

CHAPTER I

ADMINISTRATION

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10-1-1: **PURPOSE OF TITLE:**

- A. This chapter establishes the purpose of this ordinance, identifies the enabling statute pursuant to which it is adopted, repeals conflicting ordinances, and establishes rules for its interpretation.
- B. The purpose of this ordinance shall be to promote the health, safety, and general welfare of the people of the city and the area of city impact by fulfilling the purposes and requirements of the Local Planning Act of 1975 and implementing the comprehensive plan for the city and its area of city impact. Specific statements of purpose accompany selected provisions of this ordinance, but the comprehensive plan provides the full statement of the city's purpose and intent in planning and zoning activities

10-1-2: **AUTHORITY:** This title is adopted pursuant to the authority granted by the Local Planning Act of 1975 and the City's constitutional police powers. It includes the zoning ordinance required by I.C. 67-6511 and the subdivision ordinance required by I.C. 67-6513. It also fulfills the other requirements of the Local Planning Act, including the provision for variances

required by I.C. 67-6516, the adoption of a hearing procedure required by I.C. 67-6534

- A. **Conflicting Titles Repealed:** All prior city ordinances are repealed to the full extent of their inconsistency with this ordinance.
- B. **Relationship to Other Laws:** When future city ordinances, or state or federal law, impose additional standards on the activities regulated by this ordinance, the most restrictive standard shall govern.
- C. **Impact on Private Agreements:** This ordinance does not nullify easements, covenants, deed restrictions, and similar private agreements, but where any such private agreement imposes standards that are less restrictive than those of this ordinance, the ordinance shall govern.
- D. **Burden of Proof:** The burden of proof shall, in all proceedings pursuant to this ordinance rest with the developer.
- E. **Interpretation:** All ordinance provisions shall be interpreted as being the minimum requirements necessary to protect the public health, safety, and general welfare and to implement the Local Planning Act and comprehensive plan. This ordinance is designed to be consistent with the comprehensive plan and should be liberally construed to achieve the plan's purposes and intent.

Severability: If any provision of this ordinance is held to be invalid by any court, the remainder shall continue in full force. (Ord. 94-1101, 11-1-1994)

10-1-3: **DEFINITIONS:**

- A. **Purpose:** This section provides definitions for important terms used in this title. Any dispute about the meaning of a term used in this title shall be resolved using the appeals procedure of subsection 10-1-5A of this chapter.
- B. **Rules:** Terms include both singular and plural forms; i.e., building includes buildings, and except where otherwise indicated, terms include their derivatives; i.e., adjacent includes adjoining.

As used in this title, the following words and terms shall have the meanings ascribed to them in this section:

ACCESSORY APARTMENT

An independent dwelling unit that has been added onto, or created within, a single-family house.

ACCESSORY DWELLING

A dwelling unit either attached to a single-family principal dwelling or located on the same lot and having an independent

means of access. Accessory dwellings are housekeeping units and include rental units and non-rental guest housing units. See Accessory Apartment.

ACCESSORY STRUCTURE

A non-dwelling unit/structure detached from a principal building located on the same lot and incidental and subordinate to the principal building or use. These structures include detached garages and studio/craft structures which may be free-standing or part of another accessory structure.

ACCESSORY USE

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ADJACENT LAND

A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

ADMINISTRATOR

The Mayor may, subject to confirmation by the City Council, shall designate the Planning and Zoning Administrator, or other qualified person, to administrator the regulations of this Ordinance.

ALLEY

A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

ALTERATION

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

ANNEXATION

The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

APARTMENT HOUSE	A structure containing three or more dwelling units.
APPLICANT	A person submitting an application for development.
APPROVED PLAN	A plan that has been granted final approval by the appropriate approving authority.
APPROVED STREET	Any vehicular way that is (1) an existing state, county, or municipal roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; (5) shown on the official map or adopted master plan. It includes the land between the street lines, whether improved or unimproved.
AREA DEVELOPMENT PLAN	A plan encompassing all contiguous parcels controlled by the same owner, which includes: Legal description of contiguous parcels; name(s) of owner(s) of contiguous parcels; streets, whether public or private; water main lines and sewer main lines; other utilities including power, telephone, cable, and gas; parks, if required under this Ordinance; grading and draining; easements; and, hazardous or natural resource areas.
AWNING	A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building.
BANNER	A sign of fabric, plastic, paper, or other light pliable material not completely enclosed by a rigid frame, and which is suspended, mounted or attached to buildings or poles. Flags, pennants, streamers and temporary signs, defined elsewhere, shall not be considered banners.

BASE FLOOD ELEVATION	The highest point, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood.
BASIC PARKING REQUIREMENT	The amount of parking a development must provide in the Central Business Zone Parking Overlay.
BEACON	Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.
BED AND BREAKFAST	Overnight accommodations and a morning meal in a dwelling unit (B&B) provided to transients for compensation.
BERM	A mound of earth or the act of pushing earth into a mound.
BEST MANAGEMENT PRACTICE	State-of-the-art technology applied to a specific problem and including a schedule of activities, prohibited practices, and maintenance procedures.
BIKE LANE	A corridor expressly reserved for bicycles, located on a street or roadway in addition to any lanes for use by a motorized vehicle.
BIKE PATH	An asphalt or concrete path which has been creased for non-motorized transportation and is usually physically separated from automobile travel lanes.
BILLBOARD SIGN	A commercial sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
BOARDINGHOUSE	A dwelling unit or part thereof in which, for compensation, lodging and meals are provided and personal and financial services may be offered.

BUILDING	Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.
BUILDING HEIGHT	The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs. (BOCA National Building Code, slightly modified.)
BUILDING PERMIT	Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.
BUILDOUT ANALYSIS	An estimate of the projected population, employment, traffic, utilities, and types/sizes of land uses in a project area or other designated area in accordance with the current zoning ordinance and other applicable regulations.
BULK STORAGE	The storage of chemicals, petroleum products, grains, and other materials in structures for subsequent resale to distributors or retail dealers or outlets.
CALIPER	The diameter of a tree trunk.
CANDLEPOWER	Luminous intensity expressed in candelas.
(CBZ) PARKING OVERLAY	An area described within the Central Business Zone minus the area to the west of the west limits of the Beryl St. right-of-way. The Basic Parking Requirement of two spaces per 1,000 square feet of net floor area as defined herein, applies within this zone with the exceptions specified in Table E.1. The CBZ Parking Overlay zone provides the option for a voluntary payment in-lieu of parking subject to the restrictions specified in Chapter 23-3 of this title. The City Council may by resolution modify or expand this Overlay.

CERTIFICATE OF OCCUPANCY (C/O)	A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes and ordinances.
CHANGE OF USE	Any use that substantially differs from the previous use of a building or land.
CHILD CARE CENTER	An establishment providing for the care, supervision and protection of children.
CITY	The City of Victor, Idaho.
CITY STANDARDS	Those standards for improvements as set forth in the City of Victor Standards and Specification Drawings, et. seq., as adopted by the City Council.
CLEAR VISION TRIANGLE	See SIGHT TRIANGLE.
CLUSTER SUBDIVISION	A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.
COMMERCIAL USE	Activity involving the sale of goods or services carried out for profit.
COMMON OPEN SPACE	Land within or related to a development, not individually owned or dedicated for public use, that is designated and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate.
COMMUNITY CENTER	A facility used for recreational, social, educational, and cultural activities.

