure performance of the applicant on any permit and for the payment of any fees, or other duties and obligations of the applicant related to the permit.

**DEVELOPMENT STANDARDS:** means the combination of controls which establish the maximum size of a building and its location on the lot, including; but not limited to:

- A. The size of buildings and other structures.
- B. The shape of buildings and other structures.
- C. The location of exterior walls of buildings and other structures, in relation to property lines, streets, and other buildings or structures.
- D. Open space requirements.
- E. Lot area per dwelling unit.

**DOUBLE FRONTAGE LOT:** means a lot other than a corner lot having frontage on two (2) parallel or approximately parallel streets

**DRIVEWAY:** means a non-dedicated, vehicular access constructed on private property providing access to not more than five residential dwelling units.

**DUPLEX:** means a multiple-family dwelling under single ownership containing two dwelling units in which at least one of the units is rented or leased or is intended for rent or lease.

**DWELLING UNIT:** means the descriptive unit of measure for determining residential use and density. It may be a single building or part thereof, having a kitchen, which provides for the full living facilities of one or more persons, Includes:

- A. Single-family detached dwelling.
- B. Single-family attached or clustered multi-unit component such as a duplex or condominium.
- C. Mobile home, travel trailer, recreational vehicle or pre-constructed modular unit on a temporary foundation, which meets the above criteria.

**DWELLING UNIT EQUIVALENT:** means a single building or part thereof that provides for partial living facilities but excludes cooking and laundry facilities within the individual living spaces. One-half (1/2) dwelling unit where food preparation and dining facilities are not provided on site as part of the development, and laundry facilities are provided as a service only. One-Third (1/3) dwelling unit equivalent where food preparation , dining and laundry services as well as meeting and other public spaces are included on site as part of the development. The above shall not exclude a microwave oven, coffeemaker and/or small, under-counter refrigerator such as is provided in a motel/hotel application that is not intended for long term, continuous stay.

**EASEMENT:** means a right to the use of land, other than as a tenant, for a specific purpose by someone other than the owner who holds title to the land.

**ELECTRONIC MESSAGE SIGN:** means a permanent sign which changes copy electronically more than once per day using switches and electric lamps.

**ENGINEER:** means a professional engineer registered in the State of Idaho.

**ENHANCED SPECIALIZED MOBILE RADIO (ESMR):** means private land mobile radio with telephone services.

**ERECTED:** includes built, constructed, reconstructed, moved upon, or any other physical operations on the premises required for building. Excavation, fill, drainage, and the like shall be considered a part of erection.

**EROSION:** means progressive detachment and removal of particles, including soil and rock fragments, from the earth's surface by means of water, wind, ice, gravity or mechanical processes, including vehicular traffic.

**EXTERIOR LIGHTING:** means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors, Lights that are indoors that are intended to light something Emergency or warning lights outside are considered exterior lighting for the purpose of this title. Exterior lighting does not include vehicles.

**FEES, IMPACT:** means the fees authorized by the State of Idaho statutes for those services provided by the county or other local taxing agencies which would otherwise be funded by tax revenues. The fee shall be reasonably related to, but shall not exceed, the actual cost of the service rendered. The fees shall be in cash or other consideration that may be negotiated with an applicant.

**FEES, REIMBURSEMENT:** means any applicant for any permit involving a planned unit development which is residential or multiuse, subdivision, cluster development, condominium, or any other proposed change in use which significantly alters the characteristics of the existing use shall be required to pay a reimbursement fee to the City for all reasonable administrative and other costs heretofore or hereafter incurred directly or indirectly by the City in processing the application and monitoring the construction, maintenance, and completion of all or part of the permit. These fees may be adopted by resolution.

**FENCE:** means a natural or artificial barrier intended to be an enclosure or to delineate a boundary and located within 20 feet of a property line. For the purposes of this title, the term "fence" shall include hedges and walls

**FINAL PLAT:** means a map for recording of real estate interests with the county recorder prepared by a registered professional land surveyor and conforming to the requirements of the subdivision, planned unit development or other development, regulations is the final map, drawing, and related documents is presented to the City for approval, and which, if approved, will be submitted to the county recorder for recording.

**FLAG:** means any fabric banner or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or political subdivision.

**FLAMMABLE LIQUID:** means a liquid having a closed cup flash point below 100 degrees Fahrenheit (37.9 degrees Celsius). The category of flammable liquids does not include compressed gases or cryogenic fluids. Flammable liquids are further categorized into a group known as Class I liquids. The Class I category is subdivided as follows:

- A. Class I-A liquids include those having a flash point below 73 degrees Fahrenheit (22.9 degrees Celsius) and having a boiling point below 100 degrees Fahrenheit (37.8 degrees Celsius).
- B. Class I-B liquids include those having a flash point below 73 degrees Fahrenheit (22.8 degrees Celsius) and having a boiling point at or above 100 degrees Fahrenheit (37.8 degrees Celsius).
- C. Class I-C liquids include those having a flash point at or above 73 degrees Fahrenheit (22.8 degrees Celsius) and below 100 degrees Fahrenheit (37.8 degrees Celsius).

**FLASHING SIGNS OR LIGHTS:** Any sign which contains an intermittent light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. A sign on which the only intermittent lights display an indication of time or temperature shall not be considered a flashing or electronic message sign for the purpose of this article.

**FLOOD:** means a general and temporary condition of partial or complete inundation of normally dry lands from (1) the overflow of inland waters and/or (2) the unusual and rapid accumulation of runoff or surface waters from any source.

“One-hundred-year flood” means a flood having an indicated average frequency of occurrence once in 100 years, although the flood may occur in any year.

“One-hundred-year flood elevation” means the maximum high water elevation of the 100-year flood at any given point on the floodplain.

**FLOODPLAIN:** means a relatively flat area or low land adjoining a body of water which has been or may be inundated by water from the 100-year flood.

**FLOODWAY:** means that portion of the flood hazard area that includes the channel and the portion of the adjacent area which conveys the major portion of the flow for the 100-year flood.

**FLOOR AREA:** means the gross area included within the surrounding exterior walls of a building or portion thereof, including all floor levels, exclusive of vent shafts, courts, attics, or garages or other enclosed automobile parking areas, subject to the following restrictions:

- A. The unfinished basement of a single or multiple-family dwelling is not included as floor area; and

B. The basement of any other building is included as floor area.

**FREESTANDING SIGN:** means any sign erected on a freestanding frame, platform, base, mast, or pole and not structurally attached to any building.

**FREESTANDING TOWER:** means a tower standing without any external supports.

**FRONTAGE:** means the distance along the front lot line.

**FUEL STORAGE TANK:** See “above ground combustible liquid tank(s)” and “above ground flammable liquid tank(s).” Prohibited except where listed as a conditional and/or accessory use.

**GARAGE:** means a building or portion thereof in which a motor vehicle containing flammable or combustible liquid or gas in its tank is or is intended to be stored, repaired, or kept.

**GATED COMMUNITY:** Residential community served by private streets with restricted access by means of a gate or any other means of access control.

**GLARE:** means stray, unshielded light striking the eye that may result in:

- A. Nuisance or annoyance glare, such as light shining into a window;
- B. Discomfort glare such as bright light causing squinting of the eyes;
- C. Disabling glare such as bright light reducing the ability of the eyes to see into shadows; or
- D. Reduction of visual performance.

**HAZARDOUS SIGNS:** A sign which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety, and welfare of any person or property.

**HEALTH CARE FACILITY:** means Hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, intermediate care facilities, kidney disease treatment centers, including but not limited to freestanding hemodialysis and chemodialysis units, ambulatory surgical facilities, birthing centers, community health centers, health maintenance organizations (HMO), independent laboratories, migrant health centers, public health clinics and freestanding emergency care centers.

**HEIGHT, FENCE, OR SCREEN:** means the vertical distance measured from the existing grade prior to construction to the top of the fence. For the purpose of applying height regulations, the average height of the fence along any unbroken run may be used, provided the height at any point is not more than 10 percent greater than that permitted by this chapter.

**HEIGHT OF BUILDING:** means the greatest vertical distance measured from the lowest point of record grade within any portion of the building footprint to the highest point of

the roof surface thereof, exclusive of cupolas, chimneys up to 10 feet above the highest point of the roof surface, steeples, and spires, according to current Building Codes.

**HEIGHT OF SIGN:** means the vertical distance measured from the ground plane to the top of the sign, including the air space between the ground and the sign.

**HOME OCCUPATION:** means a business-related activity conducted entirely within a dwelling which is incidental and secondary to the use of a dwelling as a residence and does not negatively impact the surrounding neighborhood. Home occupations are defined for the purpose of this title as those activities that represent a departure from the daily routine associated with a residential use and could, therefore, impact the neighborhood.

**HOTEL:** means a building which is used for short-term occupancy, offering sleeping accommodations to the public on a nightly basis and access to all sleeping rooms through a main entrance, and which may provide food, entertainment, or various personal services.

**HYBRID PRODUCTION FACILITY:** means a use in a building wherein finished consumer goods are manufactured or produced and those same goods are offered for sale to the general public. Hybrid production facilities must be similar in size, scale and scope of operation to adjacent or nearby uses.

**IMPROVEMENTS:** means street pavements, paths, bikeways, sedimentation control facilities, re-vegetation, curbs, gutters, sidewalks, water systems, sanitary and storm systems, gas lines, electric and telephone lines and appurtenances, street signs, lights, irrigation canals, landscaping, lot corner monuments, and other such items as may be required for compliance with the regulations of the title.

**INDIRECT ILLUMINATION:** means a source of light separate from the sign itself.

**INDIVIDUAL RETAIL TRADE:** means any retail business or businesses allowed in the applicable zoning district.

**INDUSTRY, HEAVY:** means any manufacturing, processing, or testing of goods and materials, including the production of power, where the byproducts of such use include noise, smoke, odor, glare, gas, vibration, dust, light, or traffic which may have a detrimental effect on neighboring property.

**INDUSTRY, LIGHT:** means warehousing, wholesaling, manufacturing, and/or processing of goods and materials which do not emit offensive odor, dust, smoke, glare, gas, light, noise, or vibration which cannot be confined to the site itself.

**INFLATABLE SIGNS OR DISPLAYS:** Any inflatable object used for promotional or sign purposes.



**INFRASTRUCTURE:** The facilities, properties, supports, and utilities which provide services.

**KENNEL:** means an enclosure for the commercial or private boarding or breeding of more than three (3) dogs.

**KITCHEN:** means a room or area for storage, preparation, and cooking of food.

**LIGHT MANUFACTURING:** means the warehousing, manufacturing, and/or processing of goods and materials which do not emit odor, dust, smoke, glare, gas, light, noise, or vibration which cannot be confined to the site itself. Wholesaling is permitted as a light industrial use only if the items are manufactured on site and are not for sale as retail merchandise to the general public.

**LIGHT POLLUTION:** means any adverse effect of manmade light including, but not limited to discomfort to the eye or diminished vision due to glare, light trespass, up-lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky.

**LIGHT TRESPASS:** means light falling on the property of another or the public right of way when it is not required to do so.

**LIQUEFIED PETROLEUM GAS (LP gas):** means a material which is composed predominantly of the following hydrocarbons or mixtures of them: propane, propylene, butane (normal butane or isobutene) and butylenes.

**LOADING SPACE, OFF-STREET:** means space logically and conveniently located for pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required parking spaces are filled.

**LOT:** means a plot, parcel, or tract of land with fixed boundaries 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 an approved private street, and may consist of:

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

**LOT CORNER:** means a lot located at the intersection of two or more streets.

- A. "Lot, normal corner" means a corner lot where the streets border the outside, or convex, lot lines.
- B. "Lot, reverse corner" means a corner lot where the streets border the inside, or concave, lot lines (cul-de-sac).

**LOT COVERAGE:** means the percent of the total lot occupied by the principal building.

**LOT LINE, FRONT:** means the property line dividing a lot from a street. On a corner lot, only one street line shall be considered the front lot line and the main or front entrance to the primary building on the lot shall face such lot line. For buildings located on a corner with more than one business within the building, the lot front is the side where the business's street address is listed.

**LOT LINE, REAR:** means the lot line opposite the front lot line.

**LOT LINE, SIDE:** means any lot line other than the front or rear lot lines.

**LOT LINE ADJUSTMENTS:** A change or modification of easement lines or boundary lines between existing lots, parcels of land, or properties, which does not reduce the area, frontage, width, depth, or building set-back lines of each lot, parcel of land, or property below the minimum zoning requirements and which does not create additional lots or new streets.

**LOT OF RECORD:** means a lot which is part of a subdivision recorded in the office of the county recorder or a lot described by metes and bounds, the description of which has been so recorded.

**LOT SPLIT:** means a one time division of an original parcel into not more than two (2) lots. Such a split shall not reduce the area, frontage, width, depth, or building set-back lines of each lot, below the minimum zoning requirements and shall not create any new streets. If an original parcel has already had been divided, subsequent divisions must be processed by the subdivision regulations.

**LOT WIDTH:** means the distance, parallel to the front lot line, measured between side lot lines half-way between the front and rear property lines.

**LOWEST FLOOR:** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Chapter 18.80 DCC, Flood Hazard Overlay District (FH).

**LUMBER MILL:** means the site, equipment, and buildings necessary to saw, plane, or mill tree logs into poles, building logs, lumber, dimensional lumber, or similar products.

**MAJOR ADDITION:** means any extension, having a floor area of 200 square feet or greater, to an existing building. Extensions to dwellings which do not increase the total number of dwelling units shall not be considered as major additions.

**MANUFACTURED HOME:** A structure, constructed after June 15<sup>th</sup>, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one or more sections, which, in the traveling mode, is eight (8) body

feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except, that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC section 5401 et seq..

**MANUFACTURED/MOBILE HOME PARK:** Manufactured/Mobile Home Park means any site or tract of land which has been approved in accordance with the City ordinances for two or more manufactured homes, (including mobile homes upgraded per Donnelly City Ord. 159 to the HUD safety standard), installed for dwelling units, including any roadway, building, structure, vehicle, recreational facility or enclosure used or intended for use as a part of the facilities of such park.

**MARQUEE SIGN:** means any sign attached to or made part of any permanent roof-like structure projecting beyond a building, generally designed and constructed to provide protection from the weather.

**MASTER PLAN:** A comprehensive plan, prepared by the City, which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the City and any amendment to such plan or part of such plan separately adopted and any amendment to such plan or part thereof. In the absence of any formally adopted plan, the general policy of the City on the matter in question will govern.

**MEAN HIGH WATER MARK:** means the mark on all watercourses where the presence and action of waters is so common and continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, and destroy its value for agricultural purposes. In areas where riprap bank stabilization has occurred, the measurement shall begin on the landward side of such stabilization work.

**MOBILE HOME:** A housing unit of one or more sections constructed in a factory prior to June 15<sup>th</sup> 1976. To be eligible for installation in the City, mobile homes must have been upgraded per the "HUD Safety Standards"/Idaho code Ch. 25 of Title 44, Mobile Home Rehabilitation.

**MOBILE SIGNS:** A sign mounted on wheels.

**MOTEL:** means a building or group of buildings which are used for short-term occupancy, offering sleeping accommodations to the public on a nightly basis, which may provide food and entertainment totally within the primary building of the motel.

**MULTIPLE-FAMILY DWELLING:** means a building or property containing two or more dwelling units. For the purposes of this title the term “multiple-family dwelling” includes duplex, apartment, townhouse, condominium, and detached accessory dwelling unit.

**MUNICIPAL USE:** means use for a public purpose by a governing agency.

**NEON SIGN:** means any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.

**NON-CONFORMING USE:** means an existing nonconforming use at the time of adoption of this title or a legal building, structure, or use of land which:  
Exists, or for which a valid building permit exists, at the effective date of the ordinance codified in this title, and which violates any of the provisions of this title; or  
Exists, or for which a valid building permit exists, at the effective date of any amendment to the ordinance codified in this title, and which violates any of the provisions of such amendment

**NON-CONFORMING SIGN:** means any advertising structure or sign which was lawfully erected and maintained prior to the effective date of the ordinance codified in this article, and which fails to comply with any applicable regulations and restrictions herein.

**OCCUPANCY:** means the purpose for which a parcel of land, building, structure, or part thereof is used or intended to be used.

**OFF-PREMISES SIGN:** means any sign not located on the property associated with the business advertised. It does not include real estate or political campaign signs.

**OPEN SPACE:** means a portion of real property devoid of buildings and other physical improvement, except where accessory to the provision of passive or active recreation, or fish and wildlife habitat improvements, or any natural break which serves one of the following functions:

- A. Provides relief from monotonous building arrangements.
- B. Conserves or preserves natural, historic and other amenities with social or cultural value.
- C. Maintains the natural water table level or preserves wetlands.
- D. Roads, parking areas, and unusable strips of land shall not be considered in open space calculations. Open space must be an amenity to the planned unit development. Amenities may include, but are not limited to : parks, play yards, playgrounds, beaches, waterways, ski hills, tennis courts, swimming pools, natural vegetation, gardens, wooded areas, developed recreation areas, ponds over one acre in size, etc.

**ORIGINAL PARCEL OR LOT:** Any lot or parcel, held in single ownership, which was created prior to January 1, 1985.

**OUTPATIENT ANIMAL SERVICES:** means the examination, care, treatment and grooming of domestic animals, excluding livestock, within an outpatient facility, but does not include a kennel.

**OWNER:** means the individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity having sufficient ownership or contractual interest in the land, to commence and maintain proceedings under this title, or their agent.

**PARCEL:** means any un-subdivided land recorded as the property of one individual, or more than one individual, if considered as one interest, but not otherwise defined as a lot.

**PARKING SPACE:** means space used for the temporary, transient storage of private passenger vehicles used for personal transportation. Parking shall not include storage for any other purpose other than specified above.

**PATHWAY:** means any sidewalk, route, lane, path, corridor, open space, or trail designated to move people by non-motorized means for transportation or recreation. Non-motorized does not include snowmobiles, unless otherwise prohibited.

**PENNANT:** means any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

**PERMIT:** means an official document or certificate authorizing performance of a specified activity.

**PERMITTED USE:** means any use as defined by this title which is not subject to review by the Commission nor which requires a public hearing.

**PERSONAL SERVICE:** means any enterprise conducted for pecuniary gain which primarily offers services to the general public such as but not limited to shoe repair, watch repair, barber shops, beauty parlors, fitness and wellness facilities and similar activities.

**PERSONAL WIRELESS SERVICE FACILITY (PWSF):** means a facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A PWSF is any unstaffed facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter and a mount.

**PERSONAL WIRELESS SERVICES:** means any personal wireless service defined in the Federal Communications Act which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services. They include, without limitation, cellular, personal communications services (PCS), specialized mobile radio

(SMR), enhanced specialized mobile radio (ESMR), and paging as well as unlicensed wire services and common carrier wireless exchange access services.

**PLANNING & ZONING COMMISSION:** The City of Donnelly Planning and Zoning Commission.

**PLANNED UNIT DEVELOPMENT:** means a project controlled by one owner, partnership, or corporation, and characterized by a unified site design, involving varying the normal zoning requirements and restrictions so that the maximum long-range benefit can be gained and the unique features of the site preserved and enhanced.

**PLAT:** means a plan of certain described land prepared in accordance with subdivision or other regulations as an instrument for recording real estate interests with the county recorder.

**PORTABLE SIGN:** means any sign not permanently attached to the ground or to a building, and designed to be easily relocated; e.g., "sandwich board" signs.

**PRINCIPAL BUILDING:** means the building in which is conducted the primary use on the property.

**PRINT:** Any copy of an original, which reproduces exactly the original drawing from which it is made.

**PRIVATE DRIVEWAY:** means a prescribed vehicular access serving a single private property or residence from either a private or public road.

**PRIVATE ROAD:** means any access road located on private property or a road so designated on the subdivision plat by a road declaration that is maintained by a property owners' association or corporation in accordance with the specification of the subdivision ordinance.

**PROFESSIONAL OFFICE:** means an office for the conduct of the following types of uses: accountant, architect, attorney, chiropractor, optometrist, engineer, surveyor, drafting service, designer, dentist, physician, surgeon, and other similar uses.

**PROJECTING SIGN:** means any sign affixed to a building or wall in such a manner that its leading edge extends more than nine inches beyond the surface of a building or wall.

**PUBLIC ROAD:** means any access road located within a right of way dedicated to the public use, constructed to county standards, and approved and accepted by the county commissioners [or City council] in accordance with the subdivision ordinance, or any access road used by the general public for road purposes and maintained at public expense for a period of five (5) years or more.

**PUBLIC SERVICE FACILITY:** means a public facility established for the protection and welfare of the surrounding neighborhood including but not limited to a police station, fire station, or ambulance center.

**PUBLIC USE:** means a use for a public purpose by a City, school district, county, state, or any other public agency or a public utility.

**PUBLIC UTILITY FACILITY:** means a structure or facility including poles or towers used by a public utility. Such poles or towers may not exceed 48 feet in height, except where otherwise provided in a franchise agreement. Public utilities include, but are not limited to, gas, electric, or telephone companies. Facilities for wireless communications are not included, and are specifically regulated by Chapter 18.105 DCC.

**RECORD GRADE:** means the natural grade existing prior to any site preparation, grading, or filling, unless a new record grade is approved at the time of subdivision approval and noted on the filed final plat.

**RECREATION BUSINESS:** means recreation or athletic activities or facilities open to the general public where fees are charged or duties are required for the use of the facility.

**RECREATION VEHICLE PARK:** means a parcel of land which has been planned and improved or which is let, rented or used for the placement of two (2) or more transient recreational vehicles for dwelling purposes. This does not include the recreational use of the parcel by friends and family of the property owner/lessee on a temporary basis.

**REIMBURSEMENT FEES:** see definition of Fees, Reimbursement

**RESEARCH AND DEVELOPMENT:** means specialized non-polluting activities with emphasis on investigation, experimentation, testing, engineering, inventing, and conceptually designing prototypes and new technologies or associated light manufacturing. These technologies may include electronics, computer and data systems, medical and precision instruments, machine components, communication systems and equipment, and other technological instruments, equipment, and systems.

**RESIDENTIAL BUSINESS:** means a business owned and operated by the occupant of a residence, located on the same lot or parcel as the residence, which retains the residential character. Restrictions will be applied to ensure the residential character is retained. Restrictions may include:

- A. Limit on the number of employees working on the premises;
- B. Limit on working hours;
- C. Operational requirements to lessen impacts on nearby properties, such as requiring doors and windows to be closed to lessen noise;
- D. Limit on heavy truck traffic;
- E. Limit on traffic volume;

- F. Limit on the total square feet or on the percentage of the total property that can be devoted to business use;
- G. Limit or prohibition of outdoor storage or display; and
- H. Limit on size or bulk of buildings.

**RESIDENTIAL DEVELOPMENT:** means a platted subdivision with more than one lot.

**RESTRICTIVE COVENANTS:** means a private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

**RETAILER:** means unless otherwise specifically defined, this term shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to consumer.

**RIGHT OF WAY:** means a strip of land dedicated or reserved for use as a public street, private street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, trails, pathways, or for another special use.

**RIPARIAN SETBACK:** means the distance measured at right angles from the mean high water mark of a waterway, between the mean high water mark and an imaginary line parallel to the mean high water mark, defining an area between such lines within which no building or other applicable structure may be placed, and whereby any existing vegetation shall remain undisturbed.

**ROADWAY:** means that portion of a public street improved, designed or ordinarily used for vehicular traffic, exclusive of a sidewalk, berm or shoulder even though such a sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles.

**ROOF SIGNS:** Any sign erected in a manner so that it projects either partially or wholly over any roof or is mounted to any roof.

**RUNWAY:** means any existing or planned surface of an airport which is specifically designed and used or planned to be used for the landing and/or taking off of an aircraft.

**SCHOOL:** shall include kindergarten, elementary, junior high, and high school, or any other Public Education Facilities

**SEMI-PUBLIC USE:** means public and/or private colleges, hospitals, safe houses, learning centers, and other facilities of an educational, charitable, philanthropic, or nonprofit nature.

**SERVICE STATION:** means a personal service establishment involving the dispensing of gasoline and/or automobile repair.



**SETBACK:** means the required distance between every structure and all lot lines on the lot on which structures are located, the required clear distance between structures, or the required distance between structures and features such as water bodies. Setbacks are measured from the eaves or furthest protuberance.

**SHALL:** means mandatory.

**SHORT-TERM OCCUPANCY:** means the rental of any unit or structure or portion thereof for a period of not more than 30 days.

**SIDEWALK:** A hard surfaced pathway for non-motorized vehicles, normally designated for pedestrians, which is within the public right-of-way and is usually separate from motorized vehicle travel lanes. Sidewalks shall be constructed in accordance with City of Donnelly Master Transportation Plan

**SIGN:** means every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of "sign" shall also include the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of others.

**SIGNS CREATING TRAFFIC HAZARDS:** A sign at or near any public street, or at the intersection of any public streets, situated in such a manner as to create a traffic hazard by obstructing vision. Additionally, any sign at any location which would interfere with, obstruct the view of, or be confused with any authorized traffic sign.

**SIGNS ON VACANT PROPERTY:** No sign over four square feet per face, except freestanding signs advertising the property "for sale" or "for lease" on properties or subdivisions of greater than five acres in the aggregate, shall be erected or maintained on a property on which either no structure is erected or on which the primary structure is vacant. This provision shall not include those properties for which a valid building permit exists.

**SINGLE-FAMILY DWELLING:** means a detached building, including attached or detached carports and automobile garages, containing living facilities including provisions for sleeping, eating, cooking and sanitation for not more than one family.

**SITE PLAN:** means an engineering or architectural drawing of existing and planned conditions to facilitate review and approval of an application before the Commission and to guide construction of improvements.

**SKY-GLOW:** means the overhead glow from light emitted sideways and upwards. Sky-glow is caused by the reflection and scattering of light by dust, water vapor, and other particles suspended in the atmosphere. Sky-glow reduces one's ability to view the night sky.

**SLOPE:** refers to an incline from the horizontal plane which may be expressed as “percent slope”, “slope ratio” or “gradient”, a fifteen percent (15%) slope is equal to a fifteen foot (15’) rise within one hundred foot (100’) horizontal distance.