COMMUNITY FOREST	The sum of all trees and shrubs within the city.
COMPATIBLE LAND USE	A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life for persons in surrounding or nearby buildings.
CONCEPT PLAN	A schematic or conceptual design for land development prepared for informal review purposes that carries no vesting rights or obligations on any party.
CONDITIONAL USE PERMIT	A use permitted in a particular zoning district when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving authority.
CONDOMINIUM	An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or any combination thereof, together with a separate interest in real property, in an interest or interests in real property, or any combination thereof.
CONGREGATE RESIDENCES	Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, laundry, and other support services appropriate for the residents and designed to provide a relatively independent lifestyle.
CONTIGUOUS	Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

CONTIGUOUS PARCELS	Two or more parcels of real property that share at least one common boundary of any length, or any portion of a boundary, with a separate parcel of real property, or are separated only by intervening streets or other City-owned parcels not more than 100 feet in width, controlled by the same owner.
COUNTY RECORDER	The County Recorder of Teton County, Idaho.
CORNER LOT	A lot or parcel of land abutting on two or more streets at their intersection on two parts of the same street forming an interior angle of less than 135 degrees.
CRITICAL HABITATS	Biological diverse areas containing habitats of endangered or threatened plant or animal species: contiguous freshwater wetland systems defines as the zone of biological diversity primarily supported by the wetlands and the wetland systems; and prime forested areas, including mature stands of native species.
CUL DE SAC	A street with a single common ingress and egress and with a turnaround at the end.
CURB CUT	The opening along the curb line at which point vehicles may enter or leave the roadway.
CUTOFF-TYPE LUMINAIRE	A lamp or source of illumination with elements such as a shield, reflector, or refractor panels that direct and cut off the light at a cutoff angle less than 90 degrees.
DAY CARE CENTER	See CHILD CARE CENTER.
DEDICATION	The deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted.

DENSITY	The number of families, individuals, dwelling units, households, or housing structures per unit of land.
DENSITY BONUS	The granting of additional floor area or dwelling units, beyond the zoned maximum, in exchange for providing or preserving an amenity at the same or a separate site.
DESIGN FIT	Consistency in scale, quality, or character between new and existing development so as to avoid abrupt and/or severe differences. See Compatible Land Use.
DESIGN REVIEW	Site or building design review by a design review body constituted to comment or make recommendations on the design or to grant approval. See SITE PLAN REVIEW.
DEVELOPER	The owner of a parcel on which a development has been proposed, but owners may appoint a representative for proceedings required by this ordinance.
DEVELOPMENT	The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; or any use or extension of the use of land.
DISEASED TREE	Diseased Tree” means a tree or part thereof which has become blighted, defaced or has become significantly diseased.
DOUBLE FRONTAGE LOT	A lot other than a corner lot having frontage on two (2) parallel or approximately parallel streets
DOWNZONE	To increase the intensity of use by increasing density or floor area ratio or otherwise decreasing bulk requirements.

DRIVEWAY	A vehicular access constructed on private property providing access to not more than two residential dwelling units.
DUPLEX	A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof.
DWELLING	A structure or portion thereof that is used exclusively for human habitation.
DWELLING, CONDOMINIUM	A building or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.
DWELLING, TOWNHOUSE	A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separate from any other unit by one or more vertical common fire-resistant walls.
DWELLING UNIT	One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of persons or a single family maintaining a household.
EASEMENT	A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
EASEMENT, UTILITY	The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.
EGRESS	An exit.
EXCEPTION	Permission to depart from the design standards in the ordinance.

FLAG	Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity.
FAMILY	A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit. For purposes of this ordinance, “family” does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of “criminal offenses.” (Merriam and Sitkowski 1999)
FAST FOOD RESTAURANT	An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in vehicles on the premises, or off the premises.
FINAL APPROVAL	The last official action of the approving agency taken on a development plan that has been given preliminary approval after all conditions and requirements of preliminary approval have been met and the required improvements have either been installed or guarantees properly posted for their installation, or approval conditioned on the posting of such guarantees.
FINAL PLAT	The final map, drawing, and related documents by which the subdivision is presented to the City for approval, and which, if approved, will be submitted to the County Recorder for recording.
FIRE LANE	A roadway or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.

FLAG LOT	A lot or parcel that has a narrow projection or “flagpole” to the public or private right-of-way.
FLOATING ZONE	An unmapped zoning district where all the zone requirements are contained in the ordinance and the zone is fixed on the map only when an application for development meeting the zone requirements is approved.
FLOODPLAIN	The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.
FLOODPLAIN	A relatively flat area or low land adjoining a body of water which has been or may be inundated by water which is within the area designated as the Flood Hazard Overlay District.
FLOODWAY	The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.
FOOTCANDLE	(1) The unit of illumination when the foot is the unit of length. (2) A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. Foot-candles are measured with a light meter.
FRONT LOT LINE	The lot line separating a lot from a street right-of-way.
FRONTAGE ROAD	A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.
FULLY SHIELDED	The luminaire and its mounting, taken as a whole, allow no direct light above the horizontal.
GLARE	Stray 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.

GENERAL DEVELOPMENT PLAN

A plan showing general land use, circulation, open space, utilities, storm water management, environmental factors, community facilities, housing, and phasing for parcels of land in excess of 100 acres and proposed to be constructed as a planned development.

GLARE

The effect produced by light from a luminaire with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GREEN SPACE

Is planned and preserved open land, an interconnected system of open land, and determined to have cultural, ecological, and/or recreational value.

GREENWAY

(1) A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) any natural or landscaped course for pedestrian or bicycle passage; (3) an open-space connector linking parks, natural reserves, cultural features, or historic sites with each other and with populated area; (4) locally, certain strip or linear parks designated as a parkway or greenbelt. (Little 1990)

GREYWATER

Wastewater from domestic sinks and tubs, but excluding that part of the plumbing waste stream that includes human wastes.

GRID SYSTEM

A map coordinate system that allows identification of a land use by using two coordinate figures.

GROSS FLOOR AREA (GFA)	The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches. (Institute of Real Estate Management 1985)
GROUND COVER	Grasses or other low-growing plants and landscaping.
HANDICAP	Physical or mental impairment that substantially limits one or more of a person's major life activities.
HAZARDOUS SUBSTANCE	Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.
HEIGHT (OF LIGHT)	The height shall be measured from finished grade to the lamp center or lens surface, whichever is lower.
HIGHWAY ORIENTED BUSINESS	A use dependent on both a large flow of traffic and convenient access.
HISTORIC AREA	A district, zone, or area designated by a local, state, or federal authority within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area, the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

HISTORIC BUILDING	Any building or structure that is historically or architecturally significant.
HISTORIC DISTRICT	See HISTORIC AREA.
HOLIDAY LIGHTING	Strings of individual lamps, where the lamps are at least three inches apart and the output per lamp is not greater than fifteen (15) lumens.
HOME OCCUPATION	Any activity carried out for gain by a resident and conducted in the resident's dwelling unit.
HOME PROFESSIONAL OFFICE	A home occupation consisting of the office of a practitioner of a recognized profession.
HOMEOWNERS ASSOCIATION	A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.
HYBRID PRODUCTION FACILITIES	A commercial operation or use in which, on one premises finished consumer goods are manufactured or produced and those same goods are offered for sale to the general public. Hybrid productions must be similar in size and scale and scope of operation with adjacent nearby uses.
ILLUMINANCE	The amount of light falling on any point of a surface measured in foot-candles. All illuminance values in this ordinance shall be initial values based on new lamps and fixtures.
IMPACT ANALYSIS	A study to determine the potential direct or indirect effects of a proposed development on activities, utilities, stormwater runoff, circulation, surrounding land uses, community facilities, environment, and other factors.
IMPERABLE	Not permitting the passage of water.