**SOLAR ACCESS:** means an exposure to sunlight and solar radiation upon land or a building.

**SOLAR ENERGY SYSTEM:** means any device, structure, or mechanism which uses solar radiation as an energy source for heating, cooling, or electrical energy.

Active. An indirect thermal system in which solar heat is collected and stored in devices separated from the building space to be conditioned using conventional energy systems (fans, pumps, etc.). Passive. The collection and storage of solar radiation for heating or cooling by non mechanical means: A system that employs aspects of both active and passive designs.

**SPECIALIZED MOBILE RADIO (SMR):** means a form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier. Used primarily for data, delivery vans, truckers or taxis within a small, definable geographic area.

**STAFF:** means personnel employed or contracted by the City of Donnelly to administer this title.

**STREAM ALTERATION:** means to obstruct, diminish, destroy, alter, modify, relocate, or change the existing shape of the natural channel within or below the mean high water mark. It includes removal of material or structures in the stream channel.

**STORAGE:** means the safekeeping of personal property in any structure.

**STREET:** means a way for public vehicular traffic, whether designated as a street, avenue, boulevard, highway, thoroughfare, parkway, road, lane, place or alley or however otherwise designated, which affords the principal means of access to abutting property.

**STREET; ARTERIAL, OR MAJOR:** means a fast or heavy traffic street of considerable continuity and used primarily as a traffic artery.

**STREET; COLLECTOR, OR SECONDARY:** means a street which carries traffic from local or minor streets and which serves for the circulation of traffic in residential areas or developments.

**STREET; CUL-DE-SAC OR DEAD-END:** means a street with only one outlet.

**STREET; LOCAL OR MINOR:** means a street used primarily for access to the abutting properties.

**STREET; PRIVATE:** means a street which provides vehicular and pedestrian access to more than five dwelling units, or within a non-residential development, but is not accepted for a dedication or maintenance by the City.

**STRUCTURE:** means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. For the purposes of Chapter 18.80 DCC, Flood Hazard Overlay District (FH), the definition shall include gas or liquid storage tanks that are located principally above ground.

**STRUCTURE - PRINCIPLE:** means the main building containing the permitted use on the property. For example, within any residential district, the principal structure is that which contains the dwelling unit. All other structures are considered to be accessory

**SUBDIVIDER OR DEVELOPER:** means any individual, firm, association, syndicate, corporation, trust or other legal entity commencing proceeding under this Title to effect a subdivision of land hereunder for himself or for another.

**SUBDIVISION:** means any division of land or real property into two (2) or more parts, or a modification of boundaries of a parcel of land that includes a new street.

**SURVEYOR:** means a professional land surveyor registered in the State of Idaho.

**TANK:** means a vessel containing more than 60 gallons (227 L).

**TEMPORARY SIGN:** means a sign which is intended for use during a specified, limited time, and removed from display following that specified time.

**TEMPORARY STRUCTURE:** means any building, modular unit, or other structure that is intended for any use for a period of not more than one year, excluding construction trailers or other structures erected solely in conjunction with a construction project.

**TEMPORARY USE:** means any use not more than thirty (30) days in duration and related to a specific project or occasion.

**TELECOMMUNICATION FACILITIES:** means all wires, cables, equipment, apparatus or other installations necessary to furnish service, by which there is accomplished, or may be accomplished, the sending or receiving of information, data, message writing signs, signals, pictures, and sounds of all kinds, by aid of such wires, cables, equipment, apparatus or other installations, but shall not include the habitable structure in which such telecommunications facilities are housed.

**TOWNHOUSE:** means a dwelling unit in a multiple-family dwelling which is owned together with the ground under the unit.

**TOWNHOUSE DEVELOPMENT:** means a planned residential project of two or more townhouse units, which may be constructed as single building(s) containing two or more townhouse units. Each unit within the development shall be separated from the adjoining unit or units by fire walls as required by the current building code in effect at the time of construction. Each unit shall have its own access to the outside, and no unit located over another unit in part or in whole. All townhouse developments shall be platted under the procedures contained herein.

**TOWNHOUSE SUB-LOT:** mans the lot resulting from platting a residential townhouse development, Townhouse sub-lots shall have a minimum area equal to that of the perimeter of each individual townhouse unit and an additional area three (3) feet in width to any access opening, measured at the foundation. Any detached accessory structures shall be contained within the perimeter of the town house sub-lot except as otherwise permitted herein.

**TRACT:** means any un-subdivided land recorded as the property of one individual, or more than one individual, if considered as one interest, but not otherwise defined as a lot.

**TRELLIS:** means a light construction of lattice work no more than eight feet in height. Said lattice work shall be of open design.

**UNDUE HARDSHIP:** means special conditions as a result of the geographic characteristics of the site depriving the applicant of rights commonly enjoyed by other property owners under the same terms of this title, but not merely a matter of convenience or profit.

**USABLE OPEN SPACE:** means an area not encumbered with any roadway, parking area, or substantial structure maintained for either informal or structured recreational uses.

**USE:** means the purpose for which land or a building thereon is designed, arranged, intended, or for which it is or may be occupied or maintained.

**UTILITIES:** means all water supply, drainage, sewer, gas, electrical, telephone, telegraph, television and other communications lines and related features.

**VARIANCE:** means a modification of the requirements of the zoning regulations as to lot area, lot coverage, width, depth, front yard, side yard, rear yard setback, parking space, or other regulation affecting the size or shape of a structure or the placement of structures upon lots, or the size of the lots and signs. A variance shall not include a modification of allowed uses.

**VEHICLE:** means any motorized device design for the purpose of carrying or conveying persons or materials. For the purpose of this ordinance those devices directly powered by human action, such as a bicycle, shall not be considered vehicles.

**VEHICLE SIGNS:** means signs mounted on the roof or antenna of automobiles, with the exception of student driver and auto transportation services, or those painted on vehicles parked and visible from the public right-of-way, unless said vehicle is licensed, registered and used as a vehicle in the normal day-to-day operations of the business.

**WALL SIGN:** means any sign attached parallel to, but within nine inches of, a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**WETLANDS:** means those areas that are within the definition of wetlands as defined by the environmental protection agency and within the jurisdiction of the corps of engineers.

**WIND SIGNS:** means any pennant, propeller, or similar device which is designed to flutter, rotate, whirl, or display other movement under the influence of the wind.

**WIND TURBINE, COMMERCIAL:** means a wind energy conversion system which converts wind energy into electricity through the use of wind driven turbine generator when the total height exceeds one hundred fifty feet (150') or the nameplate capacity exceeds one hundred (100) kilowatts. Such wind turbine includes the turbine, blade, tower, base, and pad transformer, if any.

**WIND TURBINE, HOBBYIST:** means a wind energy conversion system which converts wind energy into electricity through the use of a wind driven turbine generator when the total height is less than fifty feet (50') and a prop diameter of twelve feet (12') or less.

**WIND TURBINE, PERSONAL:** means a wind energy conversion system which converts wind energy into electricity through the use of a wind driven turbine generator when the total height is between fifty feet (50') and one hundred fifty feet (150') and the nameplate is less than one hundred (100) kilowatts.

**WINDOW SIGN:** means any sign installed upon or within three feet of a window for the purpose of viewing from outside the premises. This term does not include merchandise displayed.

**WHOLESALE AND WHOLESALE DEALER:** means unless otherwise specifically defined, such terms shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

**WIRELESS COMMUNICATION FACILITY (WCF):** means those facilities that are non-personal wireless service facilities (PWSFs), by definition of the Telecommunications Act of 1996, but that are also subject to Chapter 18.105 DCC due to their height above ground level. Any antenna, including mount and/or equipment support structure over 35

feet above ground level, that is not a PWSF shall be considered a WCF and regulated by this chapter.

**WOOD PROCESSING PLANT:** means the site, equipment, and buildings necessary to convert wood into chips, or fibers into byproducts such as paper, plywood, and particleboard, or to extract byproducts from wood fibers.

**YARD:** means that portion of the open area on a lot existing open and unobstructed from the ground upward from a given lot line for a depth or width specified by the setback regulations for the district in which the lot is located.

**Chapter 18.15  
ZONING MAP**

**Sections:**

- 18.15.010            Official zoning map
- 18.15.020            Interpretation of district boundaries
- 18.15.030            Amendment

**18.15.010    Official zoning map**

The districts established in Chapters 18.35 through 18.80 DCC are shown on the official zoning map of Donnelly, Idaho, which official zoning map, together with all explanatory matter thereon, is hereby adopted as part of this title.

**18.15.020    Interpretation of district boundaries**

Unless otherwise defined on the official zoning map, district boundary lines are lot lines; the centerlines of streets, alleys, railroad rights-of-way, or streambeds; municipal corporate lines; or other lines drawn to scale on the official zoning map. If a lot is divided by a zoning district boundary line at the time of enactment of this chapter, or by subsequent amendments, the less restrictive zoning requirements may be extended not more than 25 feet into the more restrictive zoning district adjacent to the zoning district boundary line. The more restrictive zoning requirements may not be extended into the less restrictive zoning district.

**18.15.030    Amendment**

The official zoning map shall be amended according to the procedure set forth in Chapter 18.120 DCC.

**Chapter 18.20  
ADMINISTRATIVE PROVISIONS**

**Sections:**

18.20.010	General
18.20.020	Administrator
18.20.030	Appeals
18.20.040	Mediation
18.20.050	Minor changes
18.20.060	Enforcement

**18.20.010 General**

For the purpose of carrying out the provisions of this title, the position of an Administrator is hereby created for the City of Donnelly. The Administrator for the impact area shall be the Valley County Planning and Zoning Administrator, whose duties are identified in the Valley County Land Use and Development ordinance.

**18.20.020 Administrator**

The Mayor shall nominate, for Council approval, an Administrator to administer this title for the City of Donnelly. The Administrator may be provided with the assistance of such other persons as the Council may direct. The duties of the Administrator shall include, but not be limited to:

- A. Advising interested citizens of the zoning ordinance provisions.
- B. Informing the news media regarding land use and zoning matters of public interest.
- C. Aiding applicants in the preparation of required forms and permit applications. Where practical, related permits may be combined for the convenience of the applicant.
- D. Issuing certificates of occupancy.
- E. Recommending enforcement of this title in accordance with DCC 18.20.060.
- F. Receiving, filing, and transmitting to the Commission and Council all applications, past history, transcripts, and other communications on which they must act. Advising the Commission and the Council of pertinent provisions of this title regarding proposals.
- G. Maintaining permanent and current records of applications, zoning changes, variances, conditional use permits (CUP), planned unit developments (PUD), and of the hearings and action thereon.
- H. Inspecting and making recommendations upon all filed plats.
- I. Maintaining a current official zoning map and interpreting boundaries of zone districts.
- J. Acting as a liaison between the Commission and Council.

**18.20.030 Appeals**



Any affected party may appeal in writing any final decision of the Zoning Administrator to the Commission. Appeals of a Commission decision will be made to the Council. Appeals, along with a fee set by City Council resolution, shall be filed with the Donnelly City Clerk within 10 days from the date of the decision. The appeal shall specifically state the decision appealed and reasons for the appeal. If no appeal is filed within the 10-day period, the decision shall be deemed final.

#### **18.20.040 Mediation**

The mediation of land use decisions within the City limits will be governed by the provisions in Idaho Code, Section 67-6510, and this title. If mediation occurs after a final decision, any resolution of material differences through mediation must be the subject of another public hearing, consistent with the type of hearing which resulted in the original decision, before the decision-making body. Material differences include:

- A. A change that may impact any adjoining properties; or
- B. A change that was the subject of debate or appeal during the initial public hearing process.

The Council shall act on the mediation recommendations within 60 days of the receipt of the recommendation. The mediation process shall not be part of the official record regarding consideration of the application upon which the mediation is based. The application fee for mediation shall be established by City Council resolution.

#### **18.20.050 Minor changes**

The Commission may make the following minor changes without a public hearing:

- A. Minor relocation of building pads or dwelling units due to conditions such as unanticipated topography, road alignment or easements; provided, that the modifications do not significantly alter the site design in terms of parking layout, vehicular circulation, landscape design and other similar components of the development plans and provided ordinance requirements are still met.
- B. A minor change in building design relating to items such as materials, colors, window and door locations and mechanical units, provided the design remains essentially the same as that previously approved.
- C. A minor modification to open space design, provided there is no significant reduction to such space.
- D. Minor lot line adjustments, provided there is no increase in the number of lots.

#### **18.20.060 Enforcement**

Methods of Enforcement The provisions of this title shall be enforced by the following methods:

- A. Building Permit No building shall be erected, moved or structurally altered unless a building permit therefore has been issued by the building inspector or his authorized representative. All permits shall be issued in conformance with the provisions of this title and shall be valid for a period of time as specified in the International Building Code.
- B. Inspection The City Administrator, the building inspector and/or their authorized representative are empowered to require that necessary action be taken to remedy any condition found to exist in violation of any provisions of this title. After

any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct such violation.

C. Criminal Liability A person shall be guilty of a misdemeanor in any case where:

1. Any violation of any of the provisions of this title exists in any building or any other structure or on a tract of land; and
2. An order to remove any such violation has been served upon the owners, general agent, lessee or tenant of the building, other structure or tract of land (or any part thereof), or upon the architect, builder, contractor or any other person who commits or assists in any such violation; and
3. Such person shall fail to comply with such order within 10 days after service thereof.

D. Penalty Any person, firm or corporation violating any provisions of this title shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10.00 or more than \$100.00 for each offense, or by imprisonment for a period of not more than 30 days, or by both such fine and imprisonment. Each day during which the illegal erection, construction, alteration, maintenance or use continues may be deemed a separate offense.

E. Injunction

1. Recovery of Attorney's Fees In addition to any of the foregoing remedies, the City attorney, acting on behalf of the City council, may maintain an action for an injunction to restrain any violation of this title.
2. Liability for Damage. This title shall not be construed to hold the City of Donnelly, responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or by reason of issuing a building permit as herein provided.

In any action initiated by the City to enforce this title, or to recover damages resulting from a violation of this title, the City, if said City is determined to be the prevailing party in such action, shall be entitled to recover from the other party or parties all attorney's fees incurred in connection with such action.

**Chapter 18.25  
COMPREHENSIVE PLAN**

**Sections:**

- 18.25.010 Purpose
- 18.25.020 Comprehensive plan

**18.25.010 Purpose**

The purpose of this chapter is to adopt a comprehensive plan for the City of Donnelly, and the Area of City Impact for the City of Donnelly, Idaho.

**18.25.020 Comprehensive plan**

On file at Donnelly City Hall is a document captioned, "Comprehensive Plan for the City of Donnelly, Idaho 2014". This plan is hereby adopted, as provided by Idaho Code, Section 67-6509, as the Comprehensive Plan for both the City of Donnelly and the Area of City Impact for the City of Donnelly.

**Chapter 18.30  
GENERAL DEVELOPMENT STANDARDS**

**Sections:**

**Article I. General Requirements**

18.30.010 Hazardous conditions unlawful

**Article II. Specific Standards**

18.30.020 Drainage  
18.30.030 Sediment and Erosion Control  
18.30.040 Infrastructure  
18.30.050 Landscaping  
18.30.060 Fire hazard mitigation standards  
18.30.070 Outdoor lighting  
18.30.080 Accessory buildings  
18.30.090 Home occupations  
18.30.100 Manufactured homes  
18.30.110 Travel trailers and recreational vehicles  
18.30.120 Sidewalk, Curb & Gutter and/or Pathways

**Article I. General Requirements**

**18.30.010 Hazardous conditions unlawful**

No land or building in the City of Donnelly shall be used or occupied in any manner creating dangerous, injurious, noxious, or any other objectionable conditions which could adversely affect the surrounding areas or adjoining premises. Appropriate measures shall be taken to reduce dangerous and objectionable conditions to acceptable limits as established by the following requirements:

- A. Fire Hazards Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the International Fire Code.
- B. Radioactivity or Electrical Disturbances No activity shall emit harmful radioactivity or electrical disturbances.
- C. Noise Objectionable noise as determined by the Commission which is due to volume, frequency, or beat shall be muffled or otherwise controlled. The Commission may set standards for maximum noise levels.
- D. Vibration. Vibration which can be detected without instruments of any adjoining lot or property shall be prohibited.
- E. Air and Water Pollution Air and water pollution shall be subject to the requirements and regulations established by the State of Idaho. All users shall be connected to the City of Donnelly sewer and water system and comply with the requirements for using the system.

- F. Glare No direct or reflected glare shall be permitted which is visible from any property.
- G. Erosion No erosion by man, wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
- H. Objectionable Odors Improper storage or materials, garbage or impoundment of wastewater which may attract and aid the propagation of insects or rodents and/or cause an objectionable order is prohibited.

## **Article II. Standards**

### **18.30.020 Drainage**

A drainage plan and report prepared by a registered professional engineer is required for all new commercial and industrial developments and subdivisions. The plan shall comply with the City of Donnelly's drainage plan and will be reviewed and approved by the City Engineer at the owner's expense. Drainage from all other projects within the City shall be designed in such a manner that it does not impact the neighboring properties, and shall comply with International Building Code 2006 adopted by the City of Donnelly.

### **18.30.030 Sediment and Erosion Control**

A sediment and erosion control plan, reviewed and approved by the City Engineer, is required for all construction and land disturbing activity within the City. This plan shall assure compliance with the federal clean water act and establish methods to control sediment discharges, soil erosion, fugitive dust, and tracking of debris onto the public right of way.

### **18.30.040 Infrastructure**

- A. All new structures shall be connected to a central sewer and water system if the structure is within 300 feet of the utilities. No structures or landscaping of any kind shall interfere with access to a utility easement.
- B. All new development or major alteration to existing structures shall install utilities underground.

### **18.30.050 Landscaping**

All areas not actually used for structures, drives, walks and improved parking shall be landscaped, unless an alternative site plan is approved by the Commission.

### **18.30.060 Fire hazard mitigation standards**

- A. Fire hazard area is land on which there is vegetation that is prone to fire, where there is heavy fuel loading, where fuels are arranged in close continuity, where timber management slash exists, or where wildfires are likely to be difficult to suppress and become a threat to public safety.
- B. In the event of a dispute whether lands should be considered to be within the fire hazard area, the decision of the fire chief shall be final.
- C. In fire hazard areas, a fire-defensible zone of 30 feet wide shall be created around all dwellings and shall comply with the following standards:

1. Within that zone all grasses shall be kept at or below six inches in height.
2. Shrubs and trees are thinned to a spacing of 10 feet or more.
3. Conifers over 16 feet in height are limbed to a height of eight feet above the ground.
4. Dead and down wood is removed.
5. No tree shall be permitted to overhang a chimney.
6. All slash will be removed within 12 months of its creation.

### **18.30.070 Outdoor lighting**

All exterior lighting shall use full cut-off luminaries with the light source downcast and fully shielded, with the following exceptions:

- A. Luminaries that have a maximum output of 400 lumens per fixture, regardless of number of lamps (equal to one 40-watt incandescent light), may be left unshielded, provided the luminary has an opaque top or is under an opaque structure.
- B. Luminaries that have a maximum output of 1,000 lumens per fixture, regardless of number of lamps (equal to one 60-watt incandescent light) may be partially shielded, provided the lamp is not visible and the luminary has an opaque top or is under an opaque structure.
- C. Floodlights with external shielding shall be angled; provided, that no light is directed above a 25-degree angle measured from the vertical line from the center of the light extended to the ground, and only if the luminary does not cause glare or light to shine on adjacent property or public rights-of-way.
- D. Holiday lighting.
- E. Sensor-activated luminary, provided it is located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way.
- F. Vehicular lights and all temporary emergency lighting needed by the fire and police departments, or other emergency services.
- G. Up lighting for flags provided the flag is of a government and the maximum lumen output is 1,300 lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.
- H. Lighting of radio communication towers provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this title.
- I. Airport Lighting. Lighting at Donald D. Coski Memorial Airport, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter.
- J. Neon Lights. Neon lights permitted pursuant to Article II of Chapter 18.95 DCC.
- K. Luminaries used for playing fields shall be exempt from the height restriction provided all other provisions of this chapter are met and the light is used only while the field is in use.

### **18.30.080 Accessory buildings**

- A. Detached accessory buildings which do not require a building permit may be located within the side and/or rear yard setback, providing that a minimum three-

foot clear space is maintained between said accessory building and any other structure on the property, and a three-foot clear space is maintained between said accessory building and any property line.

- B. Detached accessory buildings which do not require a building permit and are located within the side and/or rear yard setback shall have a maximum bearing wall height of eight feet and a maximum building height of 12 feet.
  
- C. In the case where an alley is located along the side or rear lot line of the property, a two-foot setback is required for any accessory building. A six-foot horizontal separation between any accessory building and a water meter shall be maintained. (Water meter and water service line locations may be moved at the property owner's expense, subject to notification and approval by the City.)

**18.30.090 Home occupations**

Home occupations, where permitted, shall meet the following requirements:

- A. The home occupation shall not change the residential character of the dwelling or neighborhood.
- B. Exterior advertising shall be limited to one sign not to exceed six square feet in size.
- C. There shall be no sale or rental of stocks, supplies or products conducted on the premises.
- D. There shall be no exterior storage on the premises of material or equipment associated with the home occupation.
- E. There shall be no offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property lines.
- F. The home occupation shall not create the need for additional parking.
- G. There shall be no significant increase in traffic in the vicinity of the dwelling as a result of the home occupation.
- H. Storage of explosive, combustible or hazardous materials shall conform to the regulations and restrictions adopted by the City in the International Building Code.

**18.30.100 Manufactured homes**

Manufactured homes, not located in manufactured/mobile home parks, shall meet the following minimum requirements:

- A. Shall have a minimum floor area of 690 square feet;
- B. The manufactured home shall be multi-sectional
- C. The manufactured home shall be placed on a permanent foundation that meets the Idaho Manufactured Homes Installation Standard, July 1, 2000, as amended
- D. The manufactured home shall have exterior roofing and siding which is similar in material, texture and color to material commonly used throughout the neighborhood or subdivision in which the manufactured home is to be located. Determinations on appropriateness of material shall be made by the Administrator.
- E. For the purposes of the Flood Hazard Overlay a manufactured home shall be subject to all residential restrictions imposed.

- F. Any changes or additions made to a manufactured home shall meet the International Building Code as adopted by the City of Donnelly. All changes and additions require a City of Donnelly building permit.
- G. For all zoning districts, manufactured homes are subject to all restrictions applicable to single family dwellings in that district, and all applicable Subdivision and Planned Unit Development covenants.

**18.30.110 Travel trailers and recreational vehicles**

- A. Camping in tents or recreational vehicles is prohibited on undeveloped lots except where camping serves as temporary housing for the owners or construction workers during actual construction of a building on the lot pursuant to an issued building permit. In no case shall the camping be permitted for a longer period of time than that required for construction of the building. The use shall meet all health requirements, including potable water, sewer services and garbage collection service.
- B. Nothing in this section shall prevent a homeowner from allowing guests to camp on the homeowner's property for up to 14 days out of every 30-day period. Camping in excess of 14 days is prohibited. Each day of camping in excess of the 14 days is a separate violation of this title.

**18.30.120 Sidewalk, Curb and Gutter and/or Pathways**

Sidewalks, curbs and gutters and/or pathways shall be required in keeping with the City of Donnelly's Master Transportation Plan and/or City of Donnelly's Downtown Master Plan.



**Chapter 18.35**  
**PUBLIC USE AND OPEN SPACE DISTRICT (PU/OS)**

**Sections:**

18.35.010	Purpose
18.35.020	Permitted uses
18.35.030	Conditional uses

**18.35.010 Purpose**

The purpose of the public use and open space district (PU/OS) shall be to provide areas for recreational activities and/or to create and preserve open space areas for aesthetic and public use or private use. All uses within the public use and open space district shall be compatible with the protection of natural and scenic resources for the benefit of present and future generations.

**18.35.020 Permitted uses**

Permitted uses for the PU/OS district are limited to the following:

- A. Parks and playgrounds.
- B. Non-motorized, recreational pathways.
- C. Public golf courses.
- D. Schools.
- E. Sports fields/courts.

**18.35.030 Conditional uses**

Conditional uses for the PU/OS district are limited to the following:

- A. Motorized recreational trails.
- B. Personal Wireless Service Facilities or Wireless Communications Facilities, excluding freestanding towers, in accordance with Chapter 18.105 DCC (freestanding towers are prohibited).
- C. Above ground flammable and combustible liquid tanks utilized by a public use.
- D. Municipal uses.
- E. Temporary structures.

**Chapter 18.40**  
**RURAL RESIDENTIAL DISTRICT (RR)**

**Sections:**

18.40.010	Purpose
18.40.020	Permitted uses
18.40.030	Conditional uses
18.40.040	Accessory uses
18.40.050	Development standards

**18.40.010 Purpose**

The purpose of the rural residential district (RR) is to provide areas for stable, single-family residential development, at a density not to exceed one dwelling per 10 acres, with a limited number of other uses compatible with a rural residential neighborhood.

**18.40.020 Permitted uses**

Permitted uses for the RR district are limited to the following:

- A. Agriculture.
- B. Parks, playgrounds, and golf courses.
- C. Single-family residences.
- D. Home occupations, including day care homes.
- E. Manufactured homes as defined in Idaho Code, Section 39-4105(14), and as restricted by this title.

**18.40.030 Conditional uses**

Conditional uses for the RR district are limited to the following:

- A. Public service, public use, and public utility facilities.
- B. Personal Wireless Service Facilities or Wireless Communications Facilities, excluding freestanding towers, in accordance with Chapter 18.105 DCC (freestanding towers are prohibited).
- C. Day care centers and day care facilities.
- D. Nurseries and garden centers.
- E. Temporary structures.
- F. Accessory dwelling units.

**18.40.040 Accessory uses**

Accessory uses for the RR district are limited to the following:

- A. Barns.
- B. Greenhouse, private.
- C. Detached garages.
- D. Storage buildings.
- E. Swimming pools.

**18.40.050 Development standards**

- A. Minimum lot size: 10 acres.
- B. Minimum lot width: 150 feet.

- C. Maximum building or structure height: 35 feet.
- D. All structures in the RR district shall be set back 300 feet from Highway 55.
- E. Minimum front yard setback: 30 feet.
- F. Minimum side: the setback from any adjacent property line shall be not less than 20 feet for a single-story dwelling. Each vertical wall for subsequent multiple-story dwellings shall be set back an additional five feet.
- G. Rear yard setback: 15 feet.
- H. Flanking street: 20 feet.
- I. Flanking alley: 15 feet.

**Chapter 18.45**  
**VERY LOW RESIDENTIAL DISTRICT (R1)**

**Sections:**

18.45.010	Purpose
18.45.020	Permitted uses
18.45.030	Conditional uses
18.45.040	Accessory uses
18.45.050	Development standards

**18.45.010 Purpose**

The purpose of the very low residential district (R1) is to provide areas for stable, single-family residential development, at a density not to exceed one dwelling per acre, with a limited number of other uses compatible with a rural residential neighborhood.

**18.45.020 Permitted uses**

Permitted uses for the R-1 district are limited to the following:

- A. Parks, playgrounds, and golf courses.
- B. Single-family residences.
- C. Home occupations, including day care homes.
- D. Manufactured homes as defined in Idaho Code, Section 39-4105(14), and as restricted by this title.

**18.45.030 Conditional uses**

Conditional uses for the R1 district are limited to the following:

- A. Public service, public use, and public utility facilities.
- B. Personal Wireless Service Facilities or Wireless Communications Facilities, excluding freestanding towers, in accordance with Chapter 18.105 DCC (freestanding towers are prohibited).
- C. Day care centers and day care facilities.
- D. Temporary structures.
- E. Accessory dwelling unit.

**18.45.040 Accessory uses**

Accessory uses for the R1 district are limited to the following:

- A. Noncommercial shop building.
- B. Greenhouse, private.
- C. Detached garages.
- D. Storage buildings.
- E. Swimming pools.

**18.45.050 Development standards**

- A. Minimum lot size: one acre.
- B. Minimum lot width: 70 feet.
- C. Maximum building or structure height: 35 feet.
- D. Minimum front yard setback: 30 feet.

- E. Minimum side: the setback from any adjacent property line shall be not less than 10 feet for a single-story dwelling. Each vertical wall for subsequent multiple-story dwellings shall be set back an additional five feet.
- F. Rear yard setback: 15 feet.
- G. Flanking street: 20 feet.
- H. Flanking alley: 15 feet.

**Chapter 18.50**  
**LOW DENSITY RESIDENTIAL DISTRICT (R4)**

**Sections:**

18.50.010	Purpose
18.50.020	Permitted uses
18.50.030	Conditional uses
18.50.040	Accessory uses
18.50.050	Development standards

**18.50.010 Purpose**

The purpose of the low density residential district (R4) is to provide areas for stable, single-family residential development, at a density not to exceed four dwellings per acre, with a limited number of other uses compatible with a residential neighborhood.

**18.50.020 Permitted uses**

Permitted uses for the R4 district are limited to the following:

- A. Parks, playgrounds, and golf courses.
- B. Single-family residences.
- C. Churches.
- D. Home occupations, including day care homes.
- E. Manufactured homes as defined in Idaho Code, Section 39-4105(14), and as restricted by this title.

**18.50.030 Conditional uses**

Conditional uses for the R4 district are limited to the following:

- A. Public service, public use, and public utility facilities.
- B. Day care centers and day care facilities.
- C. Personal Wireless Service Facilities or Wireless Communications Facilities, excluding freestanding towers, in accordance with Chapter 18.105 DCC (freestanding towers are prohibited).
- D. Above ground flammable and combustible liquid tanks utilized by a public use.
- E. Accessory dwelling unit.

**18.50.040 Accessory uses**

Accessory uses for the R4 district are limited to the following:

- A. Greenhouse, private.
- B. Noncommercial shop building.
- C. Detached garages.
- D. Storage buildings.
- E. Swimming pools.

**18.50.050 Development standards**

- A. Minimum lot size: 8,000 square feet.
- B. Minimum lot width: 75 feet.
- C. Maximum building or structure height: 35 feet.

- D. Minimum front yard setback: 20 feet.
- E. Minimum side: the setback from any adjacent property line shall be not less than 10 feet for a single-story dwelling. Each vertical wall for subsequent multiple-story dwellings shall be set back an additional five feet.
- F. Rear yard setback: 15 feet.
- G. Flanking street: 20 feet.
- H. Flanking alley: 15 feet.

**Chapter 18.55**  
**MEDIUM DENSITY RESIDENTIAL DISTRICT (R8)**

**Sections:**

18.55.010	Purpose
18.55.020	Permitted uses
18.55.030	Conditional uses
18.55.040	Accessory uses
18.55.050	Development standards
18.55.060	Manufactured / mobile home parks

**18.55.010 Purpose**

The purpose of the medium density residential district (R8) is to provide areas for a variety of residential uses, at a density not to exceed eight dwellings per acre, with a limited number of other uses compatible with this type of residential development. The intent is to preserve the favorable amenities associated with a residential neighborhood.

**18.55.020 Permitted uses**

Permitted uses for the R8 district are limited to the following:

- A. Parks, playgrounds, and golf courses.
- B. Single-family residences.
- C. Multifamily dwellings.
- D. Churches.
- E. Schools.
- F. Home occupations.
- G. Day care homes.
- H. Manufactured homes as defined in Idaho Code, Section 39-4105(14), and as restricted by this title.

**18.55.030 Conditional uses**

Conditional uses for the -8 district are limited to the following:

- A. Bed and breakfast inns.
- B. Boarding and rooming houses.
- C. Day care centers and day care facilities.
- D. Public service, public use, and public utility facilities.
- E. Manufactured / mobile home parks.
- F. Personal Wireless Service Facilities or Wireless Communications Facilities, excluding freestanding towers, in accordance with Chapter 18.105 DCC (freestanding towers are prohibited).
- G. Above ground flammable and combustible liquid tanks utilized by a public use.
- H. Temporary structures.

**18.55.040 Accessory uses**

Accessory uses for the R8 district are limited to the following:

- A. Greenhouse, private.
- B. Detached garages.



- C. Storage buildings.
- D. Swimming pools.
- E. One detached dwelling unit, on lots of 6,577 square feet (0.151 acre) or larger, accessory to a single-family dwelling unit. Primary vehicular access to any accessory detached dwelling unit shall be from a City street or alley.

**18.55.050 Development standards**

- A. Minimum lot size: 5,000 square feet, except that the lot size may be reduced for each dwelling if an offsetting amount of open space is provided. In determining the allowable maximum density, the acreage of the parcel in question shall be rounded off to the nearest one-tenth of an acre. For example, a parcel which is 10.15 acres shall be treated as 10.2 acres, and a parcel which is 10.149 acres shall be treated as a parcel of 10.1 acres.
- B. Maximum multifamily residential density: no more than eight units per acre.
- C. Minimum lot width: 50 feet, except as follows:
- D. Townhouse sub-lots shall conform to the standards established in the International Fire Code, as adopted by the City of Donnelly.
- E. Maximum building or structure height: 35 feet.
- F. Minimum front yard setback: 20 feet.
- G. Minimum side and rear yard setback: the setback from any adjacent property line shall be not less than 10 feet for a single-story dwelling. Each vertical wall for subsequent multiple-story dwellings shall be set back an additional five feet, except as follows:
- H. A townhouse sub-lot side yard setback along the common wall boundary line shall be zero feet.
- I. Flanking street: 20 feet.
- J. Flanking alley: 15 feet.
- K. Accessory detached dwelling units shall have a minimum gross floor area of 300 square feet and a maximum gross floor area of 950 square feet. Total lot coverage of all buildings on any property which includes an accessory detached dwelling unit shall not exceed 60 percent.

**Chapter 18.60**  
**CENTRAL BUSINESS DISTRICT (CBD)**

**Sections:**

18.60.010	Purpose
18.60.020	Permitted uses
18.60.030	Conditional uses
18.60.040	Accessory uses
18.60.050	Development standards
18.60.060	Design review standards
18.60.070	Nonconforming buildings

**18.60.010 Purpose**

The purpose of the central business district (CBD) is to promote the health, safety and welfare of current and future residents of the City of Donnelly; to regulate the uses permitted in this district in order to better respond to the unique conditions and circumstances of the original Donnelly town site; to encourage infill while retaining neighborhood character; to increase the compatibility and lessen the degree of nonconformity of existing structures; to create sufficient flexibility to allow for desirable development; to conserve building resources and historic structures; and to enhance neighborhoods with increased pedestrian orientation, all in accordance with the City of Donnelly comprehensive plan, for the desirable future development of the City of Donnelly.

**18.60.020 Permitted uses**

- A. Artisan shops.
- B. Banks and financial institutions.
- C. Business and personal services.
- D. Combination dwelling and commercial provided the commercial use is also a permitted use.
- E. Dwelling units, to include apartment houses.
- F. Eating and drinking places.
- G. Hotels, motels, and rooming houses (including bed and breakfast).
- H. Indoor recreation.
- I. Laundromats.
- J. Professional offices and buildings.
- K. Public parks, hiking, riding, biking, and ski trails and easements.
- L. Retail stores.

**18.60.030 Conditional Uses**

- A. Drive-through businesses.
- B. Dry cleaners.
- C. Funeral homes.
- D. Medical facilities.
- E. Public service facilities.
- F. Commercial parking lots.

G. Day care businesses.

**18.60.040 Accessory uses**

- A. One attached or detached accessory dwelling unit shall be allowed as an accessory use to a single-family dwelling, or a commercial use.
- B. Storage buildings.
- C. Detached garages.

**18.60.050 Development standards**

- A. Minimum lot size: none.
- B. Minimum lot width: none.
- C. Maximum building or structure height: 35 feet.
- D. Minimum front setbacks: zero.
- E. Side setback: zero where buildings are attached or a deeded maintenance agreement is provided, otherwise five feet.
- F. Flanking street setback: zero.
- G. Flanking alley setback: zero.
- H. Accessory dwelling units shall have a minimum gross floor area of 300 square feet and a maximum gross floor area of 950 square feet.
- I. Total lot coverage of all buildings on any property that includes an accessory dwelling unit shall not exceed 60 percent.
- J. Single-family dwellings shall meet the development standards of the medium density residential district.
- K. Required parking shall have alley access where any lot is adjacent to such alley.
- L. Snow storage shall be provided either on site or off site. A minimum area not less than 10 percent of any parking lot shall be provided for snow storage.
- M. Accessory structures shall be placed in the rear yard.

**18.60.060 Design review standards**

All new buildings and structures in the CBD are subject to design review by the Donnelly Planning and Zoning Commission and shall meet the design review guidelines set forth in Chapter 18.135 DCC.

**18.60.070 Nonconforming buildings**

Where an existing building is nonconforming with respect to setbacks, expansion of said building within the plane of the furthest intrusion shall be permitted; provided, that the nonconformity with respect to the distance of the setback is not further increased. Such expansion shall not be considered to be increasing the degree of nonconformity pursuant to Chapter 18.85 DCC.

**Chapter 18.65**  
**GENERAL COMMERCIAL DISTRICT (C)**

**Sections:**

18.65.010	Purpose
18.65.020	Permitted uses
18.65.030	Conditional uses
18.65.040	Accessory uses
18.65.050	Development standards

**18.65.010 Purpose**

The purpose of the general commercial district (C) is to provide areas for general business and commercial activities, areas of employment, and a limited number of residential uses.

**18.65.020 Permitted uses**

In addition to all uses listed in the CBD, the following are permitted uses in the C district:

- A. Automobile sales and service.
- B. Car washing facility.
- C. Day care businesses.
- D. Department stores.
- E. Hybrid production facilities.
- F. Offices not requiring outside storage.
- G. Medical facilities.
- H. Nurseries and garden centers.
- I. Rental facilities, tools and small equipment.
- J. Service stations.
- K. Storage facilities, enclosed, personal and commercial.
- L. Supply yards.
- M. Theaters.

**18.65.030 Conditional uses**

Conditional uses for the C district are limited to the following:

- A. Public service, public use, and public utility facilities.
- B. Outpatient animal services or kennels.
- C. Churches.
- D. Personal Wireless Service Facilities or Wireless Communications Facilities, excluding freestanding towers, in accordance with Chapter 18.105 DCC (freestanding towers are prohibited).
- E. Above ground flammable liquid tanks utilized by a public use.
- F. Temporary structures.
- G. Seasonal trailer parks.

**18.65.040 Accessory uses**

Accessory uses for the C district are limited to the following:

- A. Storage buildings.

- B. Detached garages.
- C. All Personal Wireless Service Facilities or Wireless Communications Facilities mounted on existing buildings or structures upon issuance of a wireless permit in accordance with the provisions of Chapter 18.105 DCC.
- D. Above ground combustible liquid tanks.

**18.65.050 Development standards**

- A. Minimum lot size: none.
- B. Minimum lot width: none.
- C. Maximum building or structure height: 35 feet.
- D. Maximum building coverage: no more than 60 percent of the lot shall be covered with buildings.
- E. Front setback: 30 feet.
- F. Side setback: zero where buildings are attached or a maintenance agreement is provided, otherwise 10 feet.
- G. Flanking street: five feet.
- H. Rear setback: five feet where there is an alley, otherwise 20 feet.
- I. Flanking alley: five feet.
- J. Accessory structures shall be placed in the rear yard.
- K. Seasonal recreational vehicle (RV) parks shall meet the following minimum requirements:
  - 1. Minimum park width: 100 feet.
  - 2. Minimum front yard setback for the park: 25 feet.
  - 3. Minimum side and rear yard setbacks for the park: 25 feet.
  - 4. Maximum building height: 30 feet.
  - 5. Every RV space shall be connected to the water and sewer systems.
  - 6. Every RV space shall have a concrete pad.
  - 7. Usable open space at a minimum of 25 percent of the total lot area, excluding paved areas.
  - 8. Sanitary service building connection to City sewer and water and a method for refuse disposal.
  - 9. A minimum of 10 feet of clear space shall be provided between each RV.

**Chapter 18.70**  
**LIGHT INDUSTRIAL DISTRICT (LI)**

**Sections:**

18.70.010	Purpose
18.70.020	Permitted uses
18.70.030	Conditional uses
18.70.040	Accessory uses
18.70.050	Development standards
18.70.060	Additional regulations
18.70.070	Conflicting and prohibited uses

**18.70.010 Purpose**

The purpose of the light industrial district (LI) is to provide areas for light industrial operations and limited related (or associated) retail sales. "Limited related retail sales" is defined as restricted to retail sales clearly associated with and secondary to the permitted use and of the type not normally located in downtown business districts; e.g., the retail sale of auto parts by an auto dealership. The area is characterized by outdoor display areas, industrial and service-type traffic usage and patterns, and light manufacturing or construction-related services. The intent is to group these uses that demand similar circulation patterns and service requirements together and provide regulations to preserve the integrity of the industrial uses while ensuring the health, welfare and safety of the community.

**18.70.020 Permitted uses**

Permitted uses for the LI district are limited to the following:

- A. Assembly and packaging firms.
- B. Automobile body and fender operations.
- C. Automobile sales.
- D. Building, electrical, mechanical and plumbing contractors.
- E. Car washing facilities.
- F. Construction and building supply sales.
- G. Fabrication of wood, metal, plastic or other materials.
- H. Industrial laundry/dry cleaning service and distribution establishments.
- I. Landscape design, installation and maintenance firms.
- J. Light manufacturing.
- K. Nurseries and garden centers.
- L. Offices.
- M. Printing and publishing establishments.
- N. Processing and sales of firewood.
- O. Public service, public use, and public utility facilities.
- P. Rental facilities, including truck and trailer rental and contractor rental yards.
- Q. Refined wood products operations.
- R. Research and development.
- S. Sales, rental, and servicing of trailers, mobile homes, farm implements and heavy equipment.

- T. Service stations.
- U. Sports equipment manufacturing.
- V. Storage facilities, personal and commercial.
- W. Telecommunication broadcasting studios.
- X. Warehouse and storage facilities.
- Y. Wholesale distributors.

**18.70.030 Conditional uses**

Conditional uses for the LI district are limited to the following:

- A. Veterinary clinics and animal hospitals.
- B. Indoor recreational facilities primarily for instruction.
- C. Personal Wireless Service Facilities or Wireless Communications Facilities, excluding freestanding towers, in accordance with Chapter 18.105 DCC (freestanding towers are prohibited).
- D. Temporary structures.

**18.70.040 Accessory uses**

Accessory uses in the LI district are limited to the following:

- A. Storage buildings.
- B. All Personal Wireless Service Facilities or Wireless Communications Facilities mounted on existing buildings or structures upon issuance of a wireless permit in accordance with the provisions of Chapter 18.105 DCC.
- C. Above ground combustible liquid tanks.
- D. Above ground flammable liquid tanks.

**18.70.050 Development standards**

- A. Minimum lot size: 6,000 square feet.
- B. Minimum lot width: 60 feet.
- C. Maximum lot coverage: not more than 75 percent of the lot shall be covered by buildings.
- D. Maximum height of buildings or structures: 35 feet.
- E. Minimum front yard setback: 30 feet.
- F. Minimum side and rear yard setback: 10 feet, except where the subject property is located adjacent to any residential districts, in which case the side and rear yard setback shall be 25 feet.
- G. Flanking street: 20 feet from any street.
- H. Maximum building coverage: buildings or structures containing an individual retail trade or a grouped retail trade shall be limited to an aggregate building coverage of 25,000 square feet.

**18.70.060 Additional regulations**

- A. All materials, with the exception of trees and plant materials stored on the premises, and all machinery and vehicles other than those for sale or display or parked temporarily shall be stored within a building or within a wall or fence not less than five nor more than six feet in height. Subject to approval of the

Administrator, earth berms and landscaping with sufficient height and density may be substituted for a wall or fence.

- B. Landscaping shall be provided and maintained in all required yards.
- C. Landscape screening shall be provided and maintained in the required yards adjacent to any residential districts to protect these areas from undue intrusion of noise, light, odors, and other influences. Such landscaping shall, at a minimum, consist of:
  - 1. A hedge, berm, solid wall, or solid fence not less than five or more than eight feet in height along any side or rear yards.
  - 2. One row of deciduous or evergreen trees or a mixture of each placed no further apart than 15 feet.
  - 3. Lawn, low-growing evergreen shrub, evergreen or ground cover on the balance of the required landscaped yards.

**18.70.070 Conflicting and prohibited uses**

Conflicting uses are those that are incompatible with the permitted uses in the LI district and shall be prohibited within the district and shall require buffering if adjacent to the LI district. These prohibited uses include, but are not limited to, the following:

- A. Churches.
- B. Heavy industry.
- C. Hospitals.
- D. Motels.
- E. Nursing homes.
- F. Residential.
- G. Restaurants.
- H. Schools.



**Chapter 18.75  
AIRPORT DISTRICT (A)**

**Sections:**

18.75.010	Purpose
18.75.020	Permitted use
18.75.030	Conditional uses
18.75.040	Accessory uses
18.75.050	Development standards
18.75.060	Prohibited uses

**18.75.010 Purpose**

The purpose of the airport district (A) is to provide an area that would allow air transportation and related commerce within the Donnelly area.

**18.75.020 Permitted uses**

All permitted uses for the airport district are subject to FAA regulations and approval by the airport commission or other administrative body and are limited to the following:

- A. Airport runway/taxiways.
- B. Aircraft hangars/tie-down areas.
- C. Fixed base operations and related uses.
- D. Airport operations/support equipment.
- E. Airport administrative offices.
- F. Flight schools.
- G. Aircraft maintenance.
- H. Helicopter areas.
- I. Air carrier/charter operations.

**18.75.030 Conditional uses**

Conditional uses for the A district are limited to the following:

- A. Fuel storage and refueling areas.
- B. Temporary structures.
- C. Automobile rentals.
- D. Restaurants.
- E. Gift shops.
- F. Hotels.
- G. Business parks.
- H. Personal Wireless Service Facilities or Wireless Communications Facilities, excluding freestanding towers, in accordance with Chapter 18.105 DCC (freestanding towers are prohibited).

**18.75.040 Accessory uses**

Accessory uses for the A district are limited to the following:

- A. Automobile parking areas.
- B. Storage buildings.
- C. Control tower.

- D. Fire protection and emergency preparedness areas.
- E. Aircraft maintenance structures and areas.
- F. Lighting and aircraft approach aids.
- G. Above ground combustible liquid tanks.
- H. Above ground flammable liquid tanks.

**18.75.050 Development standards**

Subject to FAA regulations and 14 CFR, Chapter 1, Subchapter E, Part 77, Objects Affecting Navigable Airspace, as amended.

**18.75.060 Prohibited uses**

All uses not specified as permitted, conditional use, or accessory use in this chapter is prohibited.

**Chapter 18.80**  
**FLOOD HAZARD OVERLAY DISTRICT (FH)**

**Sections:**

18.80.010	Introduction
18.80.020	Purpose
18.80.030	Establishment of the flood hazard overlay district
18.80.040	Warning and disclaimer of liability
18.80.050	Flood hazard ordinance Administrator
18.80.060	Floodway and floodplain regulations
18.80.070	Flood hazard developments permit
18.80.080	Stream alteration permit
18.80.090	Violation – Penalty

**18.80.010 Introduction**

The flood hazard areas of the City of Donnelly are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by (A) the cumulative effect of obstructions which affect flood heights and velocities, and (B) the occupancy of flood hazard areas by uses vulnerable to floods.

**18.80.020 Purpose**

The purpose of the flood hazard overlay district is to guide development in the designated floodplain in order to promote the public health, safety and general welfare, minimize public and private losses, and prevent environmental damage due to flood conditions. The City finds that the flood hazard overlay district is extremely hazardous due to the velocity of floodwaters, the potential of erosion and the dangers associated with debris in floodwaters. The provisions of this chapter are intended to protect human life and health, minimize the expense and inconvenience to property owners and the general public associated with increased water flow and velocity, ensure that the potential buyers are notified that property is subject to flood conditions, ensure that those who occupy the areas of flood hazard assume responsibility for their actions, preserve the inherent natural characteristics of water courses and natural protective barriers which help channel flood water, preserve, protect, and enhance the fish, wildlife, and riparian plant habitats, and provide a formal procedure for proposed developments and stream alterations.

**18.80.030 Establishment of the flood hazard overlay district**

- A. The flood hazard overlay district is hereby established. The regulations of this district apply to all lands within the jurisdictions of the City of Donnelly that lie within floodplain boundaries as determined by the Flood Insurance Rate Map (FIRM) and the FIRM map.

- B. Floodway and Floodplain Regulations. The flood hazard overlay district is divided into two sub-districts, the floodway sub-district and the floodplain sub-district. The boundaries of these sub-districts are indicated on the FIRM map.
- C. The precise boundaries of the floodplain boundary may be determined by on-site elevations as interpreted from the adopted FIRM flood insurance study. All land within the external boundary of the floodplain shall be considered to be within the floodplain and governed by the provisions of this district.

**18.80.040 Warning and disclaimer of liability**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This does not imply that areas outside the flood hazard districts or land uses permitted within such districts will be free from flooding or flood damages. There shall not be any liability on the part of the City of Donnelly or any officer or employee thereof for any flood damages that result from reliance on the regulations of the flood hazard overlay district or any decision lawfully made hereunder.

**18.80.050 Flood hazard ordinance Administrator**

- A. Designation of Flood Hazard Ordinance Administrator. The flood hazard ordinance Administrator, as designated by the Donnelly planning and zoning Administrator, shall administer and implement this chapter by granting or denying applicable permit applications in accordance with its provisions. The flood hazard ordinance Administrator may transmit one copy of the information described in DCC 18.80.070(A) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating a proposed project.
- B. Duties and Responsibilities of the Flood Hazard Ordinance Administrator.
  - 1. *Permit Review.*
    - a. Review all development permits to determine that the permit requirements of this chapter have been satisfied, and to issue any flood hazard development permits.
    - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies when prior approval is required.
  - 2. *Use of Other Base Flood Data.* When base flood elevation data has not been provided in the flood insurance study or FIRM map, the flood hazard ordinance Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the regulations of this chapter.
  - 3. *Information to Be Obtained and Maintained.*
    - a. Where base flood elevation data is provided through the flood insurance study or FIRM map, obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

4. For all new or substantially improved flood proofed structures, verify and record the actual elevation (in relation to mean sea level), and maintain the flood proofing certification required in this chapter.
5. Maintain for public inspection all records pertaining to the provisions of this district.
2. In certain instances, there may be the need for expert review by a third party of the technical data submitted by the applicant. It shall be at the sole discretion of the flood hazard ordinance Administrator to determine whether such review is required. Such technical review shall be paid for by the applicant. The applicant shall pay the City the estimated cost of the expert review prior to further processing of the application by the City. If additional costs are incurred, the applicant shall pay those prior to issuance of a floodplain development permit.

**18.80.060 Floodway and floodplain regulations**

- A. Floodway Sub-district Use Regulations. Uses in the floodway sub-district are limited to the following:
  1. Permitted Uses. Agricultural uses and open space recreation uses; provided, that no structure is constructed or maintained; and any other structure that has received a stream alteration permit.
  2. Prohibited Uses. All other uses are strictly prohibited.
- B. Floodplain Sub-district Use Regulations. Uses in the floodplain sub-district are limited to the following:
  1. Permitted Uses. Agricultural, recreational and residential accessory (non-dwelling) uses, provided they are not subject to substantial flood damage and will not cause flood losses on other land or to the public; or provided, that they can be readily removed from the flood hazard areas prior to the time of flooding.
  2. Uses Requiring a Flood Hazard Development Permit.
    - a. Sand and gravel extraction.
    - b. Single-family dwellings and residential accessory dwelling uses in accordance with the requirements of the underlying zone district and this chapter.
    - c. Commercial and industrial uses only as permitted in the underlying zone district and this chapter.
    - d. Subdivisions.
    - e. Fill associated with a building or structure and deposited in accordance with the standards set forth herein.
  3. Prohibited Uses.
    - a. Any use not mentioned herein that is susceptible to flood damage from the 100-year flood or that could potentially cause flood damage from such a flood to other property.
    - b. Travel trailers and recreational vehicles stored or kept on any property more than 180 consecutive days; any vehicle must be fully licensed and ready for highway use.