IMPERVIOUS SURFACE	A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.
IMPROVEMENT	Any permanent structure that becomes part of, is placed upon, or is affixed to real estate.
INDUSTRY	Those fields of economic activity including forestry, fishing, hunting, and trapping; mining, construction manufacturing; transportation, communication, electric, gas and sanitary services; and wholesale trade.
INDUSTRY, HEAVY	Industrial uses of the sort where; explosive hazards, noxious fumes, air pollution, noise pollution, water pollution are a part of the industrial process/production that meet the performance standards, bulk controls, and other requirements contained in this ordinance.
INDUSTRY, LIGHT	Industrial uses that meet the performance standards, bulk controls, and other requirements contained in this ordinance.
INFILL	The development of new housing or other uses on scattered vacant sites in a built-up area.
INFRASTRUCTURE	The facilities, properties, supports and utilities which provide services.
INGRESS	Access or entry.
INJURIOUS PEST OR DISEASE	Organisms capable of seriously damaging the form or structural integrity of a tree.
INTENSITY OF USE	The number of dwelling units per acre for residential development and floor area ratio (FAR) for nonresidential development, such as commercial, office, and industrial.
KENNEL	An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.

KIOSK	A freestanding structure with two or more sides used to display community and visitor information, business directories and maps.
LAMP	The generic term for an artificial light source, to be distinguished from the whole luminaire.
LAND SURVEYOR	One who is licensed by the state as a land surveyor and is qualified to make accurate field measurements and to mark, describe, and define land boundaries.
LAND USE	A description of how land is occupied or used.
LAND USE INTENSIT STANDARDS	A system of bulk regulations, designed primarily for large-scale developments, and based on the physical relationships between specific development factor.
LAND-USE MAP	Map component of the comp plan. A basic element of the community mast plan containing proposals for the physical, economic, and social development of the community.
LANDFILL	A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan.
LANDSCAPE	(1) An expanse of natural scenery, (2) lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.
LANDSCAPE PLAN	<p>A component of a development plan on which are shown: Proposed landscape species (such as Number, spacing, size at time of planting, and planting details);</p> <p>Proposals for protection of existing vegetation during and after construction;</p>

	Proposed treatment of hard and soft surfaces; Proposed decorative features; Grade changes; and, Buffers and screening devices.
LARGE SCALE	Any industrial or commercial development that is projected to generate 500 or more automobile trips per day at peak occupancy.
LARGE SCALE DEVELOPMENT	Any residential development that will include ten or more units.
LETTER OF CREDIT	A letter issued by a bank permitting the person or agency named in it to draw a certain amount of money from another specified bank.
LIGHT TRESPASS	Light falling on the property of another or the public right-of-way when it is not required to do so.
LIGHTING PLAN	A plan specific to a project or development showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light proposed.
LIMITED-ACCESS HIGHWAY	A highway, especially designed for through traffic, over which abutting lot owners have no right to light, air, or direct access.
LOCAL AUTHORITY	Any city, town, village, or other legally authorized agency charged with the administration and enforcement of land-use regulations.
LOCAL GOVERNING BODY	People elected or appointed to administer a government. The Planning and Zoning Commission and City Council
LOT, CORNER	A lot or parcel of land abutting on two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135 degrees.
LOT, FLAG	A lot not meeting minimum frontage requirements and where access to the public road is by a private right-of-way or driveway/ easement.

LOT AREA	The total area within the lot lines of a lot, excluding any street rights-of-way.
LOT COVERAGE	That part of the lot that is covered by impervious surfaces. SEE IMPERVIOUS SURFACE.
LOT LINE	A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.
LOT LINE ADJUSTMENT	A modification of easement lines, the creation or modification of a building envelope, or modification of boundary lines between existing lots, parcel of land, or properties, which does not reduce the area, frontage, width, depth, or building setback lines of each lot, parcel of land, or property below the minimum zoning requirements and which does not create additional lots or new streets.
LOW-INCOME HOUSING	Housing that is economically feasible for families whose income level is categorized as low within the standards promulgated by the U.S. Department of Housing and Urban Development (HUD) or the appropriate state housing agency.
LUMEN	A unit of measure of the quantity of light that falls on an area of 1 square foot, every point of which is 1 foot from the source of 1 candela.
LUMINAIRE	The complete lighting unit, including the lamp, the fixture, and other parts.
MALL	A shopping center of between 80,000 and 150,000 square feet on a site of 8 to 15 acres where tenants are located on both sides of a covered walkway with direct pedestrian access to all establishments from the walkway.
MANUFACTURED HOME	A factory-built, single-family structure that meets the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD Code.

MANUFACTURING	Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins, or liquors.
MASTER PLAN	A comprehensive, long-range 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.
MAY	Permissive at the option of the person, persons, or agencies referred to in the sentence where used.
MEAN HIGH WATER MARK	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 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.
MICROBREWERY	A restaurant that prepares handcrafted natural beer intended for consumption on the premises as an accessory use.
MINE	(1) A cavity in the earth from which minerals and ores are extracted; (2) the act of removing minerals and ores.
MINING	The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases.

MIXED-USE	The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, in a compact urban form.
MIXED-USE ZONING	Regulations that permit a combination of different uses within a single development or zone.
MOBILE HOME	A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, and built prior to enactment of the Federal Manufactured Home Construction and Safety Standards.
MOBILE HOME PARK	A site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured houses. The site may include services and facilities for the residents.
MODULAR HOME	A structure intended for residential use and manufactured off-site in accordance with the local or state code.
MOTEL	An establishment providing sleeping accommodations for transients.
MOTOR VEHICLE, ABANDONED	A motor vehicle that 1) is physically inoperable, or missing essential parts to be operable, and/or has been stored on public property for more than 48 hours; 2) lacks a current license plate and is not stored within a completely enclosed structure or is not currently for sales and stored at a facility licensed for such sales.
MULTIFAMILY DWELLING	A building containing three or more dwelling units, including units that are located one over another.
MULTIPLE-BUSINESS COMPLEX	A group of structures housing at least separate businesses or agencies, or a single structure containing more than one business with separating walls and at least

	one outside access for each business which shares a common lot, access and/or parking facility.
MULTI-TENANT BUILDING	One building shared by two or more tenants that are separate tax entities.
MURAL	A painting applied to the exterior of a building for artistic and aesthetic purposes.
NATIVE VEGETATION	Vegetation that occurred naturally in a specific geographic area or was introduced into the area by humans.
NATURAL CONDITION	A condition that arises from or is found in nature and not altered by human intervention.
NEIGHBORHOOD	An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads, or natural features, such as water bodies or topography.
NEIGHBORHOOD PARK/COMPLEX	A park area designated for intense recreational activities including, but not limited to, field games, crafts, playground apparatus, and picnicking.
NET FLOOR AREA (NFA):	The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when these are used or intended to be used for human habitation or service to the public.
NET LOT AREA	The area of the lot excluding those features or areas that the development ordinances excludes from the calculations.

NOISE	(1) Any undesired audible sound; (2) any sound that annoys or disturbs humans or that causes or tends to cause an adverse psychological or physiological effect on humans.
NONCONFORMING LOT	A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
NONCONFORMING SIGN	A sign lawfully erected and maintained prior to the adoption of the current ordinance that does not conform with the requirements of the current ordinance.
NONCONFORING STRUCTURE/ BUILDING	A structure or building the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
NONCONFORMING USE	A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
NUISANCE	A condition or situation that results in an interference with the enjoyment and use of property.
NURSING HOME	A long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.
OCCUPANCY PERMIT	A required permit allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.

ODOROUS MATTER	Any material that produces an olfactory response in a human being.
OFFICE, HOME	A home occupation in which a part of a dwelling unit is used as the resident's office.
OFFICE BUILDING	A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity; it may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child-care facilities.
OFFICE PARK	A development on a tract of land that contains a number of separate office buildings, with accessory and supporting uses, and open space designed, planned, constructed, and managed on an integrated and coordinated basis.
OFF-SITE	Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application or within a contiguous portion of a street or other right-of-way.
OFF-SITE PARKING	Parking provided for a specific use but located on a site other than the one on which the specific use is located.
OFF-STREET LOADING	Designated areas located adjacent to buildings where trucks may load and unload cargo.
OFF-STREET PARKING SPACE	A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.
ON-SITE	Located on the lot that is the subject of an application for development.
ON-SITE WASTEWATER DISPOSAL SYSTEM	A set of components or systems that treat, convey, and dispose of domestic wastewater on-site.
ON-STREET PARKING SPACE	A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

OPEN MEETING OR HEARING	A meeting open to the public.
OPEN SPACE	Any parcel or area of land or water, essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.
OPEN SPACE RATIO	Total area of open space divided by the total site area in which the open space is located.
ORDINANCE	A law or regulation adopted by a governing body.
OUTBUILDING	A separate accessory building or structure not physically connected to the principal building.
OUTDOOR STORAGE	The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.
OVERLAY ZONE	A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.
OWNER	Any individual, firm, association, syndicate, corporation, trust, partnership, limited liability company, or any other legal entity having an ownership or contractual interest in the land sought to be subdivided under this Ordinance.
PARK, PRIVATE	A tract of land owned or controlled and used by specific and designated entities or persons for active and/or passive recreational purposes.
PARK, PUBLIC	A tract of land owned by a branch of government and available to the general public for recreational purposes.
PARK TREES	Trees, shrubs, bushes and all other woody vegetation in public parks and other areas owned by the City,

	or to which the public has free access, but excluding those trees in the public right of way
PARKING, SHARED	Joint utilization of a parking area for more than one use.
PARKING ACCESS	The part of a parking lot or parking area that allows motor vehicles ingress and egress from the street.
PARKING ACCESS LANE	A way or means of vehicular and pedestrian approach for all uses to provide access to an off-street parking lot from a public or private street into private property.
PARKING AREA, PRIVATE	A parking area for the exclusive use of the owners of the lot on which the parking lot is located or whomever else they permit to use the parking area.
PARKING AREA, PUBLIC	A parking area available to the public, with or without payment of a fee.
PARKING LOT	An off-street, ground-level open area that provides temporary storage for motor vehicles.
PARKING RATIO	The number of parking spaces required per 1,000 space feet of gross floor area.
PARKING SPACE	A space for the parking of a motor vehicle within a public or private parking area.
PARKING SPACE, HANDICAPPED	A space in a parking area with stall dimensions, access, and signage conforming to the Americans with Disabilities Act (ADA) or applicable state standards.
PEDESTRIAN WALKWAY	A right-of-way for pedestrians, separate from vehicular traffic and including access ramps, stairs, mechanical lifts, and routes through buildings and other areas that are available for public use.
PENNANT	Any lightweight plastic, fabric or other material, not containing a message of any

	kind, suspended from a rope, wire, pole or string, designed to move in the wind.
PERFORMANCE STANDARDS	A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.
PERSON	Any individual, firm, partnership, or corporation.
PERMIT	Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.
PERMITTED USE	Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
PERVIOUS SURFACE	Any material that permits full or partial absorption of stormwater into previously unimproved land.
PHASING	Development undertaken in a logical time and geographical sequence.
PLANNED DEVELOPMENT	An area of minimum contiguous or noncontiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, and residential uses or a combination of such uses, and appurtenant common areas and accessory uses, customary and incidental to the predominant uses.
PLANNED UNIT DEVELOPMENT	An area of at least 5 contiguous or noncontiguous acres in size to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters, which may include appropriate commercial, public, or quasi-public uses primarily for the benefit of the residential development.
PLANNING AND ZONING COMMISSION	The Victor Planning and Zoning Commission. Also known as “the Commission.”

PLANT UNIT	A basic measurement of plant material required to fulfill a landscaping requirement based on the standards of this ordinance. See Landscaping Requirements.
PLAT	A map of a plot of land divided into building lots or other properties.
PLAT, FINAL	A map of all or a portion of a subdivision or site plan that is presented to the approving authority for final approval.
PLAT, PRELIMINARY	A map or plan, with supporting documentation, showing the proposed layout of the subdivision or site plan that is submitted for preliminary approval.
PLAYGROUND	An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.
POTABLE WATER	Water suitable for drinking purposes.
PREEXISTING USE	The use of a lot or structure prior to the time of the enactment of a zoning ordinance.
PRELIMINARY PLAN	SEE PLAT, PRELIMINARY.
PRINT	Any copy of an original which reproduces exactly the original drawing from which it is made.
PRIMARY BUILDING	A fully enclosed and roofed structure, or portion thereof in separate ownership, which houses the primary uses of at least one business, residence or other establishment. Accessory buildings or outbuildings are not included in this definition.
PUBLIC AREAS	Parks, playgrounds, trail, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

PUBLIC HEARING	A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.
PUBLIC IMPROVEMENT	Any improvement, facility, or service, together with its associated site or right-of-way, necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that is usually owned and operated by a governmental agency.
PUBLIC NOTICE	The advertisement of a public hearing in a paper of general circulation, and through other media sources, indicating the time, place, and nature of the public hearing and where the application and pertinent documents may be inspected.
PUBLIC RIGHT-OF-WAY	“Public right-of-way” is improved or unimproved public property owned by, dedicated to, or deeded to, the public or the public’s use for the purposes of providing vehicular, pedestrian, and other public use. Such public property provides circulation and travel to abutting properties, but is not limited to, streets, alleys, sidewalks, tree lawn, provisions for public utilities, cut and fill slopes and open public spaces.
PUBLIC TREES	Trees growing on or within any street, park, or public place owned or managed by the City of Victor.
PUBLIC UTILITY EASEMENT	A right granted by an owner of property to a public utility or governmental agency to erect and maintain poles, wires, pipes, or conduits on, across, or under the land, for telephone, electric power, gas, water, sewers, or other utility services.
PUBLIC UTILITY FACILITIES	Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of

	utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.
QUORUM	A majority of the full authorized membership of a board or agency.
RAW LAND	Land in its natural state before development.
RECORD GRADE	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 FACILITY	A place designed and equipped for the conduct of sports and leisure-time activities.
REDEVELOPMENT	The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.
REMODEL	To construct an addition or alter the design or layout of a building or make alterations or structural changes.
RESIDENCE	A home, abode, or place where an individual or family is actually living at a specific point in time.
RESIDENTIAL CLUSTER	A form of planned-unit residential development to be built as a single entity and containing residential housing units that have private or public open space area as an appurtenance.
RESIDENTIAL DENSITY	The number of dwelling units per acre of residential land.
RESTAURANT	An establishment where food and drink are prepared, served, and consumed, mostly within the principal building.
RETAINING WALL	A structure that is constructed between lands of different elevations to stabilize the surfaces, prevent erosion, and/or protect structures.

RETENTION BASIN	A pond, pool, or basin used for the permanent storage of water runoff.
REZONE	To change the zoning classification of particular lots or parcels of land.
RIDGE LINE	(1) the intersection of two roof peaks forming the highest horizontal line of a roof; (2) the highest elevation of a mountain chain or line of hills.
RIGHT OF ACCESS	The legal authority to enter a property.
RIGHT-OF-WAY	(1) A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses; (2) generally, the right of one to pass over the property of another.
RIGHT-OF-WAY	A strip of land used by the City of Victor over which a public road or other access pass.
RIPARIAN LAND	Land that is traversed or bounded by a natural water course or adjoining tidal lands.
ROAD	Any vehicular way that is (1) an existing state, county, or municipal roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; (5) shown on the official map or adopted master plan. It includes the land between the right of way lines, whether improved or unimproved. SEE STREET.
ROADWAY	That portion of a street improved, designed or ordinarily used by the public for vehicular traffic.