- c. Any fill, unless the fill is associated with a building or structure and deposited in accordance with the standards set forth herein.
- 4. Bulk Requirements.
  - a. Minimum lot size: 20,000 square feet.
  - b. Minimum lot width: 75 feet.
  - c. Maximum building or structure height: 35 feet.
  - d. Minimum front yard setback: 25 feet.
  - e. Minimum side and rear yard setback: the setback from the adjacent property line shall be 10 feet for a single-story structure. The vertical walls of subsequent stories of a multistoried structure shall be set back an additional five feet.
  - f. Riparian Setback. Unless otherwise provided for herein, all permanent buildings and structures in the flood hazard overlay district shall have a 100-foot-wide riparian setback from the mean high water mark of all applicable waterways. Removal of live vegetation or excavation within the riparian setback is prohibited, except for the removal of leaning or hazardous trees. Pruning of trees and planting of riparian trees, shrubs and ground cover within the riparian setback are allowed; provided, however, that all plantings conform to the criteria for evaluation in DCC 18.80.070.
- C. Nonconforming Uses in the Flood Hazard Overlay District. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance codified in this chapter, but which is not in conformity with the provisions of this district, may be continued subject to the following conditions:
  - 1. No such use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
  - 2. If any nonconforming use or structure is partially or completely destroyed, it shall not be reconstructed except in conformity with the provisions of this chapter.
  - 3. Uses which are or become nuisances shall not be entitled to continue as nonconforming uses.
  - 4. Any alteration, addition or repair to any nonconforming structure which would result in substantially increasing its flood damage potential shall be required to obtain a flood hazard development permit pursuant to this chapter.
  - 5. Where the application of the 100-foot riparian setback and other applicable setbacks will result in a building site of 1,000 square feet or less, the riparian setback may be reduced to such an extent that the building site is 1,000 square feet; provided, however, the riparian setback shall not be less than 50 feet.

**18.80.070 Flood hazard development permit**

- A. Procedure. A flood hazard development permit shall be obtained before construction or development begins within or upon any area located within the floodplain sub-district. All applications for a flood hazard development permit for a subdivision shall be evaluated and approved or denied by the Commission and

Council. All other flood hazard development permit applications shall be evaluated and approved or denied by the flood hazard ordinance Administrator. An application for a flood hazard development permit shall be made on a form furnished by the flood hazard ordinance Administrator. Such application shall contain, at a minimum, the following (if applicable):

1. Plans drawn in duplicate and to scale showing:
  - a. The existing contours with intervals of one foot or less of the elevation of the entire property;
  - b. The proposed contours with intervals of one foot or less of the elevation of the entire property; and
  - c. The location, dimensions and elevations (measured from mean sea level) of the proposed improvements, including buildings, structures, fill, drainage facilities, driveways and streets.
2. Certification by a registered professional engineer that the flood proofing methods meet the flood hazard reduction provisions of this chapter.
3. A description of the extent to which any watercourse would be altered or relocated.
4. All required and necessary federal and state permits, including studies and mitigation plans for wetlands (e.g., 404 permits).
5. A fee which shall be established by City Council resolution.

B. Criteria for Evaluation. The flood hazard ordinance Administrator, the Commission or the Council, as the case may be, shall evaluate and find adequate evidence to support each of the following criteria:

1. There will be no danger to life and property due to increased flood heights or velocities or any materials may be swept onto other lands or downstream to the injury of others.
2. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
3. The proposed water supply and sanitation systems and the ability of these systems will prevent disease, contamination and unsanitary conditions.
4. The proposed facility and its contents will not be susceptible to and shall minimize flood damage.
5. The proposed location represents the safest location for the proposed use.
6. The proposed use is compatible with existing development and development anticipated in the foreseeable future.
7. The proposed use is harmonious and in accordance with the general objectives or any specific objective of the comprehensive plan.
8. Safe access to the property shall be available in times of flood for ordinary and emergency vehicles.
9. Inherent natural characteristics of the watercourses and floodplain areas will be preserved.
10. Existing riparian vegetation and wildlife habitat along the stream bank and within the required 100-foot riparian setback shall be preserved.

11. New landscaping shall include plantings that are low growing and have dense root systems to stabilize stream banks and to repair any damage previously done to riparian vegetation.
12. The proposed use shall not be susceptible to the risk of obstruction by landslides, avalanches, ice jams or timber.
13. All new construction, manufactured homes as defined and permitted in this title, accessory buildings, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement.
14. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and shall be constructed using methods and practices that minimize flood damage.
15. Utilities.
  - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  - b. New and replacement water sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
  - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  - d. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
16. Any structural storage facility for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to the public health, safety and welfare shall be located in a manner which will assure that the facilities are situated at elevations one foot above the base flood elevation and are adequately flood proofed to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters.
17. The lowest portion of a floor system of new construction or substantial improvement of any structure shall be elevated to a level at least two feet above the base flood elevation. Any fill shall not exceed the base flood elevation. Any fill shall not extend more than 25 feet beyond the limits of any structure erected on a lot or property ("backfill"); provided, however, fill may extend more than 25 feet beyond the limits of any structure erected on a lot or property only if the cumulative amount of the fill does not exceed the amount of backfill allowed by the 25-foot perimeter. Any electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall also be designed and elevated at least one foot above the base flood elevation.
18. Fully enclosed areas below the lowest floor are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or must meet or exceed the following minimum criteria:



- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above the proposed grade.
  - c. Openings may be equipped with screens, louvers or other coverings or devices; provided that they permit the automatic entry and exit of floodwater.
- C. Conditions. Upon consideration of the criteria in subsection (B) of this section, the flood hazard ordinance Administrator, the Commission or the Donnelly City council, as the case may be, may attach such conditions to the permit as deemed necessary to further the purposes of this district, including but not limited to:
1. Modification of water disposal and water supply facilities to minimize or eliminate infiltration of flood waters.
  2. Limitations of periods of use and operation.
  3. Imposition of operational controls, sureties and deed restrictions.
  4. Requirements or prohibition of construction of channel modification dikes, levees and other protective measures.
  5. Submission of a plan or document certified by a registered professional engineer stating that the flood proofing measures comply with this chapter.
  6. Flood proofing measures for structures such as the following:
    - a. Installation of watertight doors, bulkheads, shutters, and similar structures.
    - b. Reinforcement of walls to resist water pressure.
    - c. Use of paints, membrane or mortars to reduce seepage of water through walls.
    - d. Addition of mass or weight to structures to resist flotation.
    - e. Installation of pumps to lower water levels in structures.
    - f. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
    - g. Installation of pumping facilities or comparable subsurface drainage systems for buildings to relieve external foundation wall flood pressures.
    - h. Construction to resist rupture or collapse caused by water pressure or floating debris.
    - i. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the building or structures.
    - j. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the flood waters.
    - k. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety and welfare in a manner which will assure that the facilities are situated at least one foot above

the base flood elevation and/or are adequately flood proofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.

7. Location of building pads or envelopes.
8. Installation and maintenance of new landscaping and preservation of existing riparian vegetation.
9. Issuance of all required and necessary federal and state permits (e.g., 404 permits).
10. Any other condition reasonably related to the issuance of a flood hazard development permit.

**18.80.080 Stream alteration permit**

No person may excavate in, disturb, fill, build in, upon or across, deposit in, or change the channel of any no intermittent stream within the flood hazard district without a stream alteration permit issued by the planning and zoning Commission.

A. Application. Applications shall be made for a stream alteration permit upon a form furnished by the flood hazard ordinance Administrator. Information to be provided by the applicant for any stream alteration permit issued hereunder shall include, but not necessarily be limited to, the following:

1. Applicant's name, address and phone number.
2. Name of engineer, if any, who prepared the application.
3. Property location and legal description.
4. Name and reach of stream and area of proposed work.
5. Length of the stream section to be worked on.
6. Type of work to be done.
7. Type of equipment to be used.
8. Starting and completion dates of work.
9. Vicinity map of the area.
10. Names and addresses of property owners on both sides of the stream 300 feet upstream and 1,000 feet downstream from the proposed work site, typed on mailing labels.
11. Plans and information at a one-quarter-inch scale, accurately and legibly showing:
  - a. Location and dimension of lot or property.
  - b. Location of existing or proposed structures and location of previous stream alterations.
  - c. Typical cross-section of the proposed work.
  - d. Location of the lot or property in relation to the stream channel, floodway, and floodplain.
  - e. A valley cross-section of the area to be altered, if requested by the City engineer, showing the stream channel, floodway limit lines, elevations of land area adjacent to the stream, and the base flood elevation. The City engineer, and FEMA officials, if requested by the City engineer, shall review and approve or disapprove the cross-section.

- f. Location of any drainage ways or overflow channel through the property affected.
  12. A statement addressing potential beneficial and adverse impacts in the immediate project area (upstream, downstream and across the stream).
  13. A fee which shall be established by City council resolution.
  14. Eight copies of the above information. The Administrator may request additional copies.
- B. Public Hearing. Each application shall be reviewed at public hearings before the planning and zoning Commission following adequate public notice.
1. Notice shall be given by United States mail insofar as practicable to each property owner whose name appears on the list accompanying the application, giving the date, time and place of the hearing, the action sought; and the identification of the property under consideration. When notice is required to 200 or more property owners or purchasers of record, alternate forms of notice may be provided in lieu of mailed notice. Sufficient notice shall be deemed to have been provided if the City provides notice through a display advertisement at least four inches by two columns in size in the official newspaper of the City at least 15 days prior to the hearing date, in addition to site posting on all external boundaries of the site.
  2. The Idaho Department of Water Resources shall be notified by the applicant prior to any alteration or relocation of a watercourse, and the flood hazard ordinance Administrator shall submit evidence of such notification to the Federal Insurance Administration.
  3. In any public hearing on a stream alteration permit application, the presiding officer may order the hearing to be continued up to 30 days without further notice.
- C. Commission Evaluation. A completed application will be heard by the Commission at a public hearing within a maximum of 30 days following its receipt. The Commission shall review the particular facts and circumstances of each proposed stream alteration and make its determination.
1. Standards. No stream alteration permit shall be issued unless the Commission finds adequate evidence that the following mandatory requirements have been met:
    - a. The applicant has been granted all necessary permits from the Army Corps of Engineers and from the Idaho Department of Water Resources, if applicable.
    - b. The stream alteration desired will not involve placing an encroachment, structure, fill, deposit, obstruction, storage of materials, or storage of equipment in the floodway unless certification by a registered engineer is provided demonstrating that such alteration will not result in any increase in flood levels during the occurrence of a 100-year flood.
    - c. The stream alteration desired will not materially increase the boundaries of the floodplain sub-district.

d. No property of another person will be adversely affected by the proposed stream alteration, whether such property is adjacent to, upstream or downstream from the proposed stream alteration.

D. Conditions. The Commission may attach conditions to any stream alteration permit, including, but not limited to, the following:

1. Requiring work to be done at times of lowest water.
2. Requiring work to be done by appropriate construction equipment.
3. Requiring the project to be built to Idaho Department of Water Resources, Army Corps of Engineers or City of Donnelly specifications and standards.
4. Requiring that a registered engineer certify, in writing, that the work has been completed according to the City requirements and stipulations.
5. Requiring any modification in the extent or design of the proposed work in order to meet the mandatory conditions imposed by this chapter.
6. Requiring preservation of existing vegetation, re-vegetation or placement of fish or wildlife enhancement features.
7. Posting of sufficient security to insure the completion of the work.
8. Requiring review or approval of the application by other agencies or governmental units.
9. Requiring the work to be done at a certain height or location.
10. Reclamation of eroded stream banks in the floodway.
11. Requiring overflow channels to remain open.
12. Restricting the future location of building envelopes.
13. Requiring modifications of the project so as not to raise the level of the base flood elevation and not to encroach upon the floodway.
14. Requiring maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
15. Issuance of all required and necessary federal and state permits (e.g., 404 permits).
16. Any other condition reasonably related to the issuance of a stream alteration permit.

**18.80.090 Violation – Penalty**

Any person, entity or organization which performs or causes or permits to be performed any work or activity in violation of this chapter or who performs any work in excess of the authority granted by the issuance of a flood hazard development permit or a stream alteration permit hereunder or who violates any condition or stipulation placed upon the issuance of a flood hazard development permit or a stream alteration permit shall be guilty of a misdemeanor and upon conviction thereof may be sentenced to serve six months in jail or pay a fine of \$300.00 or both. Each day or portion thereof during which any work performed in violation of this chapter continues in existence shall constitute a separate and distinct violation of these provisions. All enforcement provisions of DCC 18.20.060 shall be applicable to any violation of this chapter.

**Chapter 18.85**  
**NONCONFORMING USES AND BUILDINGS**

**Sections:**

18.85.010	Purpose
18.85.020	Avoidance of undue hardship
18.85.030	Nonconforming lots of record
18.85.040	Continuation of use
18.85.050	Change in use
18.85.060	Expansion of use
18.85.070	Expansion of nonconforming buildings
18.85.080	Discontinuance of use
18.85.090	Repair
18.85.100	Restoration

**18.85.010 Purpose**

It is the intent of this title to allow the continuation of nonconforming uses and buildings existing at the time of adoption of this title and legal uses which become nonconforming by adoption of this title, but not to encourage their survival or allow an increase in size or intensity of nonconforming uses.

**18.85.020 Avoidance of undue hardship**

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building for which a building permit has been issued prior to the effective date of adoption or amendment of this title and upon which actual building construction has been carried out diligently.

**18.85.030 Nonconforming lots of record**

- A. Where an individual lot was held in separate ownership from adjoining properties or was platted in a recorded subdivision approved by the City Council prior to the effective date of the ordinance codified in this title and fails to meet the requirements for area or width, or both, that are generally applicable in the district, such lot may be occupied according to the permitted uses provided for in the zone district. No multifamily project shall be developed on any lot or property smaller than the minimum area required by this title.
- B. In all zone districts, a building on an undersized lot of record at the effective date of adoption or amendment of this title shall not be considered a nonconforming building provided the building meets all other bulk and setback requirements in that district.
- C. Lots in existence prior to the adoption of this title which do not comply with minimum standards for the zone district shall be subject to design review by the Commission. Approval shall be obtained prior to commencement of construction.

**18.85.040 Continuation of use**

A nonconforming use may be continued, subject to the provisions of this chapter.

**18.85.050 Change in use**

A nonconforming use may be changed only to a conforming use.

**18.85.060 Expansion of use**

A nonconforming use may not be enlarged or extended, including, without limitation, any increase in the total amount of space devoted to the nonconforming use, thereby increasing the degree of nonconformity. Criteria used to determine enlargement or extension shall include, but not be limited to, areas of land covered, square footage of building or use space, number of dwelling units, and hours of operation. A nonconforming use shall not be used as justification for adding other structures or uses prohibited in the same district. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this title, was designed to accommodate such use. A nonconforming use may not be extended to additional buildings or to land outside the original building

**18.85.070 Expansion of nonconforming buildings**

A nonconforming building may not be enlarged, extended, reconstructed, moved, or structurally altered so as to increase the degree of nonconformity. A nonconforming building may be enlarged so long as the enlargement does not create new nonconformities with respect to such matters as setbacks and parking requirements. Minor repairs, as defined in DCC 18.85.090, of nonconforming buildings are encouraged.

**18.85.080 Discontinuance of use**

- A. If active and continuous operations of a nonconforming use are not carried on during a continuous period of six months, the tract of land where such a nonconforming use previously existed shall thereafter be used only for a conforming use. Intent to resume active operations shall not be considered active and continuous operations.
- B. Notwithstanding the provisions of this chapter, if a nonconforming manufactured home is removed from the tract of land on which it was located, said tract of land shall thereafter be occupied by only a conforming use.

**18.85.090 Repair**

On any nonconforming structure, or portion of a structure containing a nonconforming use, work may be done on ordinary repairs or on repair or replacement of non-bearing-wall fixtures, wiring or plumbing; provided, that the repair does not increase the degree of nonconformity of the use or building as described in DCC 18.85.060 and 18.85.070. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the City building inspector upon order of such official.

**18.85.100 Restoration**

- A. A nonconforming building (not to include buildings continuing a nonconforming use) which has been damaged, partially destroyed, or completely destroyed, either by fire or other calamity or natural causes or by intentional demolition by

the owner of said building, may be rebuilt so long as the repaired or rebuilt building in no way increases the degree of nonconformity, including nonconformity with respect to such matters as setbacks and parking requirements. Any enlargement of such a nonconforming building shall not increase the degree of any nonconformity, and shall also meet the requirements of DCC 18.85.070 with regard to prohibition against the creation of any new nonconformity. The height of the repaired or reconstructed building shall not exceed the height of the building that existed prior to repair or reconstruction unless design review approval for a building with an increased height has been granted by the Donnelly planning and zoning Commission.

- B. Notwithstanding the provisions of subsection (A) of this section, a nonconforming manufactured home used as a residence which is destroyed by fire or natural causes may be replaced with a manufactured home having the same overall dimensions as the previously existing manufactured home; provided, that such replacement occurs within three months of the calamity.

**Chapter 18.90  
PARKING AND LOADING**

**Sections:**

18.90.010	General requirements
18.90.020	Standards
18.90.030	Parking space requirements
18.90.040	Parking in excess of that normally permitted

**18.90.010 General requirements**

No building or structure shall be erected unless permanently maintained parking, loading spaces, and snow storage areas have been provided in accordance with the provisions of this title. Any person making any alteration to a building or use, which increases the required parking of said building or use beyond that already provided, shall provide the additional parking spaces and snow storage areas mandated by said alteration prior to completion of said alteration.

On-Street Parking shall be designed as specified in Appendix G of the City of Donnelly Master Transportation Plan 2006 as amended:

**18.90.020 Standards**

- A. Location of Parking Spaces. Parking spaces shall be located on the same lot as the use which they serve except as follows:
1. Parking spaces for commercial uses in the central business district may use a public parking facility upon a signed written agreement with the owner of the parking facility.
  2. Shared parking may be used between multiple commercial and/or industrial uses when it can be shown that each use will not interfere with other uses sharing the same parking area and a signed written agreement is provided to and approved by the Commission.
- B. Loading Space Requirements and Dimensions. The following regulations shall apply to all commercial and industrial buildings with off-street loading areas.
1. One loading space shall be provided for any single retail or wholesale occupancy with a floor area in excess of 4,000 square feet. An additional loading space shall be required for every additional 10,000 square feet of floor area. Such spaces shall have a minimum area of 500 square feet, and no dimension shall be less than 12 feet.
  2. Convenient access driveways to loading spaces from streets or alleys shall be provided; they shall not be less than 12 feet in width.
  3. No loading space required by this chapter shall project into any street, alley, or other public right-of-way.
- C. Maintenance. The owner of property used for parking and/or loading shall maintain such area in good condition without holes, trash, debris, or snow.
- D. Surfacing and Construction. All required parking and loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with asphalt,



concrete. Use of compacted gravel must be approved by Planning and Zoning Commission and City Council, including time certain to conform.

- E. Drainage. All parking, loading, or other non-permeable surface areas shall provide for treatment and drainage of surface water, to prevent the drainage of such water onto adjacent properties or walkways, or into the public right-of-way. Drainage plans shall be approved by the City engineer.
- F. Lighting. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property, and shall be of a type and method of construction to shield the light source from direct view from any adjacent property or right-of-way.
- G. Access. Any parking area on private property, with the exception of those areas containing no more than four parking spaces, shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a street shall be traveling in a forward motion. Access driveways for all parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.
- H. Screening and Landscaping. Parking areas for any use other than a single-family residence or duplex, containing more than two parking spaces, and located in or adjacent to a residential district, shall be effectively screened on all sides which adjoin or face any other residential property. Said screening shall consist of an acceptably designed wall, fence or planting screen. Such fence or wall shall be not less than four feet or more than six feet in height and shall be maintained in good condition. The space between such fence or wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, evergreen ground cover or trees, and maintained in good condition. Approval for effective screening areas shall be obtained from either the Commission or the Administrator.
- I. Snow Storage. All parking areas shall provide for the removal of snow either on site or off site in a safe manner. An area equal to, or greater than, one parking space shall be provided for every five parking spaces. A minimum area of 50 square feet shall be provided.
- J. Wheel Blocks. Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.
- K. Minimum Distance Setbacks. No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot, and it shall be separated from that adjoining lot by an acceptably designed screen as defined above.

### **18.90.030 Parking space requirements**

For the purpose of this title, the following parking space requirements shall apply as the minimum number of parking spaces which shall be provided by the given use. Where the calculation of parking spaces results in a fraction, the required parking shall be rounded up to the nearest whole number. (For example, if the requirement is “one

space per 1,000 square feet,” an area of 3,010 square feet will require four parking spaces.) For the purposes of this section, “gross area” is defined as the total square-foot area of a given use, as designated for each use. “Net area” is defined as the area consistently used by customers, patrons, and employees of the use. Net area does not typically include areas such as hallway and elevator areas, bulk storage and freezer areas, employee break areas, restrooms and machinery rooms.

- A. Residential. No parking space required under this section shall be located in any right-of-way or public thoroughfare. Parking spaces within any garage, carport or similar structure shall be credited at one space per eight and one-half feet of floor width.
- B. Single-family residences: two per residence minimum.
- C. Multiple-family dwellings: one and one-half for each unit with the exception of the following:
  1. Townhouses and Condominiums. A minimum of two parking spaces per residential unit and one parking space, in addition to that required by this title, of no less than 10-feet by 20-feet dimensions, for every two units within the development. These spaces shall be designated as either overflow parking or vehicle storage for the residents of the development.
  2. Boarding houses, rooming houses, and bed and breakfast inns: one space for each sleeping room or every three beds, whichever is greater.
  3. Manufactured home parks: two for each manufactured home plus one guest space for each two manufactured homes.
- D. Commercial, Professional, Service, Recreation and Entertainment. No parking space required under this section shall be located in any right-of-way or public thoroughfare without approval by the Donnelly planning and zoning Commission.
  1. All commercial, professional, service, recreation and entertainment uses, with the exception of the following, shall provide improved parking in the amount of one parking space for every 400 square feet of gross building area:
  2. Any outdoor area used for display or storage of materials to be sold, leased, rented or otherwise made available to patrons shall be included, at one space for every 1,000 square feet, in the parking requirements for the use.
  3. *Exceptions to subsection (4) of this section are as follows:*
    - a. Athletic fields, parks, outdoor basketball and tennis courts: one space per 5,000 square feet of gross land area.
    - b. Auditoriums, theaters, sports arenas, and other assembly areas not otherwise regulated herein: one for each four persons at the rated maximum occupancy of the building.
    - c. Automobile service garages: two for each service bay or two for each service employee, whichever is greater.
    - d. Auto rental: one space per vehicle to be rented.
    - e. Automobile sales: one customer space per 5,000 square feet of developed lot area used for display and one for each vehicle displayed.
    - f. Cartage, express and parcel delivery, trucking companies: one space per each three employees, plus one space per each vehicle

maintained, plus one space for each 250 square feet of net floor area within customer service areas.

- g. Car wash: two spaces per bay/stall to be used as stacking space, and additional area, as approved by the Administrator or the Commission, to be provided for drying/vacuuming.
- h. Convenience stores: one space for each 100 square feet of net area. Spaces adjacent to gasoline pumps shall be included as on-site parking.
- i. Golf course: two spaces per hole, two per driving range, and two per putting green, plus space as required for any clubhouse.
- j. Hotels and motels: one per sleeping room or for every three beds, whichever is greater, plus one space for every two employees.
- k. Indoor tennis courts: one space per court, plus spaces as required for accessory uses.
- l. Offices: one space for every 500 square feet of gross building area.
- m. Restaurants and bars: one space for every 200 square feet of gross building area.
- n. Cemetery: one space per full-time employee.
- o. Churches and other places of religious assembly: one for each five seats.
- p. Hospitals: one for each bed.
- q. Libraries: one for each 400 square feet of net area.
- r. Post office: one space for every 120 post boxes plus one space for every three employees.
- s. Police, ambulance, and fire stations: one space for each vehicle employed plus one space for each employee on shift.
- t. Sanitariums, homes for the aged, nursing homes, children's homes, asylums and similar uses: one for each three beds.

E. Schools.

- 1. Elementary schools: one for every teacher or employee, or one space for every two persons rated capacity of all assembly areas, whichever is greater.
- 2. Middle schools: one for every teacher or employee, or one space for every two persons rated capacity of all assembly areas, whichever is greater.

F. Industrial.

- 1. Public utilities, public services, manufacturing and processing, industrial laundry, recording studios, printing and publishing, research and development activities, laboratories, printing and publishing establishments: one space per 1,000 square feet.
- 2. Warehouse and storage facilities: one space for every 1,000 square feet of floor area but not less than one space per employee.
- 3. Lumberyards and landscape nurseries: one space for every 400 square feet of net retail floor area plus one space for each 2,500 square feet of gross warehouse area.
- 4. Sales and service of trailers, mobile homes, and heavy equipment: one space for every 1,000 square feet of net floor area excluding area used for

storage or loading, plus one space for every 2,500 square feet of gross outdoor display area.

5. All other industrial uses: One space for every 1,000 square feet.

**18.90.040 Parking in excess of that normally permitted**

No use shall provide on-site parking for more than 300 percent of the number of spaces required by this chapter unless specified under this title or permitted by specific action of the Commission. Applications for parking in excess of that normally permitted will be considered by the Commission as part of other applications.

The Commission shall consider the following criteria when evaluating any application for parking in excess of that normally permitted. Applicants are required to satisfy at least four of the following criteria:

- A. The excess parking area will be commonly used for public interests such as park-and-ride or carpool lots. The property owner will be permitted to reserve the use of the parking area 12 days in any calendar year.
- B. The excess parking area provided would relieve or help to relieve a substantial shortage of parking within an 800-foot radius.
- C. The excess parking area will not be adjacent to a public right-of-way, and will be separated from the right-of-way by a building.
- D. The excess parking area is part of an overall development scheme which compensates for insufficient parking in other portions of the same development.
- E. The excess parking area will be used as an alternate facility, such as a basketball court or skateboard park, when not in use as an overflow parking area. The property owner will be permitted to reserve the use of the parking area 12 days in any calendar year.
- F. The excess parking area shall be surfaced with an alternative and attractive material.

**18.90.050 Required Disability Parking**

All nonresidential uses and residential uses served by a parking lot shall provide parking spaces in the parking lot for use by motor vehicles which transport disabled persons in accordance with the following standards.

Requirement.

The required number of disability parking spaces is set forth in the table below. In addition, 1 disability space shall also be provided for each dwelling unit that is designed for occupancy by the physically disabled.