ROOMING UNIT	Any habitable room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping but not for cooking or eating.
ROW HOUSE	An attached dwelling separated from others in a row by a vertical unpierced wall extending from basement to roof.
RUBBISH	A generic term for solid waste, excluding food waste and ashes, taken from residences, commercial establishments, and institutions.
RUNOFF	The portion of rainfall, melted snow, irrigation water, and any other liquids that flows across ground surface and eventually is returned to streams.
RURAL AREA	A sparsely developed area, with a population density of fewer than 100 persons per square mile, where the land is undeveloped or primarily used for agricultural purposes.
SANITARY SEWERS	Pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted.
SCALE	(1) The relationship between distances on a map and actual ground distances; (2) the proportional relationship of the size of parts to one another.
SCALE OF DEVELOPMENT	The relationship of a particular project or development, in terms of its size, height, bulk, intensity, and aesthetics, to its surroundings.
SCENIC CORRIDOR	An area visible from a highway, waterway, railway, or major hiking, biking, equestrian trail, or publicly accessible right-of-way that provides vistas over water and across expanses of land, such as farmlands, woodlands, coastal wetlands, or mountaintops or ridges.
SCHOOL	Any building or part thereof that is designed, constructed, or used for

	education or instruction in any branch of knowledge.
SCREENING	(1) A method of visually shielding or buffering one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation; (2) the removal of relatively coarse floating and/or suspended solids by straining through racks or screens.
SEASONAL DWELLING UNIT	A dwelling unit that lacks one or more of the basic amenities or utilities required for all-year or all-weather occupancy.
SEASONAL USE	A use carried on for the equivalent of a seasonal part of a year or three consecutive months.
SENSE OF PLACE	The characteristics of an area that make it readily recognizable as being unique and different from its surroundings and having a special character and familiarity.
SETBACK	The distance measured at right angles to a given lot line, between said lot line and an imaginary line parallel to said lot line, defining an area between such lines within which no building or applicable structure may be placed.
SEX SHOP	Any establishment offering, for sale or rent, items from any two of the following categories: sexually oriented books, magazines, and videos; leather goods marketed or presented in a context to suggest their use for sexually activities; sexually oriented toys and novelties; or video viewing booths; or an establishment that advertises or holds itself out in any forum as a sexually oriented business.
SHALL	Is always mandatory and not merely directory.
SHARED DRIVEWAY	A single driveway serving two or more adjoining lots.
SHOULDER	That part of the roadway contiguous with the traveled way for accommodation of stopped vehicles, emergency use, and

lateral support of base and surface courses.

SHRUB

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

SIDEWALK

A 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.

SIDEWALK SALES

Retail sales of a short-term and temporary nature conducted on the sidewalk or adjacent to the indoor establishment of the tenant or owner without permanent improvement made to the site.

SIGHT TRIANGLE

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN

Any material, structure, statue or device used or located out-of-doors or on the exterior of any building or window, or indoor use of building visible from the outside, for the purpose of displaying, illustrating or directing attention to a business or building, advertisement, announcement, notice, name or emblem for the identification of a person, place, object or product. The definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers.

SIGN, ABANDONED

Any sign applicable to a use which has been discontinued for a period of sixty (60) days or more.

SIGN, ANIMATED

Any sign or part of a sign which changes physical position by any movement or

	rotation, or which gives the visual impression of such movement or rotation.
SIGN, BUILDING	Any sign attached to any part of a building, as contrasted to a freestanding sign.
SIGN, CAMPAIGN	A temporary sign announcing or supporting political candidates or issues in connections with a specific national, state, or local election.
SIGN, CHANGEABLE COPY	Any sign using changeable letterbox symbols or sign faces through mechanical, electrical or manual means. Also known as “reader boards” and “marquees.”
SIGN, DIRECTIONAL	A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as “one way,” “entrance” and “exit,” but not used for advertising.
SIGN, DIRECTORY	An on-premise identification sign that contains the name of three (3) or more businesses located within the same building or complex.
SIGN, FACE	The area or display surface used for a message.
SIGN, FLASHING	Any sign directly or indirectly illuminated which exhibits changing natural or artificial light or color effects by any means whatsoever.
SIGN, FREESTANDING	Any sign supported by a structure or supports that are permanently anchored in the ground and that are independent from any building or other structure.
SIGN, GOVERNMENT	Any sign erected and maintained pursuant to and in discharge of any government function, or required by law, ordinance, or other government regulation.
SIGN, IDENTIFICATION	A sign incorporated into the structure of a building for the sole purpose of identifying the building or its address.
SIGN, INCIDENTAL	A sign, generally informational, that has a purpose secondary to the use of the lot on

which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message shall be considered incidental.

SIGN, INFLATABLE

Any three dimensional air or gas filled object which is attached or tethered to the ground, site, merchandise, structure, or roof and used to attract attention to a business or activity.

SIGN, INTERNALLY LIT

Any sign lighted by a source which is inside of or behind an enclosed sign or sign face made of translucent material.

SIGN, MONUMENT

A ground-related, freestanding sign which is attached to the ground or to its base on grade by a solid sign structure that extends from the ground or base to the sign face at the same or greater width as the sign face.

SIGN, MEMORIAL

A sign, tablet, or plaque memorializing a person, event, structure or site.

SIGN, NON-CONFORMING

Any advertising structure or sign existing at the time of adoption or amendment of this Ordinance which does not conform to the regulation herein.

SIGN, OBSCENE

An obscene sign is a sign that contains offensive language, is hate based, is discriminatory or on which the dominant theme of material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

SIGN, OFF-SITE

Any sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premise on which the sign is located.

SIGN, PORTABLE

A sign that is not permanently affixed to a building, structure or site. This definition includes “sandwich signs,” designed to be

placed in a sidewalk or pedestrian walk way and placards temporarily affixed to a structure other than a wall.

SIGN, PROJECTING

Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

SIGN, REAL ESTATE

Any sign pertaining to the sale or lease of the premises on which the sign is located.

SIGN, ROOF

Any sign mounted on the roof of a building. Also any sign which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof; the eave line of a building with a gambrel, gable or hip roof; or the deck line of a building with a mansard roof.

SIGN, TEMPORARY

Any sign that is used temporarily and is not permanently mounted and which is constructed of cloth, canvas, light fabric, paper, cardboard, or other light materials, without frames, which is displayed for a limited time only.

SIGN, WALL

A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building or a canopy.

SIGN, WARNING

Signs limited to a message of warning, danger or caution.

SIGN, WINDOW

Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window glass panes and is visible from the exterior of the window. This term does not include merchandise displays.

STREAMER

An attention-attracting device consisting of two or more pennants, banners, balloons, ribbons, reflectors, fringes or similar objects strung together on a common line, pole, or sign structure, or attached to one or more products offered for sale.