- A. Required Disability Spaces

Parking Spaces Provided	Disability Required	Spaces
1-25	1	
26-50	2	
51-75	3	
76-100	4	
101-150	5	
151-200	6	
>200	6 + 1 per 100 parking spaces provided	

- B. Counts Toward Required Parking. Those parking spaces required for the disabled by this Subsection shall count toward fulfilling the total parking requirement of this Division.
- C. Location. Parking spaces provided for use by disabled persons shall be located on-site, off-street, and as close as possible to an entrance which allows such persons to enter and leave the parking area and building without assistance.
- D. Dimensions. Parking spaces provided for use by disabled persons shall be a minimum of 8 feet wide by 20 feet long with an adjacent parallel access aisle 5 feet wide. The adjacent parallel access aisle may be shared by 2 disability parking spaces. One in every eight 8 disability spaces shall have an access aisle which is a minimum of 8 feet wide (rather than 5 feet) and shall be signed “Van Accessible.”
- E. Posted and Marked. Disability parking spaces shall be posted and marked with both a ground-mounted sign and pavement marking which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by disabled persons.

**18.90.060 Parking Facility Dimensions**

- A. Parking Space Dimensions
  1. Width. A parking space shall be 9 feet in width.
  2. Length
    - a. Standard Parking Space. - A standard parking space shall be 20 feet in length.
    - b. Over Hang with Wheel Stop. - The length of parking spaces may be reduced to 18 feet, including wheel stop, if an additional space

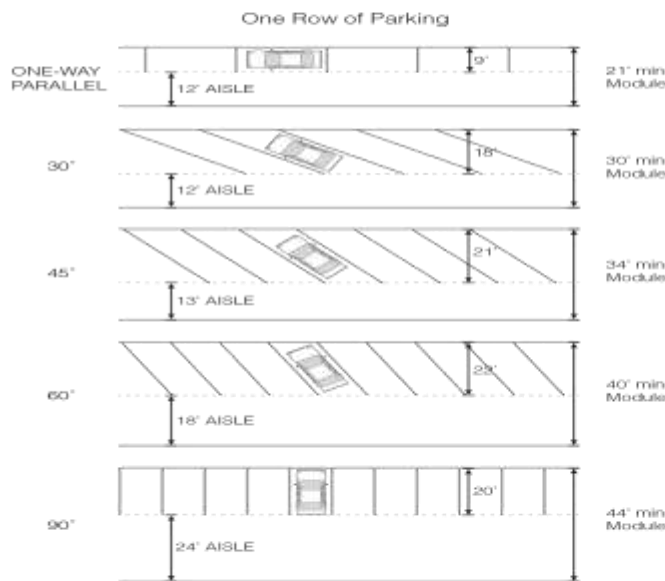
of 2 feet in length is provided for the front overhang of the car, provided that an overhang shall not reduce the width of an adjacent walkway to less than 4 feet in width.

3. Alley Access. - Any parking space accessed directly from any alley shall have a minimum length of 22 feet.
4. Parallel Parking Space. - All parallel parking spaces shall have a minimum length of 22 feet.
5. Vertical Clearance. - Parking spaces shall have a vertical clearance of at least 7 feet.

**B. Parking Module Dimensions.**

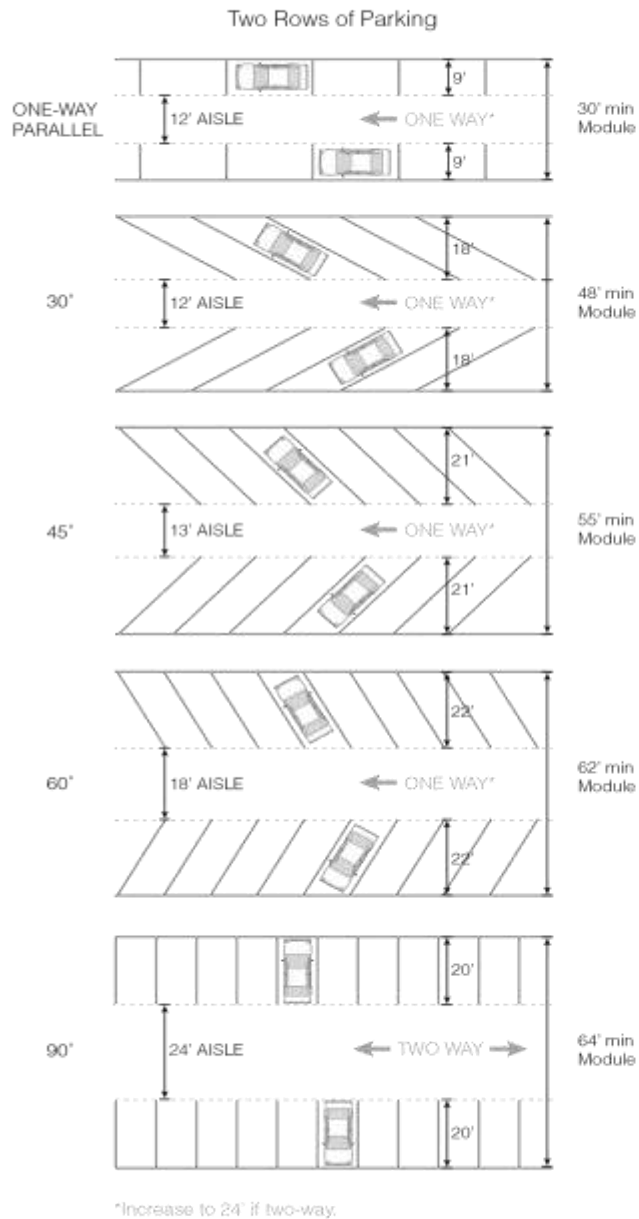
The table below specifies the minimum widths for parking rows, aisles, and modules. The figures below illustrate the standards.

	Minimum Dimensions for Parking Modules				
	Parallel	30°	45°	60°	90°
<b>Single Row of Parking</b>					
Parking Space Depth	9'	18'	21'	22'	20'
Drive Aisle Width	12'	12'	13'	18'	24'
Total Module Width	21'	30'	34'	40'	44'
<b>Two Rows of Parking</b>					
Parking Space Depth	9'	18'	21'	22'	20'
Drive Aisle Width	12'	12'	13'	18'	24'
Total Module Width	30'	48'	55'	62'	64'



C. Queuing Space Design Standards.

Queuing spaces shall be a minimum of 20 feet in length and 10 feet in width. All required queuing shall be contained on-site, shall not encroach into any public right-of-way, and shall not be designed so as to block entry or exit from other on-site parking.



**Chapter 18.95  
FENCES AND SIGNS**

**Sections:**

**Article I. Fences**

- 18.95.010 General provisions
- 18.95.020 Specific standards

**Article II. Signs**

- 18.95.030 Purpose
- 18.95.040 Applications – Permits
- 18.95.050 Computations of dimensions for sign area
- 18.95.060 Violations – Penalty
- 18.95.070 Removal of illegal, unsafe, or abandoned signs
- 18.95.080 Prohibited signs
- 18.95.090 Types of signs allowed
- 18.95.100 Multiple-business developments
- 18.95.110 Lighting
- 18.95.120 Exempt signs

**Article I. Fences**

**18.95.010 General provisions**

The following requirements shall apply in all districts:

- A. No fence may be located, constructed, or maintained in such a way as to obstruct the view of intersections by motorists and pedestrians.
- B. No barbed wire or other sharp-pointed metal fence and no electrically charged fence shall be permitted in the City limits, unless, after consideration, the Planning and Zoning Commission makes a determination that such materials are necessary for security purposes.

**18.95.020 Specific standards**

The following provisions shall apply in addition to those specified in DCC 18.95.010.

- A. For all residential districts, fences shall not exceed four feet in height when located within the required front yard setback and six feet when located within the required side and rear yard setbacks.
- B. Entryway gates in the City limits shall be permitted only as part of an approved fence. They shall contain material sized no larger than twice the size of the material utilized in the fence, and shall be located no less than 10 feet from any existing or proposed structure, and shall be no more than eight feet in height.
- C. For all uses in commercial and industrial districts, fences shall not exceed eight feet in height.



## Article II. Signs

### 18.95.030 Purpose

The purpose of this article is to establish standards for the fabrication, erection, and use of signs, symbols, markings, and advertising devices within the City. These standards are enacted to protect the public health, safety, and welfare of persons within the community. They are intended to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design of such devices without creating detriment to the general public.

### 18.95.040 Applications – Permits

No person shall erect, alter, or relocate any permanent or temporary sign greater than four square feet in sign area within the City without first obtaining a sign permit from the City, unless the sign is exempt under DCC 18.95.120. Any person who hangs, posts, or installs a sign which requires a permit under this article, and who fails to obtain a permit before installing the sign, shall be in violation of this article.

#### Applications for permits for signs must include the following:

- A. A developer or landlord who retains control over one or more structures or buildings as per DCC 18.95.100(C) shall include in the application a master sign plan. Individual business owners shall include a site plan drawn to scale which specifies the building frontage, the location of the sign structure, or drawings which show the scale of the sign in context with the scale of the building if the sign is to be mounted on the building.
- B. Colored rendering or scaled drawing including dimensions of all sign faces, descriptions of materials to be used, manner of construction and method of attachment, and color samples.
- C. A copy of a State of Idaho electrical installation permit for any internally lighted or neon sign.
- D. A sign permit application on the form provided by the City.
- E. Appropriate fees as established by City Council resolution.
- F. Complete sign permit applications will be reviewed by the Administrator within 10 days of the receipt of the complete application. The application shall be approved, denied, or returned with requested modifications. Any applicant who feels a denial is not justified has the right to appeal the decision to the Commission, and to appear on the next regularly scheduled meeting for which proper notice can be given and for which agenda space is available. Intention to appeal to the Commission shall be filed with the Donnelly City Clerk in writing within 10 days following the date of the denial of the permit.

### 18.95.050 Computations of dimensions for sign area

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the sign display, together with any color or material forming an integral part of the sign.

**18.95.060 Violation – Penalty**

Any person violating this article shall be guilty of a misdemeanor and may be punished by fine or incarceration. The maximum penalty for any offense shall be by fine of not more than \$300.00, or by imprisonment not exceed six months, or by both such fine and imprisonment. Each day the violation continues shall be considered a separate offense.

**18.95.070 Removal of illegal, unsafe, or abandoned signs**

- A. Any sign which has been determined to be unsafe by the building inspector, or which has been constructed, erected or maintained in violation of this article, must be repaired, made safe, made in conformance with this article, or removed within 10 working days after receipt of certified notice from the City. Abandoned signs shall be dismantled and removed within 30 calendar days after the day that the business advertised by the sign ceases doing business. Failure to respond to remedy the violation is unlawful, and the person having charge or control over the sign will be guilty of a misdemeanor.
- B. A nonconforming sign shall not be transferred to a new tenant or occupant of the premises on which the sign is erected, but shall be removed at the termination of the tenancy to which it applies. All signs in the City on the effective date of the ordinance codified in this title shall conform to this article upon any change, including a change to the leasor or tenant of the business or buildings to which the sign pertains, a structural change to the sign, or sign base, a change of the building footprint to which it applies, or upon any change in the face of the sign.
- C. Existing signs deemed by the Administrator to have historic significance shall not be required to comply with this subsection (B).
- D. It is the obligation of the owner of every sign within the City to maintain the sign in a good state of repair at all times. Nonconforming signs may be repaired and maintained, provided the repairs are for the purpose of maintaining the sign in its original condition, do not increase the degree of nonconformity in the sign, and are in accordance with this article.

**18.95.080 Prohibited signs**

No person shall erect, maintain, or relocate any sign as specified in this section in any district:

- A. Signs creating traffic hazards. A sign at or near any public street, or at the intersection of any public streets, situated in such a manner as to create a traffic hazard by obstructing vision. Additionally, any sign at any location which would interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- B. Hazardous signs. A sign which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety, and welfare of any person or property.
- C. Flashing signs or lights. Any sign which contains an intermittent light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. A sign on which the only intermittent lights display an indication of time or temperature shall not be considered a flashing or electronic message sign for the purpose of this article.

- D. Electronic message sign. A permanent sign which changes copy electronically more than once per day using switches and electric lamps.
- E. Signs on vacant property. No sign over four square feet per face, except freestanding signs advertising the property “for sale” or “for lease” on properties or subdivisions of greater than five acres in the aggregate, shall be erected or maintained on a property on which either no structure is erected or on which the primary structure is vacant. This provision shall not include those properties for which a valid building permit exists.
- F. Roof signs. Any sign erected in a manner so that it projects either partially or wholly over any roof or is mounted to any roof.
- G. Animated signs. A rotating or revolving sign, or signs, where all or any portion of the sign moves in some manner.
- H. Bench Signs. Any outdoor furniture with commercial signage
- I. Mobile Signs. A sign mounted on wheels.
- J. Vehicle Signs. Signs mounted don the roof or antenna of automobiles, with the exception of student driver and auto transportation services, or those painted on the vehicles parked and visible from the public right-of-way, unless said vehicle is licensed, registered and used as a vehicle in the normal day-to-day operations of the business.
- K. Inflatable signs or displays. Any inflatable object used for promotional or sign purposes.
- L. Off-premises signs.

**18.95.090 Types of Signs Allowed by Permit Only**

- A. Awnings. The copy area of awnings shall be included in the sign area permitted; provided that no more than 25 percent of any one face of an awning may be used for signage.
- B. Changeable Copy Signs. The copy on any changeable copy sign shall not be changed more than once per day. Changeable copy signs shall be maintained in a legible and serviceable manner.
- C. Freestanding Signs. The highest point on any freestanding sign shall not exceed 15 feet, measured from ground level to the highest point of the sign.
  - 1. Multiple-business developments are limited to one freestanding sign.
  - 2. Double-sided freestanding signs are permitted and shall not exceed 48 square feet in sign face (24 feet per side). All placards displayed shall be totaled in the sign area.
  - 3. Freestanding signs shall not project over a public right-of-way.
  - 4. Residential subdivisions of more than 20 lots or subdivisions of greater than five acres in the aggregate, shall be allowed one freestanding identification sign at each major entrance to the subdivision. Said sign shall not be permitted on any public right-of-way, shall be no higher than eight feet above natural grade, and shall not exceed the maximum sign area set forth in subsection (C)(2) of this section.

- D. Hanging Signs. Hanging signs may be placed on a building or underneath an approved canopy, awning or colonnade, but may not project beyond same. Signs hanging over a public right-of-way must have at least eight feet of ground clearance, and may not hang over any roadway.
- E. Portable Signs.
1. Portable signs are limited to eight square feet per side, and limited to two sides; not to exceed 30" inches in width.
  2. Portable signs shall be weighted or anchored in some manner so as to prevent them from being moved or blown over by the wind.
  3. Portable signs may not be located so as to obstruct pedestrian or vehicular traffic, or visibility for vehicles at intersections.
  4. Portable signs may be permitted in the City sidewalk within the business frontage.
  5. Portable signs must be separately permitted, but do not affect total allowable square footage.
  6. Portable signs must be removed from the permitted display location at the end of the business day and after removal placed in a location not visible from any public right of way.
  7. Only one portable sign shall be permitted per business location.
- F. Projecting Signs. Projecting signs may be placed on any. No projecting sign may extend, at any point, more than three feet from the surface to which it is attached. Signs projecting over a public right-of-way must have at least eight feet of ground clearance, and may not project over any roadway.
- G. Temporary Signs. Temporary signs are those signs installed on a property with the intent of being displayed for more than 72 hours, and may not be displayed for more than six weeks. All signs intended for display for a period longer than six weeks shall be considered to be permanent signs and will be required to meet the provisions of this article. All temporary signs greater than 20 square feet per face in size are required to obtain a sign permit. Required permit for temporary sign less than 20 square feet per face will be issued without a fee.
- H. Wind signs. Any temporary pennant, propeller, or similar device which is designed to flutter, rotate, whirl, or display other movement under the influence of the wind. May be approved by the Commission and are not to be included in allowable square footage for building.
- I. Wall Signs. Wall signs may be placed on a structure; provided, that they meet the standards and requirements of DCC 18.95.100.
- J. Window Signs. Permanent window signs may be placed in or on any window; provided, that no more than 50 percent of the total transparent area of the window is obscured. Merchandise displayed in windows that does not involve copy is not regulated by this article.
- K. Standardized directional signage relating to the central business district, general commercial and light industrial zones shall be allowed. The standardized directional signage shall be attached to street signs in the general commercial, light industrial and central business district zones, and is intended to temporarily assist in the incubation of new commercial zones within the City. One standardized directional sign will be allowed per applicant. Square footage of

standardized directional signs shall be deducted from the total allowed signage limitations for the applicant. Fees shall be set by resolution of the City Council, and shall be subject to change with increased production costs. The owner/operator of the commercial business making application shall bear the fee for said sign. Standardized directional signs shall not exceed three hanging signs per street sign. A waiting list generated from any additional applications for a particular location shall be maintained by the City of Donnelly. Those commercial applicants placed on the waiting list shall be notified within 10 business days of abandonment of a standardized directional sign for replacement. The City of Donnelly is required by resolution to determine areas qualified for this signage. This signage shall conform to standards set forth by design review, and shall be uniform in design throughout the City. A standardized directional sign master plan for street and directional signage shall be available upon request from the City of Donnelly for a fee to cover printing costs. Standardized directional signage shall be reviewed for continued use after three years. The review date shall be clearly stated in the resolution and provided on the master plan.

**18.95.100 Multiple-business developments**

- A. Each occupant in multiple-business developments shall comply with the aggregate area allowed for all signs under this article. The developer or owner shall be responsible to assign the distribution of the sign area to the occupants in their development or developments. Should the development install or have an existing freestanding sign, as per DCC 18.95.090(C), the area of signage included for the individual occupancies on the freestanding sign shall be included toward the compliance with this section of the individual occupancy.
  - 1. The maximum aggregate area of all signs shall not exceed the total allowable sign area established by this article. All sign faces displayed, except permitted portable signs, shall be included in determining the sign area for a building.
  - 2. Total sign area permitted for any use shall not exceed a total of two square feet of sign area per lineal foot of building frontage for the principal building.
  - 3. Total sign area permitted for all wall, window, or other surface-mounted signs shall not exceed a total of 10 percent of the facade to which they are attached.
- B. In no case shall any single sign exceed 50 square feet.
- C. A developer or landlord who retains control over one or more structures or buildings intended for business occupancy in a shopping center site, mini-mall, multitenant commercial or industrial facility, or similar project shall submit a master sign plan to the design review board for approval. The master sign plan shall show sign colors, styles, and location on buildings, and maximum size, illumination and materials to be used. All signs in a master sign plan shall be in harmony with the adjacent and nearby building architecture and colors, as determined by the design review board. The master sign plan shall comply with all sections of this article.

**18.95.110 Lighting**

Allowed methods of illumination are divided into several types as described in this section; all other forms of sign lighting are prohibited. All lighted signs shall comply with lighting standards as set forth in DCC 18.30.070.

- A. Unlighted. A sign with neither an internal light nor an external source intended specifically for the purpose of lighting the sign.
- B. Internally Lighted. A sign with an internal light intended to illuminate translucent portions of the sign.
- C. Externally Lighted. A sign with an external light source intended specifically to illuminate the sign. External light fixtures which produce glare shall not be permitted.
- D. Neon. A sign with exposed neon tubes.

**18.95.120 Exempt signs**

The following signs shall not be subject to the permit process as defined by this article.

- A. Flags, symbols, or insignias. The flag of Idaho, the United States, or any other flag adopted or sanctioned by the legislative body of Idaho or the United States, may be displayed, providing that the flag is no larger than 60 square feet and is flown from a pole the top of which is no higher than 40 feet.
- B. Hours of operation or other such information signs.
- C. Private recreation signs. Signs located on the property of recreational facilities, not oriented to the general public, and intended to provide information or direction to those using the facility.
- D. Signs posted by a government entity.
- E. Temporary special events and temporary political signs not in excess of 32 square feet.

**Chapter 18.100**  
**Manufactured Homes and Manufactured/Mobile Home Parks**

**Sections:**

18.100.010	Adoption of state standards
18.100.020	Intent
18.100.030	Manufactured/mobile homes permitted
18.100.040	Development standards
18.100.050	Roofing requirements
18.100.060	Time limitation

**18.100.010 Adoption of state standards**

Pursuant to authority of Chapter 22 of Title 44 of the Idaho Code, the City of Donnelly is obligated to implement the statewide standards promulgated by the Idaho Division of Building Safety for the installation of mobile/manufactured homes, including the securing of permits prior to installation of mobile/manufactured homes within the City's jurisdiction, to provide for a program of inspection of such installations in coordination with the licensed installers, and the state plumbing and electrical inspectors, and to ensure compliance with the standards.

**18.100.020 Intent**

Manufactured home (formerly "mobile home" as defined by Idaho Code, § 39-4105(14)). The intent of this chapter is to establish standards and regulations governing the location and approval of manufactured homes in the City and to allow a mix of housing types and living styles; however, this should occur in a manner which will not adversely affect existing neighborhoods. For this reason, standards have been set that will regulate the appearance of manufactured homes, allowing those that are acceptably similar in appearance to site-built dwellings.

**18.100.030 Manufactured/mobile homes permitted**

Manufactured/mobile homes shall be confined to single-family dwellings. Installation shall be governed by the provisions of the Idaho Manufactured Home Installation Standard of July 1, 2000, and as it may be amended or reenacted from time to time thereafter. Mobile homes manufactured prior to 1976 shall not be permitted unless and until they have been upgraded to conform to the rehabilitation requirements set forth at Chapter 25 of Title 44 of the Idaho Code, Mobile Home Rehabilitation.

**18.100.040 Development standards**

Manufactured/Mobile Home Parks are permitted conditional uses in City "Medium Density Residential District, (R8)". The following are the general guidelines for conditions of approval of a Manufactured/Mobile Home Park.

- A. Shall have a minimum floor area of 690 square feet;
- B. Minimum park width: 100 ft.
- C. Minimum front yard setback for the park: 25ft.
- D. Minimum side and rear yard setbacks for the park: 25ft.

- E. A Landscape buffer a minimum of 10 ft wide shall be installed along all boundaries of the park. This buffer may be placed within the above setbacks.
- F. Maximum building or structure height: 30ft.
- G. Every home shall be connected to the municipal water and sewer systems, and each home will be served through an individual water meter.
- H. Twenty-foot wide paved and lighted driveways will serve each home
- I. Four foot wide paved and lighted walkways shall be provided along the streets within the park.
- J. Useable open space shall be a minimum of 25 percent of the total park area, excluding paved areas.
- K. Each manufactured/mobile home shall be set back 10 feet from the sidewalk/walkways.
- L. A minimum of 10 feet of clear space shall be provided between manufactured/mobile homes.
- M. Accessory buildings shall not occupy the 10ft clear space between homes.
- N. Additional requirements may be imposed by the City Council during approval in accordance with the Conditional Use Permit process.

**18.100.050 City Authority to Inspect Manufactured/Mobile Home Parks**

- A. The City Council and its agents are hereby authorized and directed to make such inspections as necessary to determine satisfactory compliance with conditions of approval for these parks.
- B. The Council and its agents shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of these parks' conditional use permits.
- C. The Council and its agents shall have the power to inspect the register containing a record of all residents of the mobile home park.
- D. It shall be the duty of the park management to give the Council and its agent's free access to all lots at reasonable times for the purpose of inspection.
- E. It shall be the duty of every occupant of a manufactured/mobile home park to give the owner thereof or his/her agent or employee access to any part of such park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the appropriate Conditional Use Permit.

**18.100.060 Roofing requirements**

Should a roof be constructed over a manufactured/mobile home, it shall conform, to the International Building Code, and shall be constructed to meet the City of Donnelly snow load limit of 120 lbs per sq ft.

---



**Chapter 18.105**  
**WIRELESS COMMUNICATIONS FACILITIES (WCF)**

**Sections**

18.105.010	Purpose
18.105.020	General
18.105.030	Application
18.105.040	Criteria for review
18.105.050	Conditions of approval

**18.105.010 Purpose**

The purpose of this chapter is to facilitate the provision of personal wireless service facilities (PWSF) to the residents and businesses of the City and impact area while protecting the public health, safety, and general welfare of the community; to minimize adverse visual effects of spires, poles, antennas, towers, and other such structures through design and site standards; to avoid potential damage to adjacent properties; and to maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

**18.105.020 General**

- A. Towers supporting amateur radio antennas of less than 35 feet in height are permitted in any zone district; provided, that they shall not be placed in a front or side yard, and they meet or exceed the setback requirements of the zone.
- B. Freestanding PWSF towers in excess of 35 feet are prohibited in residential districts and the open space district.

**18.105.030 Application**

- A. In districts where PWSF are permitted by conditional use, the applicant shall submit the following information in addition to the submittal requirements of DCC 18.110.020.
  - 1. A statement of compliance with regulations administered and enforced by the Federal Aviation Administration (FAA).
  - 2. Documentation from a licensed engineer showing that the proposed facility will be in compliance with the Federal Communications Commission (FCC) regulations.
  - 3. A report by a licensed structural engineer which describes the tower in height and design. The report shall include a description of the tower's capacity regarding the number and types of antennas it can accommodate and what precautions the applicant will take to avoid interference with public safety telecommunication. The report must be stamped by a structural engineer.
  - 4. A letter of intent committing the tower owner and any successors to allow the shared use of the tower, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

5. A written analysis demonstrating that the proposed site is the most appropriate site within the immediate area. The analysis shall include but is not limited to the following:
  - a. Description of the surrounding area, including topography.
  - b. Natural and manmade impediments, if any, that would obstruct adequate cellular telephone transmissions.
  - c. Physical site constraints, if any, that would preclude construction of a PWSF at another location.
  - d. Technical limitations of the system that limit site options.

**18.105.040 Criteria for review**

In all zoning districts where PWSF are allowed by conditional use, the following review criteria shall apply in addition to the review criteria of DCC 18.110.040:

- A. A site drawing of all equipment on existing street poles or buildings is encouraged.
- B. Towers and antennas shall be required to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration (FAA).
- C. The equipment shall not cause interference with any public service or emergency telecommunication.
  1. No part of any antenna, disk, array, or other such attached item shall overhang a right-of-way or property line.
  2. Lighting of, or on, the tower is prohibited unless required by the Federal Aviation Administration (FAA).
- D. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- E. Personal wireless facility towers shall be of a monopole design unless a determination is made that an alternative design would better blend into the surrounding environment.
- F. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons. The climbing pegs within the bottom 20 feet of the tower shall be removed and shall only be used when the tower is being serviced.
- G. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- H. Wood poles shall be impregnated with rot-resistant substances.
- I. Towers shall be constructed to the Telecommunications Industry Association/Electronic Industries Association (TIA/EIA) 222 revision F standards entitled "Structural Standards for Steel Antenna Supporting Structures" or as hereinafter may be amended.
- J. Freestanding Towers shall be located a minimum of one (1') foot for each ten (10') feet of height from all property lines (the fall zone). No storage or structures other than the accessory utility buildings are permitted in the fall zone, except as may be specifically permitted through the conditional use process.
- K. Towers shall not be located between a principal structure and a public street.

- L. No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation, any stationary lights, strobe lights, reflectors, flashers, or other illuminating device, except as specifically required by the Federal Aviation Administration, Federal Communications Commission, or other federal or state authority.
- M. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- N. The use of any portion of a tower for signs, other than warning or equipment information signs, is prohibited.
- O. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

**18.105.050 Conditions of approval**

The Commission may impose conditions to the approval of the PWSF which they deem necessary to secure the purpose of City regulation and give effect to the Comprehensive Plan. In addition to the conditions listed in DCC 18.110.050, the following conditions may be included but are not limited to:

- A. Require all abandoned or unused towers and associated facilities to be removed within 60 days of cessation of use as a personal wireless facility unless a time extension is granted by the City. A copy of the relevant portions of a signed lease, which requires the applicant to remove the tower and associated facilities upon cessation of the use as a personal wireless facility, shall be submitted for Commission approval. Landowner shall be responsible for removing an abandoned or unused tower and associated facilities if the applicant fails to do so within 60 days of cessation.
- B. In the event that the tower and associated facilities are not removed within the 60 days, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
- C. Freestanding Towers shall be located a minimum of one (1') foot for each ten (10') feet of height from all property lines (the fall zone).

**Chapter 18.110**  
**CONDITIONAL USE PERMIT PROCEDURES (CUP)**

**Sections:**

18.110.010	Purpose
18.110.020	Application
18.110.030	Public hearing
18.110.040	Criteria for review
18.110.050	Conditions
18.110.060	Conformity
18.110.070	Special provisions

**18.110.010 Purpose**

The City of Donnelly recognized that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. In order to protect the public welfare and guarantee conformance with the comprehensive plan for the City of Donnelly and its impact area, permits are required for such uses upon review by the Commission. When a use is proposed on property that is located in both the City of Donnelly, the property will first be annexed into the City.

**18.110.020 Application**

- A. An application for a conditional use permit (CUP) shall be filed with the City Clerk by at least one holder of any interest in the real property for which such conditional use is proposed. For property in the impact area, an application for a conditional use permit shall be filed with the Valley County Planning and Zoning Administrator.
- B. The application shall include at least the following information:
  1. Name, address, and phone number of the applicant.
  2. Proof of legal interest in the subject property.
  3. Legal description of the subject property, including street address.
  4. Description of proposed use.
  5. Zoning district of subject property.
  6. Description of proposed conditional use.
  7. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, snow storage areas, traffic access and traffic circulation, open spaces, easements, existing and proposed grade, landscaping, exterior lighting, refuse and service areas, utilities, signs, property lines, north arrow, and rendering of building exteriors, where applicable.
  8. A narrative statement evaluating the effects on adjoining property, and the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property.
  9. A narrative statement identifying surrounding land uses and discussing the general compatibility of the proposed use with adjacent and other properties in the district.

10. A narrative discussion of the relationship of the proposed use to the comprehensive plan.
11. A list of the names and addresses of all property owners and residents within 300 feet of the external boundaries of the land being considered, typed on mailing labels.
12. Any other information as requested by the Administrator to determine if the proposed conditional use meets the intent and requirements of this title.
13. A fee established by City council resolution. The fee for property in the impact area shall be established by the Valley County board of commissioners.
14. Eight copies of the above information. The Administrator may request additional copies.

**18.110.030 Public hearing**

A public hearing shall be held pursuant to Chapter 18.125 DCC. For property in the impact area, the Valley County Planning and Zoning Commission will be the Commission that reviews the application, in accordance with the Valley County Land Use and Development ordinance, based upon the following criteria.

**18.110.040 Criteria for review**

The Commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and, if approved, shall find adequate evidence showing that such use at the proposed location:

- A. Will, in fact, constitute a conditional use as established for the zoning district involved; and
- B. Will be harmonious with and in accordance with the general objectives or any specific objective of the comprehensive plan and this title. ; and
- C. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. ; and
- D. Will not be hazardous or disturbing to existing or future neighboring uses. ; and
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structure. Agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service. ; and
- F. Will not create excessive additional requirements at public cost for public facilities and services. ; and
- G. Will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, dust, odors, vibration, water or air pollution, or safety hazards. ; and
- H. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares. ; and

- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature.

**18.110.050 Conditions**

The Commission may impose any conditions which it deems necessary to secure the purpose of City regulations and give effect to the Comprehensive Plan. Conditions which may be attached include, but are not limited to, those which will:

- A. Require conformity to approved plans and specifications.
- B. Require or restrict open spaces, buffer strips, walls, fences, signs, concealing hedges, landscaping, and lighting.
- C. Restrict volume of traffic generated, require off-street parking, and restrict vehicular movements within the site and points of vehicular ingress and egress or other conditions related to traffic based on the recommendations of a qualified traffic engineer.
- D. Require performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements.
- E. Limit time of day for the conduct of specified activities.
- F. Require guarantees such as performance bonds as to compliance with the terms of the approval.
- G. Require dedications and public improvements on property frontages.
- H. Require irrigation ditches, laterals, and canals to be covered or fenced.
- I. Minimize adverse impact on other development.
- J. Control the sequence, timing, and duration of development.
- K. Assure that development is maintained properly.
- L. Designate the exact location and nature of development.
- M. Require the provision for on-site or off-site public services.
- N. Mitigate foreseeable social, economic, fiscal, and environmental effects.

**18.110.060 Conformity**

Any building or use permitted under a CUP shall be deemed in conformity with the provisions of this title, to the extent that it complies with the provisions of said title.

**18.110.070 Special provisions**

- A. The issuance of a CUP shall not be considered a precedent for the issuance of other conditional use permits.
- B. A CUP is not transferable from one parcel of land to another.
- C. The CUP may be transferred from one owner to another for the same use, but if there is a change in use on the property, a new CUP must be obtained.

**Chapter 18.115**  
**VARIANCE PROCEDURES**

**Sections:**

18.115.010	General provisions
18.115.020	Application
18.115.030	Public hearing
18.115.040	Criteria for review
18.115.050	Conformity

**18.115.010 General provisions**

- A. The City recognizes that in certain circumstances strict application of this title creates a hardship and that such variance from the terms of this title as will not be contrary to the public interest, where, due to unique physical conditions such as narrowness, shallowness, steepness of slope or other conditions applying to a lot or building, the strict application of the zoning regulations will deprive the property of privileges enjoyed by other properties in the vicinity and under the same zoning classification. A variance is a modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard setbacks, parking spaces, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.
- B. No permitted or nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for issuance of a variance.
- C. The issuance of a variance shall not be considered a precedent for the issuance of other variances.
- D. Variances shall not be granted on the grounds of convenience and shall not be considered a right or special privilege.
- E. A variance is not transferable from one parcel of land to another.
- F. When an application for a variance is proposed on property located in both the City and the impact area, the property will first be annexed into the City of Donnelly.

**18.115.020 Application**

- A. An application for a variance shall be filed with the City Clerk by at least one holder of interest in the real property for which such variance is proposed. For property in the impact area, an application for a variance shall be filed with the Valley County Planning and Zoning administrator.
- B. The application shall include the following information:
  - 1. Name, address, and phone number of the applicant.
  - 2. Proof of interest in the real property.
  - 3. Legal description of the property, including street address.
  - 4. Description of the nature of the variance requested.
  - 5. The section of the zoning regulations necessitating the variance request.

6. Explanation of undue hardship.
7. Unique physical characteristics of the lot or building that constitute the undue hardship.
8. Diagrams and plot plans as requested by the Administrator showing the nature and extent of the proposed variance.
9. Shadow pattern showing the effect on neighbors' solar access.
10. A list of the names and addresses of all property owners within 300 feet of the subject property, typed on mailing labels (two sets of labels).
11. Any other information as requested by the Administrator to determine if the proposed variance meets the intent and requirements of this title.
12. A fee to be established by City Council resolution.
13. Eight copies of the above information. The Administrator may request additional copies.

**18.115.030 Public hearing**

A public hearing shall be held pursuant to Chapter 18.125 DCC. For property in the impact area, the Valley County Planning and Zoning Commission will be the Commission that reviews the application in accordance with the Valley County Land Use and Development ordinance.

**18.115.040 Criteria for review**

- A. The Commission shall review the application for a variance from this title and shall make a recommendation to the City Council to grant, conditionally grant, or refuse to grant the variance. 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. Before any variance can be granted, the Commission must make all of the following findings:
  1. That the variance, when granted, will not conflict with, or cause or allow any situation which is in conflict with, the Comprehensive Plan for the City of Donnelly and its impact area.
  2. That the variance, when granted, will not conflict with, or cause or allow any situation which is in conflict with, any existing federal, state, or local law, or which may result in injury to the public.
  3. That the variance, if granted, will not affect a change in zoning.
  4. That the variance, if granted, will not cause damage to other properties.
  5. That without the variance, if granted, the property owner shall suffer undue hardship and will be substantially deprived, by ordinance, of the privileges legally enjoyed by property owners within the vicinity of the subject property.
- B. Under no circumstances shall the Commission recommend the granting of a variance to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district.



**18.115.050 Conformity**

Any building or use permitted under a variance permit shall be deemed in conformity with the provisions of this title.

**Chapter 18.120  
TEXT AMENDMENTS**

**Sections:**

18.120.010	Introduction
18.120.020	Initiation of amendment
18.120.030	Application
18.120.040	Action by Commission
18.120.050	Action by the council
18.120.060	Resubmission of application
18.120.070	Zoning ordinance map amendment pursuant to development agreement

**18.120.010 Introduction**

Whenever the public necessity, general welfare, or good zoning practices require, the Council may, by ordinance, amend the provisions of this title in accordance with the procedures of this chapter. For ordinance amendments that affect the property located in the impact area, the board of county commissioners must approve the amendments. Amendments may include the following:

- A. Zoning ordinance text amendment: an amendment, supplement, or repeal of the text of this title.
- B. Zoning ordinance map amendment: a change in the zone district boundaries as shown on the official zoning map.

**18.120.020 Initiation of amendment**

Amendments to the zoning ordinance may be initiated by a motion of the Commission or the Council, or by the filing of an application with the Administrator.

**18.120.030 Application**

- A. Applications for amendments as described in DCC 18.120.010(A) shall contain the following information:
  - 1. Name, address, and phone number of applicant.
  - 2. Proposed amendment and summary of the specific objective of any proposed change in text.
  - 3. A statement of how the proposed amendment relates to the comprehensive plan.
  - 4. A fee established by City Council resolution.
  - 5. Eight copies of the above information. The Administrator may request additional copies.
- B. Applications for amendments as described in DCC 18.120.010(B) shall contain the following information:
  - 1. Name, address, and phone number of applicant.
  - 2. Existing and proposed uses of subject land.
  - 3. Existing and proposed zoning district of subject land.

4. Vicinity map at a scale approved by the Administrator showing property lines, thoroughfares, existing and proposed zoning and such other items as the Administrator may require.
5. A statement of how the proposed amendment benefits the public interest.
6. A list of all property owners and their mailing addresses within 300 feet of the external boundaries of the land being considered, typed on mailing labels.
7. A fee established by City Council resolution.
8. Proof of interest in subject property (check with legal)
9. Eight copies of the above information. The Administrator may request additional copies.

**18.120.040 Action by Commission**

The Commission shall review proposed amendments in the following manner:

- A. Criteria for Review. The Commission shall, at a minimum, consider the following criteria in making its recommendation to the Council:
  1. The relationship of the proposed amendment to the Comprehensive Plan, or in the case of a Comprehensive Plan Amendment, any significant changes that have occurred that may warrant such a change; and
  2. Availability of public services to support the full range of proposed uses; and
  3. Compatibility of the proposed uses with the surrounding area.
- B. If a proposed zoning ordinance amendment is not in accordance with the Comprehensive Plan, the Commission shall notify the applicant of this finding and inform the applicant that they must apply for an amendment to the Comprehensive Plan before the ordinance or zoning map can be amended.

**18.120.050 Action by the council**

- A. Proposed amendments shall comply with the provisions of Chapter 18.125 DCC except the Council shall conduct at least one public hearing.
- B. Following the hearing, if the Council makes a substantial change from what was presented at the hearing, further notice and hearing shall be provided before the council makes its final action.
- C. Upon adopting the proposed amendment, the Council shall find that the following facts, where applicable, when submitted with the application and presented to them establish that the amendment:
  1. Will generally conform with the comprehensive plan; and
  2. Will not create excessive additional requirements at public cost for public facilities and services; and
  3. Will be in accordance with the welfare of the general public.
- D. Upon approval of an amendment to the zoning ordinance, the Council shall pass an ordinance making said amendment part of this title.

**18.120.060 Resubmission of application**

No application for an amendment which has been denied by the Council shall be resubmitted in either substantially the same form or with reference to substantially the same land for the same purposes within one year from the date of such final action,

unless an amendment to the comprehensive plan has been made which has resulted in a change in conditions applying to the specific land under consideration.

**18.120.070 Zoning ordinance map amendment pursuant to development agreement**

- A. A zoning ordinance map amendment, as defined in DCC 18.120.010(B), may be made conditional upon the owner or developer of the property to be rezoned making a commitment concerning the use or development of the subject parcel. Any such written commitment shall be made in accordance with Idaho Code, Section 67-6511A, and may be made as part of a development agreement entered into between the City and the owner or developer.
- B. Commitments, whether part of a development agreement or not, shall be recorded in the office of the Valley County recorder and shall take effect upon the adoption of the zoning ordinance map amendment. Unless modified or terminated by the City Council, any such commitment shall be binding upon the owner of the property, each subsequent owner, and each other person acquiring an interest in the subject property.
- C. A commitment may be modified only by permission of the City Council after compliance with the notice and hearing requirements of Idaho Code, Section 67-6509. A commitment may be terminated, and the zoning designation upon which it was based reversed, upon failure of the requirements in the commitment after a reasonable time as determined by the City Council, or upon failure of the owner or developer, each subsequent owner, or each other person acquiring an interest in the subject property to comply with the conditions in the commitment, and council after complying with the notice and hearing provisions of Idaho Code, Section 67-6509. A written commitment shall be deemed written consent to rezone upon the failure of conditions imposed by the commitment in accordance with Idaho Code, Section 67-6511A and this section.

**Chapter 18.125  
PUBLIC HEARINGS**

**Sections:**

18.125.010	General provisions
18.125.020	Applications
18.125.030	Public hearing
18.125.040	Action by Commission
18.125.050	Notification by the Administrator
18.125.060	Action by the City Council
18.125.070	Appeals
18.125.080	Expiration
18.125.090	Revocation

**18.125.010 General provisions**

The Commission shall make a written recommendation to the City Council to approve, approve with conditions or modifications, or deny all completed applications for amendments, conditional use permits (CUP), planned unit developments (PUD), subdivisions or any other matter requiring a permit or approval under this Ordinance and variances regarding property located within the Donnelly City limits.

**18.125.020 Applications**

- A. Applications may be submitted and reviewed concurrently with other applications affecting the same piece of property, with the approval of the Administrator. Additional time for review of concurrent applications may be specified by the Administrator. Concurrent submissions will be voted on separately.
- B. The City Clerk shall endorse the date of receipt of the completed application.
- C. The original application, with all supporting documentation, shall be kept on file at Donnelly City Hall for public inspection.

**18.125.030 Public hearing**

- A. Applications for public hearings shall be submitted at least 45 days prior to the expected date of the hearing. The Applicant shall be responsible for providing a list of addresses within 300 feet of the perimeter of the property that is the subject of the application.
- B. The City Clerk shall mail to each addressee on the list furnished by the applicant, typed on mailing labels, a public hearing notice at least 15 days before the date set for the hearing. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or decision. When notice is required to 200 or more property owners or purchasers of record, alternate forms of notice may be provided in lieu of mailed notice. Sufficient notice shall be deemed to have been provided if the City provides notice through a display advertisement at least four inches by two columns in size in the official newspaper of the City at least 15 days prior to the hearing date.

- C. The City shall be responsible for posting the property with a public hearing notice not less than at least 10 days prior to the hearing. The notice shall be posted in such a manner that it will remain intact until the hearing. The notice shall be posted on the property boundary line adjacent to a road. If the property is not adjacent to a road all sides of the property shall be posted.
- D. The City Clerk shall have a copy of the notice published at least one time in the official newspaper of the City. The publication of the notice shall be at least 15 days before the date of the hearing.
- E. Notices of the hearing which are posted, mailed, and published shall contain the following information:
  - 1. The date, time, and place of the hearing.
  - 2. The purpose of the hearing and a description of the proposal.
  - 3. The name of the applicant.
  - 4. The address or a description of the property.
  - 5. Any other information which may be of public interest.
- F. The Commission shall hear all persons interested in the matter. The applicant shall offer competent evidence in support of his or her application sufficient to enable the Commission to consider the matter and to make findings on the subject.
- G. In any public hearing, the presiding officer may order the hearing to be continued to a time certain up to 30 days at the same place, in which case no further published notice shall be required.

**18.125.040 Action by Commission**

- A. The Commission shall review the application, all supporting documents and plans, and recommendations of City Staff in making their decision.
- B. The Commission shall make a decision to recommend approval, approval with conditions or modifications, or denial of the application within 15 days after conclusion of the public hearing and issue its decision together with the reasons therefore.
- C. If the Commission denies the application, a written statement shall be provided advising the applicant of steps to take to secure approval of the application.
- D. The recommendation shall be in writing and shall be submitted to the City Council for final approval.

**18.125.050 Notification by the Administrator**

The Administrator shall give the applicant written notice of the Commission's decision by mail within 10 days after the Commission has reached a decision.

**18.125.060 Action by the City Council**

- A. Within 45 days following a recommendation by the Commission, the City Council shall hold a public hearing to consider the Commission's recommendation. The City Council decision may be made without a public hearing if all of the following apply:
  - 1. The recommendation is for a conditional use permit (CUP), variance, planned unit development (PUD) or subdivision; and

2. The Commission recommended that no second hearing be held; and
  3. No appeal of the Commission's action is filed.
- B. If a hearing before the Council is required, notice shall be given to the public as required in DCC 18.125.030.
- C. If a hearing before the Council is required, the applicant shall pay a second filing fee, in addition to all other costs associated with the hearing.

**18.125.070 Appeals**

- A. Any affected person may appeal the recommendation of the Commission to the Council at the time the Council acts upon the Commission's recommendation.
- B. If the City denies an application, the applicant or his successor in interest may not file a new application for substantially the same application for a period of one year from the date the Commission, or Council in the case of an appeal, takes action.

**18.125.080 Expiration**

No approval shall remain valid for a period of time greater than one year following the granting of such approval unless work pursuant to the approval has commenced, unless a phasing plan is approved as part of the application.

**18.125.090 Revocation**

- A. The Commission, upon request by the Council, an individual, or itself, may consider and revoke any approval for any of the following reasons:
1. Violation of this title.
  2. Violation of the conditions of the approval after notice of the violation.
  3. Causing or allowing a nuisance in connection with the premises.
- B. If the Commission finds that probable cause exists for revocation of an approval, the Administrator shall give notice of a hearing to the permittee and the public in the same manner as notice of a hearing for an application for the original approval. The Commission shall hold a hearing on the question of revoking approval and, if it finds that grounds for revocation exist, it shall revoke the approval. The decision of the Commission may be appealed to the Council by the applicant or the person requesting the revocation. The Council shall follow the procedures set forth in this section with regard to any such appeal.

**Chapter 18.130**  
**PLANNING AND ZONING COMMISSION AND HEARING EXAMINER**

**Sections:**

**Article I. Planning and Zoning Commission**

- 18.130.010 Planning commission created
- 18.130.020 Qualifications – Term of office
- 18.130.030 Organization
- 18.130.040 Compensation – Reports – Meetings
- 18.130.050 Duties
- 18.130.060 City departments to cooperate
- 18.130.070 Problems to be submitted
- 18.130.080 Relation to other boards
- 18.130.090 Authority to expend money withheld
- 18.130.100 Zoning commission

**Article II. Hearing Examiner**

- 18.130.110 Authority
- 18.130.120 Hearing examiner
- 18.130.130 Hearing procedures
- 18.130.140 Fees for processing applications and appeals

**Article I. Planning and Zoning Commission**

**18.130.010 Planning commission created**

There is hereby created a planning commission for the City, which commission shall be known and designated as the Donnelly planning commission.

**18.130.020 Qualifications – Term of office**

Said planning and zoning commission shall consist of five members to be appointed by the mayor without respect to political affiliation. All appointments are subject to advice and approval of the council. All members shall be qualified electors within the county and county residents for a minimum of two years prior; members may be appointed from outside the City limits. At the first meeting of the planning and zoning commission the members shall choose their term of office by lot as follows: one for three years, two for four years, and two for five years, and shall immediately thereafter notify the mayor and council of such terms. Thereafter their successors shall be appointed for, and shall hold office for a term of, six years. Members may be removed in the like manner as appointments. In the event of death, resignation or any vacancy in said commission, the mayor is hereby authorized and empowered to fill such vacancy by appointment for the unexpired term of such member or members.



**18.130.030 Organization**

The planning commission shall at its first meeting elect a chairman and a vice chairman who shall be members and who shall hold office during the pleasure of the commission. The commission shall also appoint a secretary who need not be a member of the commission.

**18.130.040 Compensation – Reports – Meetings**

Members of the planning commission shall receive no compensation. The secretary shall keep an accurate record of all proceedings of said commission and shall distribute copies of the minutes to the City engineer, clerk and members of the City council. Regular meetings shall be held each month for not less than nine (9) months in a year.

**18.130.050 Duties**

It shall be the duty of the commission to recommend and make suggestions to the City council for the adoption of a long-range comprehensive plan for the physical development of the City; for the formation of zoning districts; to make suggestions concerning the laying out, widening, extending and locating of streets, roads and highways for the relief of traffic; to make suggestions concerning density of population and development of land within the jurisdiction of the City; to make suggestions concerning the future growth, development and beautification of the City in respect to its public buildings, streets, parks, grounds and lands consistent with the future growth and development of the City in order to promote the public health, morals, safety and welfare of the inhabitants thereof; and to give suggestions and advice to individuals concerning landscaping or location of buildings, structures or works to be erected, constructed or altered by or for such individuals.

**18.130.060 City departments to cooperate**

All departments and employees of the City are hereby instructed to cooperate with and furnish to the planning commission maps, reports and all available data necessary for the commission to properly and adequately carry out its functions. The planning commission is also authorized to appoint such technical and advisory committees as are necessary to carry out its work, and to call upon the citizens of the community and the various civic organizations for cooperation and assistance to the end that a coordinated program of City planning may be promoted.

**18.130.070 Problems to be submitted**

All matters pertaining to the planning, laying out, and the development and construction of public works shall be submitted to the planning commission for its study and recommendations before being presented to the council. The various departments of the City government, in submitting plans and recommendations to the council, are hereby required to furnish copies in full duplicate to the planning commission.

**18.130.080 Relation to other boards**

Nothing in this article shall be construed as infringing upon the authority previously granted to any existing commission or board, but it provides that such commissions or

boards shall coordinate their efforts with the planning commission to the end that a more comprehensive plan of the City's development may be evolved.

**18.130.090 Authority to expend money withheld**

The planning commission shall have no authority to make expenditures on behalf of the City nor to obligate the City for the payment of any sum of money unless authorized by the council, who shall specify the administrative method by which such funds shall be expended.

**18.130.100 Zoning commission**

- A. Zoning Commission Created. There is hereby created a zoning commission for the City, which the commission shall be known as the City of Donnelly Zoning Commission.
- B. Planning Commission to Be Zoning Commission. The City of Donnelly Planning Commission shall be, constitute and act as the City of Donnelly Zoning Commission, which such combined commission may be referred to as the City of Donnelly Planning and Zoning Commission.
- C. Powers and Duties. The City of Donnelly Zoning Commission shall administer the zoning ordinances of the City of Donnelly and shall have the powers and duties promulgated by the Mayor and Council of the City of Donnelly and the statutes of the state of Idaho.

**Article II. Hearing Examiner**

**18.130.110 Authority**

This article is adopted pursuant to the authority set forth in Idaho Code, Section 67-6520, as well as the general authority provided by Idaho's Land Use Planning Act.

**18.130.120 Hearing examiner**

- A. A hearing examiner may be appointed by the Council and/or Commission for hearing an application for a subdivision, conditional use permit (CUP), planned unit permit (PUD), variance permit, and requests for zoning district boundary change. Individuals appointed shall be professionally trained or licensed staff planners, engineers, architects, lawyers or others deemed by the Council and/or Commission as holding equivalent knowledge and competency through training, education or experience.
- B. Appointments shall be made on a case-by-case basis at the discretion of the Council and/or Commission. Any examiner retained shall not be hired as a City employee but shall be employed as temporary independent contractor when and as needed.

**18.130.130 Hearing procedures**

- A. Notice, the hearings themselves, and related documentation and record keeping shall be as provided for in governing ordinances for the processing of subdivision applications, conditional or special use permits, variances, and zoning district boundary changes.

- B. Upon completion of a hearing conducted by an examiner, the examiner shall make a written recommendation to the Council and/or Commission as to the granting or denial of the subject application. The Council and/or Commission shall make its decision with due consideration of the examiner's recommendation.
- C. The written recommendation shall specify:
  - 1. The ordinances and standards used in evaluating the application;
  - 2. The reasons for the recommendation; and
  - 3. The actions, if any that the applicant could take to obtain approval of the matter applied for, if the recommendation is for a denial.
- D. Prior to the conduct of a hearing, an application may be rejected if it is incomplete or the applicant is ineligible to apply; any such rejection shall inform the applicant of the deficiencies relied upon and how, if possible, they may be remedied.
- E. Timely appeals may be taken from the decision or recommendation of the Council and/or Commission, not from the recommendation of the hearing examiner to the Council or Commission; procedures on appeals shall be as set forth in Section 3.04.10 of Donnelly Ordinance No. 90, or any subsequently adopted zoning ordinance.