STREET TREES	Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of a public street, avenue, or alley within the City.
SITE PLAN REVIEW	Illustrates all those details of a proposed development needed to demonstrate compliance with this ordinance, including the location of existing and proposed property lines, easements, buildings, parking areas, streets, sidewalks, landscaped buffers, and other features of the site.
SKETCH PLAN	A layout of a proposed subdivision, site plan, or development scheme of sufficient accuracy and detail to be used for the purpose of discussion and classification.
SMART GROWTH	Policies, legislation, regulations, procedures, and strategies that attempt to achieve more compact, efficient, walkable and mixed-use neighborhoods. Smart Growth subscribes to the ten Smart Growth Principles as defined by the International City/County Management Association.
SOLAR ACCESS	A property-owner's right to have the sunlight shine on the owner's land during the hours of 10 am to 2 pm on the winter solstice (Dec. 21).
SOLAR COLLECTOR	A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.
SOLID WASTE	Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.
SPECIAL USE PERMIT	A permit issued by the proper governmental authority that must be acquired before a special use can be implemented.
SPECIFICATIONS	Detailed instructions that designate the quality and quantity of materials and

	workmanship expected in the construction of a structure.
SPOT ZONING	Rezoning of a lot or parcel of land to benefit an owner for a use that is incompatible with surrounding land uses and that does not further the comprehensive zoning plan.
SPRAWL	Poorly planned, auto-dependent growth, usually of low-density, single-use nature, in previously rural areas and some distance from existing development and infrastructure.
STORAGE, OUTDOOR	See OUTDOOR STORAGE.
STORMWATER DETENTION	Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot or rooftop detention, porous pavement, dry wells, or any combination thereof.
STORMWATER MANAGEMENT	The control and management of stormwater to minimize the detrimental effects of surface water runoff by containing stormwater upon the site..
STREET	A way for vehicular traffic which affords the principal means of access to abutting property.
STREET: ARTERIAL OR MAJOR	A fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for travel between large areas.
STREET COLLECTOR	A street that collects traffic from local streets and connects with minor and major arterials.
STREET: COLLECTOR OR SECONDARY	A street which carries traffic from local or minor streets and which serves for the circulation of traffic in residential or commercial developments.
STREET, CUL-DE-SAC	A street with a single common ingress and egress and with a turnaround at the end.
STREET: CUL DE SAC OR DEAD END	A street with only one outlet.

STREET, IMPROVED PUBLIC	Any street that complies in width and construction with municipal standards, or a street meeting lesser standards that the municipality agrees to accept.
STREET: LOCAL OR MINOR	A street used primarily for access to the abutting properties.
STREET, MINOR ARTERIAL	A street that interconnects and links major arterials and distributes traffic to and from collector streets.
STREET, MULTIFAMILY ACCESS	A type of private residential street serving multifamily development that is either a loop street or a connecting street between streets and that permits nonparallel on-street parking that is accessed from the traveled way.
STREET, PRIVATE	A street which provides limited access and emergency vehicle and pedestrian access, but is not accepted for a dedication or maintenance by the city.
STREET, RURAL	A road primarily serving as access to abutting building lots in areas with densities of less than one dwelling unit per acre.
STREETSCAPE	A design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture; landscaping, including trees and other plantings; awnings and marquees; signs, and lighting.
STREET TREES	Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of a public street, avenue, or alley within the City.
STRIP COMMERCIAL DEVELOPMENT	Commercial or retail uses, usually one-story high and one-store deep, that front a major street.

STRUCTURAL ALTERATION	Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.
SUBDIVIDER OR DEVELOPER	Any individual, firm, association, syndicate, corporation, trust, partnership, limited liability company, or other legal entity commencing proceedings to effect a subdivision of land hereunder for himself or for another.
SUBDIVISION	The division of a lot, tract, or parcel of land into three or more lots, tracts, parcels, or other division of land for sale, development, or lease.
SURVEY	(1) The process of precisely ascertaining the area, dimensions, and location of a piece of land; (2) determining the characteristics of persons, land, objects, buildings, or structures by sampling, census, interviews, observations, or other methods.
TEMPORARY PERMIT	Authorization for a land-use activity for a limited period of time.
TEMPORARY STRUCTURE	A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
TEMPORARY USE	A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.
TOPPING	The severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown or the removal of the top part (trunk and limbs) of a coniferous tree, thereby removing the normal canopy and disfiguring the tree.
TOT LOT	An improved and equipped play area for small children, usually up to elementary school age.

TOWNHOUSE DEVELOPMENT

A planned residential project of two or more townhouse units, where permitted by the Victor Zoning Ordinance, 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 firewalls as required by the International Building Code, each unit having its own access to the outside, and no unit located over another unit in part or in whole. All townhouse development(s) shall be platted under the procedures contained herein.

TOWNHOUSE SUBLLOT

The lot resulting from platting a residential townhouse development. Townhouse sublots shall have a minimum area equal to that of the perimeter of each individual townhouse unit, and an additional area three feet in width adjacent to any opening, measured at the foundation. Said sublots shall not be buildable for structures other than a townhouse unit as defined herein. Platting of sublots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect. All other detached and/or accessory buildings shall be contained within the perimeter of the townhouse subplot, except as otherwise permitted herein.

TOWNHOUSE UNIT

One or more rooms, including a minimum of one (1) bathroom and a single kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse subplot, and meeting the efficiency dwelling unit standards established in the International Building Code.

TRAFFIC IMPACT STUDY

A report analyzing anticipated roadway conditions before and after proposed development.

TRANSITIONAL ZONE

A zoning district that permits uses compatible with uses permitted in two adjacent zones that, without the transition

	zone, could be considered incompatible with each other.
TRAVEL TRAILER	A recreational vehicle that is towed by a car or truck.
TREE	“Tree” is a woody perennial plant, usually having one main stem or trunk and many branches and which, at maturity, is expected to exceed fifteen (15) feet in height and two (2) inches in diameter. The failure to achieve such height at maturity shall not preclude its consideration as a tree.
TREE LAWN	That portion of the public right-of-way lying between the street and private property lines which is generally unimproved and planted with grass or other vegetation.
TREE STANDARDS	The set of specifications concerning the planting, care and maintenance of trees.
TWO FAMILY DWELLING	A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or any unpierced ceiling and floor5 extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
UNIFORMITY	The requirement that all properties in a zoning district be treated alike.
UPZONE	To increase the intensity of use by increasing allowable density or increasing the floor area ratio or otherwise increasing bulk requirements.
UTILITY EASEMENT	See EASEMENT, UTILITY.
UTILITY SERVICES	The generation, transmission, and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.
VARIANCE	Permission to depart from the literal requirements of a zoning ordinance.

VARIANCE, HARDSHIP	A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property.
VEHICLE	Any motorized device designed 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, INOPERABLE	Any vehicle that, while at present inoperable, is in a condition whereby repairs to the same could be made to place it in operating condition without exceeding its present estimated value and repair.
VISUAL IMPACT	A modification or change that could be incompatible with the scale, form, texture, mass, or color of the natural or built environment.
WAREHOUSE	A building used primarily for the storage of goods and materials.
WASTE	<ol style="list-style-type: none"> 1. <i>Bulk waste</i> – Items whose size precludes or complicates their handling by normal collection, processing, or disposal methods. 2. <i>Construction and demolition waste</i> – Building materials and rubble resulting from construction, remodeling, repair, and demolition operations. 3. <i>Hazardous waste</i> – Wastes that require special handling to avoid illness or injury to persons or damage to property 4. <i>Special waste</i> – Wastes that require extraordinary management 5. <i>Wood pulp waste</i> – Wood or paper fiber residue resulting from a manufacturing process. 6. <i>Yard waste</i> – Plant clippings, prunings, and other discarded material from yards and gardens.
WASTEWATER	(1) Water carrying wastes from homes, businesses, and industries that is a

	mixture of water and dissolved or suspended solids; (2) excess irrigation water that is runoff to adjacent land.
WATER QUALITY MANAGEMENT PLAN	The identification of strategies, policies, and procedures for managing water quality and wastewater treatment and disposal in a geographical area.
WATER SUPPLY SYSTEM	The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.
YARD, FRONT	A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.
YARD, REAR	A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
YARD, SIDE	A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.
ZONE	A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.
ZONING	The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
ZONING DISTRICT	See Zone.
ZONING MAP	The map or maps that are a part of the zoning ordinance and delineate the boundaries of zone districts.

10-1-4: **ADMINISTRATIVE PROCEDURES:** This chapter requires a permit for all land development and building activity in the city and the area of impact and establishes procedures for the administration of this title, including the procedures for processing permit applications required by Idaho Code Section 67-6534. (Ord. 94-1101, 11-1-1994)

10-1-5: **PERMITS REQUIRED:**

- A. Permit Required: A permit shall be required for any division of land, including lot splits and plat amendments, grading, construction, reconstruction, or any land development or building activity, except as specifically exempted by B. of this section. Applications for permits shall be processed as described in this chapter.