**18.130.140 Fees for processing applications and appeals**

- A. *Fee Schedule Established.* The City Clerk, at the time of the filing of an application for or an appeal of a land use planning action, shall collect the fee for such action as established by the City together with any estimated direct costs to be incurred by the City in obtaining a review of the application by architects, engineers or other professionals necessary to enable the City to evaluate the application in an informed manner.
- B. Fees and costs shall be estimated in advance by the City Clerk at the time the application is tendered; any surplus shall be remitted following completion of the application process; deficiencies shall be billed when recognized; failure to timely remit shall result in tabling of the application until funds are received.
- C. Fees shall be periodically reviewed by the City Council and may be changed by resolution.

**Chapter 18.135  
DESIGN REVIEW**

**Sections:**

18.135.010	Purpose
18.135.020	Applicability
18.135.030	Procedures
18.135.040	Application
18.135.050	Criteria for review

**18.135.010 Purpose**

The purpose of the design review guidelines is to preserve the historic, architectural and neighborhood significance of the central business district; to eliminate blighted areas; to promote a pedestrian oriented community; to reduce the visual impact of parking lots, and to promote business in the district by creating a safe and comfortable place to shop and obtain services.

**18.135.020 Applicability**

All new construction, remodels, and additions in the central business district and general commercial district, and where specified in this title, are subject to the design review process. All duplex, triplex, and other multifamily buildings within the City, regardless of the zone in which they are proposed, and all buildings proposed for the light industrial zone are subject to design review.

**18.135.030 Procedures**

- A. The City Clerk shall transmit applications and supporting documentation to the Commission for design review.
- B. The Commission shall review the application without a public hearing and will approve, approve with conditions or modifications, or deny the application within 15 days of the review.
- C. The City Clerk shall provide written notice to the applicant of the Commission's decision within 10 days following the action.

**18.135.040 Application**

- A. Applications shall be submitted to the Administrator and shall contain at least the following information:
  1. Name, address, and phone number of the applicant.
  2. Proof of legal interest in the subject property.
  3. Description of the proposed use.
  4. A plan of the proposed site, drawn to scale, showing the location of all buildings, parking and loading areas, snow storage areas, traffic access and circulation, open spaces, easements, existing and proposed grade, landscaping, exterior lighting, refuse and service areas, utilities, signs, and property lines.

5. A separate plan showing all exterior elevations of the proposed structure or improvements to an existing structure.
  6. A fee established by City Council resolution.
  7. Eight copies of the above information. The Administrator may request additional copies.
- B. Applications shall be submitted a minimum of 15 working days prior to the Commission meeting for which the design review will occur.

**18.135.050 Criteria for review**

The Commission shall use the following criteria in evaluating applications for design review:

- A. The sighting of proposed buildings, improvements, signs and fences, and other structures which may impact adjacent properties.
- B. The proposed improvements are sited to meet the driveway and parking standards of Chapter 18.90 DCC. Unobstructed access for emergency vehicles, snow plows and similar service vehicles is provided and is appropriate for the size of the development.
- C. Adequate snow storage is provided. If off-site snow storage is proposed, the designated area shall provide adequate drainage to accommodate the snow. The applicant shall provide written evidence that the snow storage will be permitted at the proposed site.
- D. The sighting of proposed improvements minimizes interference with natural drainage and is designed to be contained on site.
- E. All proposed signs are designed and located according the standards of Article II of Chapter 18.95 DCC and are consistent with the architectural character of the structures.
- F. Building design includes weather protection that prevents water from dripping or snow from sliding on pedestrian or vehicle areas or onto adjacent properties.
- G. The architectural style is that of Pioneer Victorian, according to the Donnelly Comprehensive Plan. Examples of the style can be found in Roseberry.
- H. Building walls which are exposed to streets are designed proportionally to human scale through the use of stepped building walls, windows, balconies, mixture of materials, textures and color, or other architectural means.
- I. Fences and screens are designed to be consistent with the architectural character.
- J. The site plan provides for safe and uninhibited pedestrian traffic.
- K. Lighting of the site and structures complies with DCC 18.30.070 and all improvements are designed to minimize light and sound emanating to other properties.
- L. Areas not used for buildings, parking areas or other improvements are landscaped.

**Chapter 18.140**  
**PLANNED UNIT DEVELOPMENTS (PUD)**

**Sections:**

18.140.010	Purpose
18.140.020	General requirements
18.140.030	Developer benefits
18.140.040	Density bonus/transfer
18.140.050	Development standards
18.140.060	Off-street parking modification
18.140.070	Phased development allowed
18.140.080	Application/approval procedure
18.140.090	Notification by the Administrator
18.140.100	PUD agreement
18.140.110	Expiration and extension of approval period
18.140.120	Changes in development plan
18.140.130	Bonding requirement

**18.140.010 Purpose**

- A. The City recognizes that strict adherence to the development standards set forth in this title on a lot-by-lot basis is not always the most effective manner in which to carry out the intent of this title and the goals and objectives of the comprehensive plan. The planned unit development (PUD) process encourages flexibility and creativity in the development of land in order to improve the design, character, and quality of new development in projects that provide certain benefits to the public. Planned unit developments are permitted in all zone districts.
- B. The regulations and procedures set forth in this chapter pertain to applications for a PUD in the City of Donnelly. Applicants for a PUD in the impact area and contiguous to the City limits may file application for annexation and a PUD in conjunction with the City of Donnelly.
- C. Applications for a PUD in the impact area shall be filed with the Valley County Planning and Zoning Administrator. The City will receive copies of such applications and will have the opportunity to make written comments to the Valley County Planning and Zoning Commission for their consideration in making a decision. When the applicant's property becomes contiguous with the City limits, the applicant may pre-agree to annexation of properties into the City of Donnelly. All public infrastructures shall meet current City standards at the time of annexation.
- D. Specific purposes of the planned unit development (PUD) process include:
  - 1. Promoting flexibility in the type, design, and site of structures to preserve and take advantage of the site's unique natural resources or scenic features, and to avoid or mitigate any hazardous areas, thereby improving the character and quality of new development.
  - 2. Encouraging more efficient use of land, public streets, alternative transportation modes, utilities, and government services.

3. Preserving green space for the benefit of residents or employees of PUD, as well as the community in general. Green space is planned and preserved open land, an interconnected system of open land, and determined to have cultural, ecological, and/or recreational value.
  4. Achieving a compatible relationship between the uses in the PUD, as well as the community in general.
  5. Encouraging the use of renewable resources and energy conservation measures.
- E. Density shall be as established in the standard zoning regulations, except the Council, upon recommendation of the Commission, may grant additional density according to DCC 18.140.040, Density bonus/transfer.
- F. Any permitted, conditional or accessory uses allowed in the zoning district may also be allowed in the PUD (conditional uses subject to conditional use permit review as set forth in Chapter 18.110 DCC).

**18.140.020 General requirements**

- A. If the property for which a PUD is proposed is located in both the City and the impact area, the property shall first be annexed into the City limits.
- B. The minimum gross size for properties that may be developed as a planned unit development is one acre in residential districts. The minimum gross size for the central business district and commercial and industrial districts shall be 15,600 square feet. All land within the development shall be contiguous except for intervening streets and waterways.
- C. A tract or parcel of land proposed for PUD development must be in one ownership or the subject of an application filed jointly by all owners of all property included.
- D. Buildings may not be so arranged that any structure is inaccessible to emergency vehicles.
- E. Underground utilities, including telephone and electrical systems, shall be required within the limits of all PUDs.
- F. In each case where a PUD project is located adjacent to public lands, a public easement to those lands shall be provided. All existing public accesses to public lands must be preserved.
- G. In each case where a PUD project encompasses or connects to a non-vehicular pathway as depicted on the City's comprehensive plan, a pathway constructed to City of Donnelly master transportation plan standards shall be provided.
- H. Each PUD shall provide one or more of the following amenities, commensurate with the size and density of the development, and commensurate with the modifications requested by the applicant, to ensure a public benefit:
  1. Common Usable Green Space. All common usable green space shall be granted in perpetuity and the PUD agreement shall contain restrictions against any encroachment into the common green space area. Where a subdivision is involved as part of the PUD approval process, green space shall be identified as such on the plat. A long-term maintenance plan shall be provided. The PUD agreement shall contain provisions requiring that property owners shall be responsible for maintaining the common usable

green space for the benefit of the residents or employees of the PUD or by the public. Green space shall be set aside in accordance with the following formulas:

- a. For residential PUDs: a minimum of 0.05 acres per residential unit.
  - b. For nonresidential PUDs: a minimum of 10 percent of the gross area of the proposed PUD.
2. Active recreational facilities, such as a swimming pool, tennis courts, or playing fields, of a size appropriate to the needs of the development. The PUD agreement shall contain provisions requiring that such facilities be maintained in perpetuity, or replaced with another similar recreation facility.
  3. Preservation of significant existing vegetation on the site, to include the preservation of at least 75 percent of mature trees greater than six-inch caliper on the site.
  4. Protection of wetlands as defined and required by the Army Corps of Engineers.
  5. Enhancement of water frontages, to include stream bank and/or lakeshore restoration and public access to or along the waterways.

#### **18.140.030 Developer benefits**

The Council may grant modifications or waivers of certain zoning and/or subdivision requirements to carry out the intent of this chapter and title and the land use policies of the City.

#### **18.140.040 Density bonus/transfer**

- A. The following maximum increases in density may be granted singularly or cumulatively only if the accompanying conditions are met:
  1. Ten percent: provision of two or more of the amenities listed in DCC 18.140.020(H).
  2. Ten percent: at least 25 percent of the property included in the PUD is located in the floodplain and no development occurs within the floodplain.
- B. Density bonuses for project amenities and benefits to the community other than those listed here may be granted by unanimous vote of the Council, following a recommendation by the Commission, in order to carry out the purpose and intent of this chapter and the land use policies of the City.
- C. Density Transfer. Densities may be transferred between zoning districts within a PUD, provided the resulting density shall be not greater than the aggregate overall allowable density of units and uses allowed in the zoning districts in which the development is located.

#### **18.140.050 Development standards**

The development standards shall be the same as in Chapter 18.145 DCC except that modifications may be permitted in minimum front, side and/or rear yard setbacks, minimum lot size, and/or minimum lot width, provided the proposal creates a superior design resulting in clustering of units for the purpose of creating common usable open space or other common amenities.



**18.140.060 Off-street parking modification**

The number of off-street parking spaces required by this title may be increased or decreased in consideration of the following factors:

- A. Proximity to central business district or other employment center.
- B. The actual parking needs of any nonresidential uses as clearly shown by the applicant.
- C. The varying time periods of use, whenever joint use of common parking is proposed.

**18.140.070 Phased development allowed**

The development of the PUD may be planned in phases; provided, that as part of the general submission, a development schedule is approved which describes:

- A. The parcels that are to be constructed upon in each phase and the date of each phase submission.
- B. The number of units to be built in each submission.
- C. Each stage within the PUD shall be so planned and related to existing and/or planned services and facilities, including commercial space, such that each phase is self-sufficient and not dependent on later phases and so that failure to proceed to the subsequent stages will not have any adverse impacts on the PUD, its surroundings, or the community in general. Each stage shall also be planned so as to ensure that green space and any other amenities will be provided along with proposed construction at each phase of construction.

**18.140.080 Application/approval procedure**

Any person proposing to develop a PUD shall obtain PUD approval, as herein provided, prior to any construction, sale, or offering for sale of any units, structures, or land within the subject property. Pre-application conferences with the Administrator are encouraged in order to acquaint the applicant with the PUD process and allow staff to informally review the proposed project. Once the application is deemed complete, the Administrator shall work closely with the applicant and other City staff members to bring the required information before the commission in a timely manner.

- A. Application. An application for a proposed PUD in the City of Donnelly shall be filed with the City Clerk. The Administrator shall certify the date when an application is deemed complete for the purpose of beginning the review process and the time limitations set forth herein. The original application shall be kept on file at City Hall.
- B. The application shall contain the following information and exhibits:
  - 1. Name, address and telephone number of applicant.
  - 2. Name, address and telephone number of registered surveyor and/or registered engineer assisting in the preparation of the preliminary development plan.
  - 3. Legal description of the property.
  - 4. A vicinity map at a scale approved by the Administrator, showing property lines, streets, existing and proposed zoning and such other items as the

- Administrator may require showing the relationship of the PUD to the Comprehensive Plan.
5. A preliminary development plan at an appropriate scale showing location and type of proposed land uses; layout dimensions and names of existing and proposed streets, rights-of-way, utility easements, community green space, layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the Administrator deems necessary.
  6. Conceptual architectural drawings showing the street-side elevations of primary buildings.
  7. A drainage plan showing the location, size, and direction of all water courses and drainage flows, all drainage canals, and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed development.
  8. A landscaping plan showing the location and size of existing mature trees, and established shrub masses, and showing the location, size and type of proposed landscaping of the project.
  9. An exterior lighting plan shall be provided, and shall comply with the provisions of DCC 18.30.070 and 18.90.020(F).
  10. A surveyed contour map of the existing topography of the property and a contour map of the proposed development with contour lines at a maximum interval of five feet to show the existing and proposed configuration of the land together with the documentation upon which said contour maps were prepared.
  11. Proof of legal interest in the property. Withdrawal of consent of an owner of record shall be deemed withdrawal of the application.
  12. Location of on-site parking spaces and access thereto, including the dimensions of the spaces and the width and length of access.
  13. Proposed schedule for the development of the site.
  14. Studies may be reasonably required prior to or during the review process by the Administrator, commission or council of the social, economic, fiscal, traffic, or environmental effects of the proposed development. Traffic studies shall identify transportation demands created by the proposed development during the construction phase, intermediate phases, and at build out. The developer shall propose methods of managing those demands.
  15. Additional information as reasonably required at the discretion of the commission, prior to or during the review process; i.e., housing and emergency services for the temporary work force.
  16. Proposed draft PUD agreement.
  17. An analysis of the project's compliance with the Comprehensive Plan, and an explanation and analysis of waivers or modifications requested under Chapter 18.115 DCC or DCC 18.140.050.

18. Eight copies of the above information. The Administrator may request additional copies.
  19. List of names and addresses of the owners of each parcel within 300 feet of the subject property. The list shall be typed on mailing labels.
  20. An application fee established by the City Council by resolution.
- C. Concurrent Submission. A planned unit development permit (PUD) application may be submitted and reviewed concurrently with other applications affecting the same piece of property with the approval of the Administrator. Concurrent submissions shall be voted on separately.
- D. Planning and Zoning Commission Action.
1. The Commission shall conduct a public hearing and review the application, all supporting documents and plans, and recommendations of City Staff, in accordance with the provisions of Chapter 18.125 DCC.
  2. Findings Required.
    - a. The proposed development can be completed within one year of the date of approval or phased according to a development schedule; and
    - b. The streets proposed are suitable and adequate to carry anticipated traffic; and
    - c. The PUD will not create excessive additional requirements at public cost for public facilities and services; and t
    - d. The PUD is in general conformance with the comprehensive plan; and
    - e. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed; and
    - f. The development plan incorporates the site's significant natural features; and
    - g. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner; and
    - h. One or more amenities as set forth in DCC 18.140.020(H) shall be provided to ensure a public benefit; and
    - i. All exterior lighting shall comply with the standards set forth in DCC 18.30.070 and 18.90.020(F); and
    - j. The proposed PUD agreement is acceptable to the applicant and the City.
  3. Conditions of Approval. The Commission may attach conditions to a PUD as it deems necessary to mitigate potential adverse impacts to the City's infrastructure system, or to promote the City's land use policies as established in the comprehensive plan, or to ensure that the benefits derived from the development justify a departure from the standard zoning regulations. Such conditions may include, but are not limited to, those which will:
    - a. Minimize adverse impact on surrounding properties, developments, or public services, facilities or utilities.
    - b. Describe the sequence and time of development.

- c. Describe the duration of development.
  - d. Assure that development is maintained properly.
  - e. Require the provision of on-site or off-site public improvements, facilities, or services when the proposed development is found to create a significant adverse impact on off-site public streets, facilities, utilities, or services, including but not limited to bridges, intersections, roads, traffic control devices, water mains, sewer mains, fire equipment, and recreational facilities.
  - f. Require methods or manner of construction to minimize impact on adjacent properties or to prevent erosion or runoff and similar environmental impacts.
  - g. Require dedications of land for streets, parks, or similar uses.
  - h. Require additional plans or engineering revision for any aspect of the development plan.
  - i. Require provision of adequate employee housing.
  - j. Require written agreements executed by the developer to secure performance of any requirement or condition to be imposed as part of the approval including, but not limited to, development, services, or annexation agreements.
  - k. Require submission of a revised development plan to incorporate changes made therein during the review process.
  - l. Require recordation of documents with the Valley County recorder including, but not limited to, declarations of covenants and restrictions, PUD agreement, deed restrictions, easements, restrictive covenants, management agreements and similar documents establishing and guaranteeing the creation, operation, and maintenance of the project, including, but not limited to, provisions that such documents may not be amended without the prior written consent of the City council.
  - m. Require that utility lines be placed underground.
- E. City Council Action. The City Council shall consider the recommendation of the commission and, after review of the application, all supporting documentation, and plans, shall either approve, approve with supplementary conditions, or deny the application pursuant to Chapter 18.125 DCC.

#### **18.140.090 Notification by the Administrator**

The Administrator shall give the applicant written notice of the Council's decision by mail within 10 days after the Council has reached a decision.

#### **18.140.100 PUD agreement**

An agreement to be executed by the applicant and the City shall be drafted by the applicant for all PUD developments, which addresses pertinent components of the development, including but not limited to description of property, the development schedule, provisions for maintenance of common areas, restrictions to development, all development plans, and all conditions of approval set forth by the City. Upon PUD approval, City Staff shall review and finalize the PUD agreement and place it on the

Council's agenda for acceptance prior to the Council's approval. The final approved PUD agreement shall be executed by the applicant and the City, and recorded with the Valley County recorder.

**18.140.110 Expiration and extension of approval period**

- A. Upon receiving preliminary PUD approval by the Commission and Council, the applicant shall have one year from the date of approval thereof to submit a final development plan for Council approval in accordance with DCC 18.145.040(E), (F) and (G). Failure to file the appropriate application within said one-year period shall cause the PUD approval to be null and void.
- B. If a project is to be phased, construction of the second and succeeding phases shall be contingent upon completion of the preceding phase unless the requirement is waived by the Council. Further, if construction on any PUD or phase of any PUD ceases or is not diligently pursued for a period of one year without the prior consent of the Council, the PUD permit shall at that time become null and void.
- C. For good cause shown by the applicant in writing prior to the expiration of said one-year period, or prior to time limits imposed by the development schedule, the Council may grant an extension of time not to exceed one year. A fee set by Council resolution shall be imposed for such an application.

**18.140.120 Changes in development plan**

Minor changes in the location, sighting, or character of buildings and structures may be authorized by the Administrator, if required by engineering or other circumstances not foreseen at the time of PUD approval. All such requests shall be in writing supported by such documentation as reasonably required by the Administrator. No change shall be authorized except in writing and it shall not increase the size of any building or structure, nor increase the overall density of the development. If the Administrator determines any proposed change may have a significant impact on the approved project, the Administrator shall forward the request to the Council for consideration.

**18.140.130 Bonding requirements**

- A. The applicant may, in lieu of actual construction of required improvements, provide to the City a performance or completion bond as set forth in the performance agreement written by a surety company authorized to do business in the state of Idaho, or other such security as may be acceptable to the City, in an amount equal to the cost of the engineering and improvements not previously installed by the developer plus 50 percent, which bond or other security shall fully secure and guarantee completion of the required improvements within a period of one year from the date said bond or other security is issued. The surety amount is subject to approval by the City Engineer. If any extension of said one-year period is granted by the City, each additional year, or portion of each additional year, shall require an additional 20 percent to be added to the amount of the original bond or other security originally provided.

- B. The Council may require the applicant, as a condition of PUD approval, to post a performance bond as described above for basic landscaping of future phases within a phased PUD project. This surety would provide adequate funding to install landscaping in the area of any future phase, should that phase not be complete.

**Chapter 18.145  
SUBDIVISION**

**Sections:**

18.145.010	Purpose and scope
18.145.020	Exceptions
18.145.030	Procedure
18.145.040	Combining preliminary and final plats
18.145.050	Permits
18.145.060	Improvements required
18.145.070	Development standards
18.145.080	Construction and guaranty of construction
18.145.090	Lot line adjustments and lot splits
18.145.100	Amended plats
18.145.110	Street vacations
18.145.120	Exceptions may be made to avoid hardship
18.145.130	Other provisions, restrictions and requirements

**18.145.010 Purpose and scope**

The purpose of this chapter is to provide regulations, development standards, required improvements, and procedures for the subdivision of property, including platting, re-platting, and recordation of subdivision plats within the City of Donnelly. All plats and subdivisions of property within the impact area shall be governed by the rules and regulations pursuant to the Valley County Land Use and Development ordinance and applications for those subdivisions shall be filed with the Valley County Planning and Zoning Administrator. The City will receive copies of such applications and will have the opportunity to make written comments to the Valley County Planning and Zoning Commission for their consideration in making a decision.

**18.145.020 Exceptions**

The regulations in this chapter shall apply to all divisions of property in the City of Donnelly except:

- A. One division of any original tract of land into two parcels per the definition of “Lot split”.
- B. Lot line adjustments.

**18.145.030 Procedure**

- A. No plat in the City shall be recorded or offered for record until the final plat has been approved by the Council and shall bear thereon the approval, by endorsement, of the Mayor, the Chair of the Donnelly Planning and Zoning Commission, the City Engineer, and the City Clerk, the appropriate sewer and water districts, and the Chief of the Donnelly Rural Fire Protection District.
- B. If the property to be subdivided is located in both the City and the impact area, the property shall first be annexed into the City limits.
- C. Preliminary Plat – Contents.

1. An application for a preliminary plat within the Donnelly City limits shall be filed with the City Clerk by at least one holder of any interest in the real property for which such subdivision is proposed. Such application shall be filed at least 45 days in advance of a regularly scheduled Commission meeting.
2. An application for a preliminary plat within the City shall include at least the following information:
  - a. Name, address, and phone number of the developer.
  - b. Proof of legal interest in the subject property.
  - c. Legal description of the subject property, including street address.
  - d. Zoning district of subject property.
  - e. Name of the proposed subdivision.
  - f. A proposed plat, prepared by a professional engineer or surveyor licensed in the state of Idaho. The plat shall contain a minimum of the following information:
    - i. The plat will be in accurate scale, not less than one inch equals 100 feet.
    - ii. North point, scale, and date.
    - iii. The name, address, and phone number of the engineer or surveyor.
    - iv. Location, widths and other dimensions of all existing and/or proposed platted streets, alleys, easements, parks and open space.
    - v. All proposed lots, including common lots, with dimensions and size of each lot in square feet and in acres.
    - vi. All natural features including floodplain or floodway areas, water courses, and vegetation (the natural features may be on a separate sheet).
    - vii. The proposed names of all the streets whether new or existing. The new street names must not be the same or similar to any other street names used in Valley County.
    - viii. The proposed lot and block numbers.
    - ix. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated, and planned improvements to that parcel or parcels.
    - x. For a residential subdivision, a delineation of 15 percent of the total parcels for residential use, to be reserved for community housing.
  - g. A phasing plan, if the developer intends to develop the project in phases, and an explanation of the phasing plan, including the number of lots in each phase, the infrastructure planned for completion with each phase, the amenities to be constructed with each phase, the deadline for completion of each phase, and all other information pertinent to the completion of the development.
  - h. A vicinity map.



- i. A contour map at no more than a two-foot contour interval to show the general topography and record grade of the property.
- j. Preliminary construction drawings showing the proposed location of drainage, water and sewer lines, fire hydrants, culverts, and other utility services.
- k. A landscape plan.
- l. A draft of any private covenants, conditions or restrictions (CC&Rs).
- m. A certification of absence of wetlands, or delineation of wetlands, as appropriate, completed by an engineer licensed in the state of Idaho.
- n. Community housing provisions, locations, and proposed construction schedule.
- o. Concept drawings of proposed structures, buildings, etc.
- p. Any other information requested by the Administrator, Commission, or Council.
- q. Eight collated copies of the above information, except the preliminary construction drawings, of which three copies are to be submitted. The Administrator may request additional copies.
- r. A fee established by City Council resolution.
- s. A list of the names and addresses of all property owners within 300 feet of the external boundaries of the land being subdivided, typed on mailing labels.

D. Approval of the Preliminary Plat.

- 1. Preliminary plat approval shall require a public hearing and the proceedings shall be conducted pursuant to Chapter 18.125 DCC. The Administrator shall also transmit copies to the water and sewer district having jurisdiction, and the Donnelly Rural Fire Protection District, as well as any other agency that may have an interest in the property being divided.
- 2. Prior to scheduling of a public hearing, all changes required by the Administrator shall be completed on the preliminary plat.
- 3. Letters from each public agency having jurisdiction shall be received prior to scheduling of a public hearing.
- 4. One copy of the approved preliminary plat shall be retained at the Donnelly City Hall for public inspection and one copy of the approved plat shall be returned to the applicant, along with a written statement of any changes or modifications imposed by the Commission or Council.

E. Final Plat.

- 1. The final plat must be submitted to the City for Council approval within one calendar year from the date of Council approval of the preliminary plat, unless the Council approves an extension of time.
- 2. The applicant must request an extension within one calendar year from the date of Council approval of the preliminary plat. The request must be in writing and accompanied by a fee established by City Council resolution.