- B. Exemptions: Activities listed here are not exempt from any requirement of this ordinance, except the requirement for a permit. No permit shall be required for:
 - 1. An unwilling sale of land as a result of condemnation or the acquisition of sale of land for street rights-of-way or other public ways or spaces;

 - 2. Any division of land in which all parcels created or remaining are more than 20 acres in size and which does not involve the dedication of streets or other public ways or spaces;

 - 3. Grading required for the routine maintenance of a use, including the routine maintenance of irrigation systems and utilities, and lawn care and gardening;

 - 4. Remodeling that does not alter the exterior dimensions of the building involved, except where a permit is required by International Building Code (IBC) (note that the state plumbing or electrical codes, or District Seven Health Department may also require a permit for remodeling);

 - 5. Accessory buildings of less than 120 square feet in floor area and less than 10 feet in height, except where such structures are located within the Trail Creek Overlay Zoning District or are used for a commercial or industrial purpose;

 - 6. Fences of six feet or less in height (note that all fences must comply with the requirements of this ordinance for clear vision triangles at intersections with and points of access to public streets);

 - 7. Minor utility installations; and

 - 8. Certain signs, as provided in

- C. Application Forms: Applications shall be submitted on forms provided by the city and multiple copies of applications and supporting materials. No incomplete application shall be accepted.
- D. Application Fees: Application fees for each type of permit established by this title shall be established by resolution of the council.
- E. Where an agent is acting on behalf of an applicant, there shall be documentation notarized to allow agent to act on behalf of the applicant.

10-1-6: **SKETCH PLAN AND SITE PLAN APPLICATIONS:**

- A. Sketch Plan Review : This review is available for any project where the owner/developer wants direction and information on code requirements prior to submitting detailed plans. This meeting does not give any rights to an applicant or permission to proceed with any project until permits are completed and approved through the correct procedures. There is no decision made to approve or deny during this review. Applications for commercial, multi family residential, and industrial uses shall follow the procedure described here.
 - 1. The developer shall file a request for a sketch plan review with the administrator.
 - 2. The administrator shall place the sketch plan review on the agenda of the next regular commission meeting.
 - 3. The commission shall conduct a sketch plan review. The materials that must be submitted to schedule a sketch plan review shall include:
 - a. A scaled drawing of the existing property, including buildings, streams, streets, and other existing features, and
 - b. A scaled drawing of the proposed development, including a site plan with a rough grading and drainage plans and building plans and elevations.
 - c. Preliminary sign and lighting plan.
- B. Site Plan Review: The purpose of the site plan review is to allow for the evaluation of site design and features of uses to ensure compatibility with adjacent and neighboring land uses, and to comply with the performance standards of this ordinance and the underlying zoning ordinances.
 - 1. Minor Site Review Plans: Minor site plans are reviewed and approved or disapproved administratively by the Planning and Zoning Department. The minor site plan review will have a review and response time of a maximum of 6 weeks from receipt of a complete application. Exceeding

any one of following thresholds will move the application to a major site review plan process.

Guidelines to qualify for minor site plan review are:

- a. New structures and additions under 5,000 sq. ft.
- b. Any new parking area for less than 15 cars in any commercial zone.
- c. Construction of a temporary parking area or paving of an existing parking area of less than 1,000 sq. ft.
- d. Alteration of a drainage area or drainage across property boundaries
- e. Two-family house.
- f. Change in the use of between 2,500 and 5,000 sq. ft. of an existing building (cumulatively within a 3-year period).
- g. Building additions up to 5,000 sq. ft. (cumulatively within a 3-year period).
- h. Site area disturbance between 2,500 – 5,000 sq. ft.

2. Major Site Plan Review: Major site plans are reviewed and approved or disapproved by the Planning and Zoning Commission. A performance guarantee, as set forth in Chapter 18 section 3:A.23 of this title, is required. Hearing procedures are the same as those outlined in section 14: of this chapter. Guidelines for major site plan review are:

- a. New structures and additions over 5,000 sq. ft.
- b. Parking lot for over 15 cars, or 1,000 sq. ft. or greater.
- c. Building addition over 5,000 sq. ft. (cumulatively within a 3-year period).
- d. Change of use of over 5,000 sq. ft. (cumulatively within a 3-year period).
- e. A structure intended for industrial use over 35 ft. above existing grade.
- f. The conversion of a two-family to a three or greater family occupancy.
- g. Subdivisions, including duplex and multi-family housing.
- h. Site area disturbance over 5,000 sq. ft.

10-1-7: **BUILDING PERMITS REQUIRED:** The purpose of the building permit procedure is to assure that routine land development and building activity complies with this title. Applications for building permits shall follow the procedure described herein below.

- A. The developer shall file a properly completed application form, the required supporting materials, and the required building application fee with the administrator.
- B. The administrator shall determine whether the proposed building or use is in compliance with the comprehensive plan and this ordinance. If he finds that the proposed building or use complies, the application for a permit shall be approved. If he finds that the proposed building or use does not comply, the application for a permit shall be disapproved.
- C. The administrator shall notify the developer of the decision within 10 days, except as provided in 4. of this section.
- D. The administrator may refer any building permit application to the commission for confirmation of its compliance or lack of compliance with the comprehensive plan and this ordinance. All such referrals shall be placed on the agenda of the next regular commission meeting, at which the commission shall require that any proposed development which may reasonably be expected to have a greater than usual impact on adjoining or neighboring uses, the city's infrastructure, or environmental quality comply with all of the performance standards of chapter 16 of this title.
- E. The commission shall review all decisions of the administrator and may appeal such decisions using the procedure of section 13 of this chapter.
- F. The administrator's decision may be appealed to the council using the appeals procedure of chapter 13 of this section. A notice of appeal must be filed with the administrator within ten (10) days after the notice of decision provided for in subsection 3 of this section is issued, except when an appeal is taken by the commission, as provided in subsection 5 of this section. Commission appeals must be initiated at the next meeting following the administrator's decision.

10-1-8: **SPECIAL USE PERMITS:** The special use permit procedure is to require public review of development considered Special Uses as intended by the established zone. Such developments shall comply with performance standards designed to assure their compatibility with neighboring uses, the landscape setting, and the capacity of public facilities and services. Applications for special use permits shall follow the procedures for public hearing procedure.

- A. The administrator shall place a hearing on the application on the agenda of the next regular commission meeting for which the notice requirements can be met. Notice requirements for a special use permit shall be the

same as outlined in the hearing procedures of this title, with the addition of a posting requirement.

- B. At least seven days before the hearing a sign conveying the required notice shall be placed on the site. Such signs shall be prominently visible from the nearest public street, and follow the requirements of the posting ordinance.
- C. The developer shall provide evidence of posting in the form of an affidavit of posting.
- D. The administrator may contract with a landscape architect, planner, or other professional for professional review of the application, with the cost of that review being covered by the developer. Such reviews shall be prepared in the form of a written report submitted to the administrator for use at the hearing. The administrator shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials.
- E. The commission shall conduct a hearing on the proposed special use following the procedure established in section 13 of this chapter (Hearing Procedures). No application for a special use shall be reviewed if the developer or a representative is not present.
- F. Within 90 days after the public hearing, the commission shall determine whether the proposed special use is in compliance with the comprehensive plan and this ordinance. If it finds that the proposed special use complies, it shall approve the application. If it finds that the proposed special use is not in compliance, it shall disapprove the application. Conditions may be attached to the approval of the permit as mentioned in section 9 of this title.
- G. The administrator shall notify the developer and interested parties of the commission decision within 10 days.
- H. The commission decision may be appealed to the council using the appeals procedure of section 13 of this chapter. A notice of appeal must be filed with the administrator within 10 days after the notice of decision is issued.