3. The Administrator shall review the final plat application to ensure that the application submitted is consistent with the preliminary plat approved by the Council. The conditions imposed on the application by the Commission and Council must be either completed or shown on plans or the plat prior to placing the final plat on the Council agenda.
  4. The Administrator shall transmit three copies of the final construction drawings to the City Engineer for approval. Two copies of the construction drawings approved by the Engineer shall be returned to the applicant stamped "Approved," and one copy stamped "Approved" shall be kept at Donnelly City Hall. The Administrator shall also transmit copies to the water and sewer district having jurisdiction, and the Donnelly Rural Fire Protection District, as well as any other agency that may have an interest in the property being divided.
- F. Final Plat – Contents. The final plat application shall contain at least the following information:
1. Name, address and phone number of the developer.
  2. A proposed final plat prepared by a professional engineer or surveyor licensed in the state of Idaho, which meets a minimum of the requirements of Idaho Code, Section 50-1304, as may be amended.
  3. Final construction drawings.
  4. Any other information deemed necessary by the Administrator or Council.
  5. Eight copies of the information, except the construction drawings, of which six copies shall be submitted.
  6. A fee established by City Council resolution.
- G. Final plat approval.
1. The City Clerk shall place the final plat on the Council agenda within 45 days of receipt of the completed application.
  2. The Council shall determine whether the final plat complies with the approved preliminary plat, together with the conditions or modifications requested at the time of preliminary plat approval.
  3. The Council shall consider the recommendation of the City Engineer regarding the construction drawings and required improvements when making their determination for approval. All recommendations approved by the Council shall be included on the final construction drawings and/or final plat.

**18.145.040 Combining preliminary and final plats**

- A. An applicant may combine the preliminary and final plats if the following apply:
  1. There are no more than 10 lots in the proposed subdivision.
  2. There are no new street dedications.
- B. A combination of preliminary and final plat approval shall require a public hearing. The proceedings shall be conducted pursuant to Chapter 18.125 DCC.
- C. The applicant shall be required to pay both the preliminary and final plat fees.

**18.145.050 Permits**

- A. No building permits shall be issued until the City Engineer has verified, in writing to the City Clerk, that the improvements required for the protection of health and the provision of safety are completed, including: approved potable water system, an approved wastewater system, adequate fire flows approved by the Donnelly Rural Fire Protection District, completed streets, utility services, and approved drainage system.
- B. In lieu of actual construction, and with the consent of the Council, the developer may provide the City such security as may be acceptable to the City, in a form and in an amount equal to the cost of the engineering and improvements not previously installed by the developer, plus 50 percent. Such security shall fully secure and guarantee completion of the required improvements within one year from the date said security is issued. If any extension of said one year is granted by the City, each additional year, or portion thereof, shall require an additional 20 percent to be added to the amount of the original security initially provided.

**18.145.060 Improvements required**

It shall be a requirement of the developer to construct the minimum improvements set forth herein for the subdivision, to all City standards.

- A. Water, sewer, and streets are required in all districts.
- B. Curbs, gutters, and sidewalks are required in all districts unless waived by the Council.
- C. Ground cover and/or landscaping with adequate irrigation shall be provided in all common areas which are not used for parking.
- D. Adequate drainage shall be provided for storm water and melt water, and shall be consistent with the best management practices under state and federal storm water and melt water regulatory programs. All drainage plans shall be approved by the City Engineer and meet the minimum of a 100-year storm event.
- E. Alleys shall be provided in the central business district.
- F. Street lights shall be provided at intersections with collector or arterial streets as determined by the Administrator. The homeowners' association will be responsible for the maintenance and upkeep of street lights. Lighting will be in accordance with DCC 18.30.070, and in the spirit of the "dark sky" concept.
- G. Underground power and telephone are required. Underground cable TV service shall be provided unless the Administrator determines that it is unavailable.
- H. Street name signs and traffic control signs shall be installed by the developer. The City shall maintain the signs after installation.

**18.145.070 Development standards**

The configuration and development of proposed subdivisions shall be subject to the provisions found hereunder, and shall be subject to the development restrictions, guidelines and directions found within the Donnelly Comprehensive Plan, the applicable zoning district regulations, and any other applicable ordinance or policy of the City of Donnelly.

- A. Streets, Alleys, Driveways, Easements, Pathways, and Snow Storage.

1. All streets in the subdivision must be platted and meet the standards specified in the City of Donnelly Master Transportation Plan and, where applicable, the "Standard Approach Policies" adopted by the State of Idaho Division of Highways shall apply.
2. Streets shall be aligned in such a manner to provide through and efficient access from and to adjacent developments and properties and shall provide for the integration of the proposed streets with the existing pattern.
3. The developer shall provide storm sewers and/or drainage areas of adequate size and number to contain the runoff upon the property in conformance with the latest applicable federal, state and local regulations. The developer shall provide copies of state permits for shallow injection wells (drywells). Drainage plans shall be reviewed and approved by the City Engineer. The developer shall provide a copy of the EPA's "NPDES General Permit for Storm water Discharge from Construction Activity" affecting more than one acre.
4. The developer shall provide and install all street signs acceptable to the City Staff.
5. All streets and alleys within any subdivision shall be dedicated for public use, except as provided herein. New street names shall not be the same as or similar to any other street names used in Valley County.
6. Private streets may be allowed at the discretion of the Commission and Council; provided, that the private street is not a collector, arterial, major, or secondary street. Private streets shall meet the requirements of the City of Donnelly Master Transportation Plan. Private streets shall not serve more than five single-dwelling units or equivalent.
7. Driveways may provide access to not more than five single residential dwelling units. No portion of the required fire lane width of any driveway may be utilized for parking. Driveways shall not be named.
8. Driveways longer than 150 feet must have a turnaround area approved by the Donnelly Rural Fire Protection District. Fire lane signage must be provided as approved by the Donnelly Rural Fire Protection District.
9. Driveways accessing more than one residential dwelling unit shall be maintained by an owners' association, or in accordance with a plat note.
10. Required fire lanes, whether in private streets or driveways, shall comply with all regulations set forth in adopted fire codes.
11. Alleys shall be provided in all central business district (CBD) developments.
12. Dead-end alleys shall not be allowed.
13. Where possible, infrastructure shall be located in a public street, except in the CBD contiguous with Highway 55, in which case it shall be located in a public alley if possible.
14. Alleys shall have adequate drainage and shall be approved by the City Engineer and City Staff.
15. Easements shall be provided, where necessary, to provide access for emergency services, utility maintenance, public access, private access, or

any such purpose. The width of such easements shall be approved by the City Engineer.

16. Snow storage areas shall be provided, and shall not be less than 25 percent of parking, sidewalk, and other circulation areas. If the subject storage area is not on the platted property, a recorded agreement for a snow storage area of the appropriate size shall be provided by the developer, subject to approval by the City Engineer. At no time will snow storage be allowed into the traffic area of any fire lane, cul-de-sac, multiple-residence driveway, or private street.

B. Lots and Blocks.

1. The length, width, and shape of blocks shall be determined with due regard to adequate building sites, suitable to the special needs of the type of use contemplated, the zoning requirements as to lot size and dimension, the need for convenient access and safe circulation, and the limitations and opportunities of topography.
2. All lots shown on the subdivision plat shall conform to the minimum standards for lots in the district in which the subdivision is planned.
3. Double frontage lots shall be prohibited except where unusual topography, a more integrated street plan, or other conditions make it undesirable to meet this requirement. Double frontage lots are those created by either public or private streets, but not by driveways or alleys. Subdivisions providing a platted common space of 25 feet or more between any street right-of-way and any single row of lots shall not be considered to have double frontage lots. The common space shall be landscaped as approved by the Commission. Access shall be allowed only on the lesser public street, meaning, if a collector and a local street create a double frontage lot, the access location shall be required on the local street.
4. A minimum of six percent of all developments larger than five acres shall be provided for open space open to the general public. A density bonus may be allowed by the Council if the parks are developed and dedicated to the City of Donnelly. Open space lots or common areas shall be clearly labeled on the plat as "non-buildable."

C. Orderly Development.

1. Development of subdivisions shall be phased to avoid the extension of services, roads and utilities through undeveloped land. The phasing shall be approved as part of the subdivision approval.
2. No subdivision shall be approved which affects the ability of political subdivisions of the state, including the school district, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents, unless the developer provides for the mitigation of the effects of subdivision. Such mitigation may include, but is not limited to, the following:
  - a. Provision of on-site or off-site street or intersection improvements.
  - b. Provision of other off-site improvements.
  - c. Dedications and/or public improvements on property frontages.
  - d. Dedication or provision of parks or green space.

- e. Provision of public services facilities.
- f. Construction of flood control canals or devices.
- g. Provision for ongoing maintenance.

D. Cuts, Fills and Grading.

1. Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alteration of topography, streams, drainage channels, and disruption of soils or vegetation. All development within the floodplain areas shall comply with the requirements of Chapter 18.80 DCC.
2. A preliminary soil report, floodway study, groundwater study, and drainage calculations prepared by a qualified engineer may be required by the Administrator, Commission and/or the Council as part of the preliminary plat application.
3. A preliminary grading plan prepared by a civil engineer may be required by the Commission and/or the Council as part of the preliminary plat application, to contain the following information:
  - a. Proposed contours at a maximum of two-foot contour intervals.
  - b. Cut and fill banks in pad elevations.
  - c. Drainage patterns.
  - d. Areas where trees and/or natural vegetation will be preserved.
  - e. Location of all street and utility improvements, including driveway, to building envelopes.
  - f. Any other information which may reasonably be required by the Administrator, City Engineer, Commission, and/or Council.
4. Grading shall be designed to blend with natural landforms and minimize the necessity of cuts and fills for streets and driveways or terracing of building sites.
5. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology, or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.
6. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the developer for re-vegetation of disrupted areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction, including temporary irrigation for a sufficient period to establish the vegetation. Until such time as said vegetation has been installed and established, the developer shall maintain and protect all disturbed surfaces from erosion.
7. Fill for structures or roads shall be compacted to at least 95 percent of maximum density as determined by the American Association of State Highway and Transportation Officials (AASHTO) and American Society for Testing and Materials (ASTM).
8. Cut and fill slopes shall be no steeper than two horizontal to one vertical, and three horizontal to one vertical, respectively, without soil analysis and design by an engineer licensed in the state of Idaho. Cut and fill slopes

shall not be permitted near natural or manmade slopes greater than cited above without an engineered analysis. Mechanically stabilized slopes are allowed with written approval of the City Engineer. Subsurface drainage shall be provided as necessary for stability.

9. Shoulders and toes of cut and fill slopes shall be set back from structures and property lines as necessary to accommodate drainage features or drainage structures.

**18.145.080 Construction and guaranty of construction**

- A. Prior to the start of any construction, it shall be required that a preconstruction meeting be conducted with the developer or his authorized representative/engineer, the contractor, the City Engineer, associated agencies, and appropriate City Staff. An approved set of plans shall be provided to the developer and contractor at such meeting.
- B. Upon final approval, three sets of revised plans are required: two sets of revised plans shall be returned to the developer at the preconstruction conference with the City Engineer's written approval thereon. One set of said approved final plans shall be retained on site at all times for inspection purposes and to note all field changes upon.
- C. The developer shall guarantee all improvements pursuant to this section for not less than one year from the date of final acceptance by the City, except that parks shall be guaranteed and maintained by the developer for a period of two years.
- D. The developer shall construct all streets, alleys, drainage systems, water and sewer facilities, landscaping, fill, cuts and utilities in conformance with the approved plans.
- E. Prior to the acceptance by the City of any improvements installed by the developer, two sets of as built plans and specifications certified by the developer's engineer shall be filed with the City Engineer.

**18.145.090 Lot line adjustments and lot splits**

- A. Applications for lot line adjustments and lot splits shall be approved by the Administrator, and shall contain the following information:
  1. Name, address and phone number of the applicant.
  2. Two copies of a record of survey prepared by a professional engineer or surveyor licensed in the state of Idaho.
  3. A fee established by City Council resolution.
- B. The Administrator shall review the application to determine whether the lot(s) conform(s) to the development standards of the applicable zone. The Administrator shall approve or deny the application based upon such review.
- C. The Administrator shall notify the applicant, in writing, of the determination. One copy of the plat shall be returned to the applicant. If the Administrator finds that the application does not comply with this title, the Administrator shall also inform the applicant of the reason for the noncompliance.

**18.145.100 Amended plats**

In the event a plat of a subdivision has been recorded and substantial changes are proposed which change the subdivision materially, or do not qualify for a lot line adjustment, the portion of the subdivision in which these changes are proposed must be approved, and the prior plat vacated, in accordance with the regulations set forth in Idaho Code, Section 50-1306a. Any change in street location will require an amended plat for the portion of the plat that is affected. If the Administrator finds that the proposed changes materially alter the nature and character of the subdivision, the amended plat shall be subject to the subdivision process of DCC 18.145.040.

**18.145.110 Street vacations**

- A. Applications for vacation of a public right-of-way, alley or easement shall comply with Idaho Code, Sections 50-311 and 50-1317 through 50-1325, as amended.
- B. Street vacations shall require a public hearing and the proceedings shall be conducted pursuant to Chapter 18.125.
- C. The Commission and Council shall consider the following items in making their recommendation and decision:
  - 1. The application and testimony of the applicant and such other information brought forth with regard to the proposed vacation.
  - 2. The interests of the adjacent property owners and public utilities.
  - 3. Conformance of the proposal with the Comprehensive Plan.
  - 4. Future development of the neighborhood.
  - 5. That the public right-of-way, alley or easement no longer serves a public purpose.
  - 6. Approval of the Donnelly Rural Fire Protection District involved is required, stating that the vacation of the street or alley will not compromise emergency access or procedures.
  - 7. In lieu of vacation, the Commission may recommend to the Council a revocable landscape license.
- D. Should the Council approve the application, in the case of a public right-of-way or alley, the City shall pass an ordinance vacating the same. When a street or alley is vacated, the City shall provide adjacent property owners with a quitclaim deed for the vacated right-of-way. Said vacation shall become effective upon enactment of the ordinance pursuant to the Idaho Code.

**18.145.120 Exceptions may be made to avoid hardship**

- A. When a tract to be subdivided is, in the opinion of the Commission and Council, of such unusual shape or size, or is surrounded by such development or unusual conditions, that the strict application of the requirements contained herein would result in real difficulties and substantial hardships or injustices, the Council may vary or modify such requirements by an official entry in the minutes of the Council proceedings so that the developer is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of this title are preserved. As used in this chapter, the phrase “real difficulties and substantial hardships or injustices” shall apply only to situations where strict



application of the requirements of this title will deny the developer the reasonable and beneficial use of the property in question, and not in situations where the developer establishes only that exceptions will allow a more financially feasible or profitable subdivision.

- B. Under no circumstances shall the Commission or Council allow development in floodways, wetlands, or any protected area without legal and appropriate application to, mitigation of, and approval by the governing agency according to federal, state and local laws.

**18.145.140 Other provisions, restrictions and requirements**

- A. No subdivision shall be approved which affects the ability of a political subdivision of the state, including school districts, to deliver services without compromising quality or service delivery to current residents or imposing substantial additional costs upon current residents unless the sub-divider provides for the mitigation of the effects of subdivision. Such mitigation may include, but is not limited to, the following:
    - 1. Provision of on-site or off-site street or intersection improvements.
    - 2. Provision of other off-site improvements.
    - 3. Dedications and/or public improvements on property frontages.
    - 4. Dedication of provision of parks or green space.
    - 5. Provision of public service facilities.
    - 6. Construction of flood control canals or devices.
    - 7. Provisions for ongoing maintenance.
  - B. Gated communities are prohibited.
-

**Chapter 18.150  
ANNEXATION PROCEDURES**

**Sections:**

18.150.010	Purpose
18.150.020	Applicability
18.150.030	Application process and fees
18.150.040	Concurrent zoning classification
18.150.050	Submittal requirements
18.150.060	Certification and review
18.150.070	Notice
18.150.080	Commission review
18.150.090	Council review

**18.150.010 Purpose**

The City of Donnelly finds that the establishment of annexation procedures will promote uniformity and certainty in annexation applications and that the establishment of annexation procedures will promote the public health, safety and general welfare. Unless there are compelling reasons, the applicant shall submit plans and applicable studies for all components of the proposed annexation.

**18.150.020 Applicability**

Any request for an annexation shall be controlled by the provisions of this chapter. To the extent the procedures of this chapter conflict with the procedures of Idaho Code §50-222 and other applicable state statutes, the provisions of state law shall control. If the City initiates an annexation, the provisions of this chapter shall not govern.

**18.150.030 Application process and fees**

- A. An application for an annexation of real property into the City of Donnelly shall be filed with the City Clerk, by the owner of the real property or by at least one holder of an interest in real property for which the annexation is proposed.
- B. The applicant shall pay the non-refundable application fee for the proposed annexation, as established by City Council resolution, at the time of the filing of the annexation application.
- C. During the review of an application for annexation, an applicant shall also pay for City Staff time on an hourly basis, as established by City Council resolution, to review and comment on the application, to assist and prepare any fiscal impact required for an annexation and to prepare any necessary reports and findings. If the applicant fails to pay the City fees on a timely basis, the City is authorized to suspend or if deemed appropriate, terminate the processing of the annexation application.
- D. In the event an application for annexation is approved and an annexation ordinance is adopted, the applicant will be required to pay for all costs associated with the filing of the annexation ordinance and the preparation of the legal description and a map prepared in a draftsman like manner that designates the

boundaries of annexed property to be recorded with the county recorder pursuant to state law.

**18.150.040 Concurrent zoning classification**

The City shall concurrently with the application for annexation consider applications for one or more zoning classifications and a subdivision plat consistent with the requirements (including notice provisions) and standards. The City shall not consider any other application by the applicant on the subject property under the City's zoning ordinance unless and until the application for annexation has been approved and an annexation ordinance has been adopted and published in accordance with state law.

**18.150.050 Submittal requirements**

Except as otherwise provided, the application shall include or attach at least the following:

- A. Application fees established by City Council resolution.
- B. A statement of the size of the property in square footage and acres.
- C. A description of the proposed project, including the approximate number and size of proposed lots, length and location of the proposed water and sewer mains, length and location of proposed streets and alleys, and length and location of the proposed sidewalks.
- D. A schematic design of the entire project showing the proposed uses, density, streets, alleys, easements, and proposed size and location of open spaces and parks.
- E. A statement describing how the proposed project complies with specific goals and policies of the Donnelly Comprehensive Plan.
- F. A statement describing how the proposed project is compatible with adjacent neighborhood(s).
- G. A statement describing how the applicable natural resources (e.g., water courses, springs, streams, wildlife and access to public lands) and natural hazards (e.g., avalanche, floodplains and floodways) are incorporated into proposed project and/or mitigated.
- H. A statement describing what contributions and/or dedications the applicant is willing to make as part of the proposed annexation.
- I. A description of how the proposed annexation will protect the City's established or proposed wellhead protection zones.
- J. A detailed description of how the annexation will impact the existing municipal infrastructure and services (e.g., water, sewer, streets, library, police, fire and parks).
- K. A statement of who will maintain the streets, alleys, parks and utilities (privately and publicly owned utilities) and how the maintenance of the streets, alleys, parks and utilities (privately and publicly owned utilities) will be funded.
- L. A phasing plan showing the proposed dates of construction and completion of phased construction for infrastructure, streets, alleys, utilities and all other development. In the case of a phased project, items C and D above may be omitted for future phases; however provisions shall be made within an

- annexation agreement for submittal of plans and payment of fees for future phases.
- M. Unless the Administrator determines, in the Administrator's sole and absolute discretion, one or more of the following studies are not warranted based on the size, scope and impact of a proposed annexation, the following studies shall be submitted:
1. Traffic study showing impact on adjacent streets and streets that would serve the proposed project.
  2. Floodplain study (if applicable).
  3. Wetland study (if applicable).
  4. Wildlife study.
  5. A Level I environmental study showing the presence of any hazardous waste.
- N. Contour map depicting 15% and 25% slope lines measured at two foot (2') intervals.
- O. A list of names and mailing addresses of all property owners within 300' of the external boundaries of the proposed annexation and the names and mailing addresses of all easement holders within the proposed annexation.
- P. A fiscal impact analysis or an updated fiscal impact analysis in accordance with Section 18.150.090.
- Q. A description of all water rights, including all surface and ground water rights, appurtenant to the real property subject of the annexation. The description of all water rights shall include a description of all the elements of the water rights, including but not limited to the source, quantity, priority date, point of diversion, purpose and period of use, place of use, and any provisions or conditions attached to the water right. The applicant shall attach all decrees, licenses and permits describing the water rights to the application for annexation.

**18.150.060 Certification and review**

The Administrator shall review the application to determine whether the application is complete. Once the applicant and the City enter into a written agreement for the payment of staff time and once the Administrator finds the application complete, the Administrator shall certify the application as complete and shall submit the application for review and comment to the applicable City departments and appointed recommending boards. Following receipt of comments by the City departments and boards, the Administrator shall schedule a meeting with the Commission at its next regular available meeting for review of the application by the Commission.

**18.150.070 Notice**

The City Clerk shall mail to each addressee in the list furnished by the applicant a copy of the notice of the time and place of the hearing at least fifteen (15) days before the date set for a hearing. The applicant has the burden of providing to the City an updated and correct list of property owners during the public hearing process. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided in lieu of mailed notice. Sufficient notice shall

be deemed to have been provided if the City provides, at the applicant's expense, notice through a display advertisement at least four inch (4") by two inch (2") column in size in the official newspaper of the City at least fifteen (15) days prior to the hearing, in addition to site posting on all external boundaries of the site. The applicant shall reimburse the City for all mailing costs and publication costs associated with providing notice hereunder. Any notice for annexation which is mailed and published shall contain:

- A. The time and place of the hearing.
- B. A brief description of the land which is the subject of the matter to be heard.
- C. The purpose of the hearing and the proposed uses for the land.
- D. Any other information, required by the Administrator, which is necessary or desirable in the public interest.

**18.150.080 Commission review**

- A. Subject to its bylaws, the Commission shall conduct a public hearing to review the application for annexation. The Commission shall review the particular facts and circumstances of a proposed annexation for the purpose of determining:
  1. Whether the proposed annexation will be harmonious and in accordance with the goals and policies of applicable components of the Donnelly Comprehensive Plan.
  2. Whether the proposed annexation would be in the best interests of the citizens of the City.
- B. The Commission shall also make a recommendation that the property sought to be annexed should be zoned as one or more particular zoning districts, as more fully described in the City's zoning ordinance.
- C. The Commission shall make findings of fact and conclusions of law relating to the application's general compliance with the Donnelly Comprehensive Plan and to the Commission's recommendation for zoning.
- D. The Commission shall forward those findings and conclusions in writing to the Council and the applicant.

**18.150.090 Council review**

- A. Conduct and notice of Council hearing. Upon receipt of the Commission's findings of fact and conclusion of law, the Council shall schedule a public hearing to review the application for annexation. Notice of public hearing shall be conducted in the same manner as the notice for a Commission hearing pursuant to Section 18.150.070 of this chapter. The Council shall have the right to request further information deemed necessary by the Council at any time during the proceedings.
- B. Fiscal Impact. To assist the Council in the determination whether an annexation will have any negative fiscal impact, the Council shall, except as otherwise provided herein, require the applicant for annexation, the applicant's sole expense, to submit a fiscal analysis or an updated fiscal analysis by a qualified and independent person or firm acceptable by the Council and in a format acceptable by the Council, to determine the proposed annexation's impact and to recommend the base amount of annexation fees. The Council may, in its sole

and absolute discretion, require the applicant for annexation of real property of ten (10) or fewer lots based on the base density of the zoning district(s) adopted for the annexed property, at the applicant's sole expense, to submit a fiscal analysis or an updated fiscal analysis or an updated fiscal analysis by a qualified and independent person or firm acceptable by the Council and in a format acceptable by the Council, to determine the proposed annexation's impact and to recommend the base amount of annexation fees. The Council retains the right to require further monetary or non-monetary contributions for any annexation. The applicant has the right to seek the City's approval of such a fiscal impact study at any point in the annexation process.

- C. Findings. During the public hearing process of the application for annexation, the Council shall make its own findings of fact and conclusions of law to determine:
1. Whether the proposed application will be harmonious and in accordance with the goals and policies of applicable components of the Donnelly Comprehensive Plan,
  2. Whether the proposed annexation would be in the best interests of the citizens of the City, and
  3. The extent possible, whether the proposed annexation will have a negative fiscal impact upon the existing citizens of the City at the time of an annexation and in the future.
  4. If the Council finds general compliance with the City of Donnelly Comprehensive Plan, the Council shall then consider the application for a zoning classification and consider any and all factors it deems, in its sole and absolute discretion, important to determine whether an application for annexation shall be granted or denied. If the Commission made negative findings related to the Comprehensive Plan and therefore did not make a recommendation on zoning classification for the property sought to be annexed, but the Council subsequently made favorable findings related to the Comprehensive Plan and wishes to proceed with the annexation, the Council shall remand the proceedings to the Commission for its recommendation on zoning classification.

Decision. The Council has the sole and absolute discretionary right to approve, approve with conditions or deny an application for annexation. In addition, the Council is authorized to require, as a condition of approval, that the applicant and the City enter into an annexation agreement providing for the terms and conditions of an approved annexation. The Council may also require the applicant, as a condition of approval, to construct certain improvements, including but not limited to private and/or public utilities, facilities, recreational or other amenities and landscaping, and to pay such annexation fees or other monetary or non-monetary contributions as the Council deems necessary to protect the health, safety and general welfare of the citizens of the City. In the event the fees and/or contributions are not paid at the time of annexation approval, the Council shall require the applicant to provide security in the form of a performance bond, irrevocable letter of credit or cash equivalent acceptable to the City for one-hundred and fifty percent (150%) of the bona fide estimate of the

cost of the improvements and one-hundred percent (100%) of the fees and/or contributions within thirty (30) days of the date when the Council approves the application but before the effective date of any annexation ordinance. Furthermore, the Council may, consistent with Idaho Code § 67-6537, require the applicant, as a condition to approval, to use all surface water appurtenant to the real property to be annexed as the primary water source for irrigation of the real property to be annexed. In the event a subsequent development proposal materially differs from the development shown in approved annexation, the annexation agreement shall provide that the proposed development may be denied, that the applicant shall be responsible for any increased annexation fees and/or that the property may be de-annexed. There shall be no right of an appeal by an applicant or by an affected party from an adverse recommendation by the commission or from an adverse decision of the council on an annexation application. If the council elects to approve the application for annexation with or without conditions, the council shall also establish the appropriate zoning district(s) for the annexed property in accordance with the procedures set forth in the City's zoning ordinance.