10-1-9: **CONDITIONS:**

- A. Conditions may be imposed on any lot split, subdivision, or special use permit approval, or variance. Upon the granting of a special use permit, conditions may be attached to include, but not limited to those:
 - 1. Minimizing adverse impact on other development;
 - 2. Controlling the sequence and timing of development;

3. Controlling the duration of development;
 4. Assuring that development is maintained properly;
 5. Designating the exact location and nature of development;
 6. Requiring the provision for on-site or off-site public facilities or services;
 7. Requiring more restrictive standards than those generally required in an ordinance;
 8. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.
- B. Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits.
- C. A special use permit is not transferable from one (1) parcel of land to another.

10-1-10: **AMENDMENTS:** Any person may petition for the amendment of this ordinance. The amendment procedure shall be as described here and in I.C. 67-6511. An application for a zoning map amendment may, be combined with any other application for which a public hearing is required. Any developer requesting combined hearings must first file an application for sketch plan review, as outlined by section 6. A. of this chapter. The commission will decide whether or not to combine hearings at the sketch plan review.

- A. Application: Form: Fee: The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.
- B. Hearing Notice: The administrator shall place a hearing on the application on the agenda of the next regular commission meeting for which the notice requirements can be met. Notice requirements for an amendment shall be the same as required by this ordinance for special use permits, except that posting is not required for amendments to the text of this title.
- C. Review Of Application: The administrator may contract with a planner or other professional for professional review of the application, with the cost of that review being in addition to the application fee. Such reviews shall be prepared in the form of a written report submitted to the administrator for use at the hearing. The administrator shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials.

- D. Hearing Before Commission: The commission shall conduct a hearing on the proposed amendment following the procedure established in section 14 of this chapter. No application for an amendment shall be reviewed if the developer or a representative is not present.
- E. The commission shall determine whether the proposed amendment is consistent with the comprehensive plan, and recommend that the council approve or disapprove is accordingly.
- F. Hearing Before Council:
 - 1. The administrator shall convey the commission's recommendation to the council in writing and, unless the application is withdrawn, place a hearing on the application on the agenda of the next regular council meeting for which the notice requirements can be met. Notice shall be provided in the same manner as for the hearing before the commission.
 - 2. The council shall conduct a hearing on the proposed amendment following the procedure established in section 14 of this chapter. This hearing shall also constitute the first reading of the ordinance required by I.C. 50-901. No application for an amendment shall be reviewed if the developer or a representative is not present.
 - 3. The council shall determine whether the proposed amendment is consistent with the comprehensive plan and approve or disapprove it accordingly.
 - 4. The administrator shall notify the developer and interested parties of the council's decision within 10 days, but no amendment to this ordinance shall become effective until that amendment has been adopted as an ordinance and published as required by law.

10-1-11: **ANNEXATION:** Any land that is added to the city by annexation must be added to the official zoning map, as required by I.C. 67-6525. Also, an annexation plat shall accompany all proposals for annexation.

- A. All applications for annexation shall be accompanied by a plat that complies with the requirements of section 20 of this title. That plat may be strictly an annexation plat, showing the boundaries of the area to be added to the city, or it may be a subdivision plat, which shall be reviewed as required by chapter 18-1 of this title. and the other provisions of this ordinance.
- B. If a request is made from a property owner for either a division of land, and/or city services, and is contiguous to the Victor City limits, they shall be required to apply for annexation. (Res. R03-0403-2, 4-3-2003)

10-1-12: **APPROVALS VALID FOR ONE YEAR:**

- A. All permits, site plan reviews, and variances shall be valid for one year from the date of approval unless extended by a development agreement, as provided in Idaho Code 50-3105. This means that the permitted development must be initiated and completed within one year from the date of approval unless the permit is extended before it expires.
- B. Permit extensions may be approved by the administrator, upon a clear showing that work on the approved development is being diligently pursued toward completion.
- C. Continuing work on a development for which a permit has expired is unpermitted activity, and may be halted, as provided in chapter 3 of this title.

10-1-13: **APPEALS AND VARIANCES:**

- A. Appeals: Any decision of the administrator or commission may be appealed to the council using the procedure described here.
 - 1. The appellant shall file a properly completed appeals form, the required supporting materials, and the required appeals fee with the administrator within 10 days after the notice of decision provided for in 5 of this section is issued.
 - 2. The administrator shall place a hearing of the appeal on the agenda of the next regular council meeting for which the notice requirements can be met. Notice requirements for an appeal shall be the same as for the permit application.
 - 3. The council shall conduct a hearing on the appeal following the procedure established in section 14 of this chapter. No appeal shall be heard if the appellant of a representative and, when the appellant is not the developer, the developer or a representative is not present.
 - 4. The council shall determine whether the decision being appealed is in compliance with the comprehensive plan and this ordinance, and affirm, modify, or overturn that decision accordingly.
 - 5. The administrator shall notify the appellant and interested parties of the council decision within 10 days.
- B. Variances: Variances are intended to provide relief for landowners who, due to some unique physical characteristic of their property that is beyond their control, would have no beneficial use of the property if this ordinance is strictly enforced. Applications for variances shall follow the procedure described here. Notice and hearings on variances may be

combined with notice and hearings on applications for subdivision or special use permits, but only when the hearing on the application for a variance is conducted first, and action on the proposed variance concluded before the hearing on the other permit application.

1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.
2. The administrator shall place a hearing on the variance on the agenda of the next available regular commission meeting for which the notice requirements can be met. Notice requirements for a variance shall be the same as for a subdivision.
3. The commission shall conduct a hearing on the proposed variance following the procedure established in section 14 of this chapter. No application for a variance shall be reviewed if the developer or a representative is not present.
4. The commission shall approve a variance only upon finding that:
 - a. The need for a variance results from physical limitations unique to the lot on which the variance is requested.
 - b. Failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot is possible without a variance;
 - c. The alleged hardship has not been created by action of the lot's owner or occupants;
 - d. Approval of the variance will not create a nuisance or result in potential harm to adjoining properties or the neighborhood.
 - e. Approval of the variance will not have an adverse affect on the implementation of the comprehensive plan, and
 - f. The variance is the minimum relief from the requirements of this ordinance necessary to permit a reasonable conforming use.
 - g. Additional findings are required for variances in the Trail Creek Overlay Zoning District: see Title 11.
5. Conditions may be attached to the approval of a variance, as provided in section 9 of this chapter.
6. The administrator shall notify the developer and interested parties of the commission decision within 10 days.
7. The commission decision may be appealed to the council using the appeals procedure of section 13 of this chapter.

10-1-14: **PUBLIC HEARINGS:** The public hearing process exists to provide an opportunity for citizens to present their views on an issue that may affect them, define the issue upon which a decision is to be made, and obtain essential evidence upon which a decision can be made. Hearing notifications will follow Idaho Code 67-6509.

A. Public Hearing Process:

1. The Administrator shall place a completed application for which a permit is proposed on the next Commission/Council agenda for which space is available and when all notice requirements can be met.
2. The applicant shall provide the mailing addresses of all property owners within 300 feet of the outer boundaries of the parcel proposed for permit /development and all easement holders within the subject property.
3. This information shall be provided in a format acceptable to the Administrator.
4. The Administrator shall place public notice of the application and public hearing in a newspaper of general circulation, and mail notices to owners of property located within three hundred (300) feet of the boundaries of the proposed project, and all easement holders within the subject property, no less than fifteen (15) days prior to the scheduled date of hearing.
5. The Commission/Council shall hold a public hearing and approve, conditionally approve, or deny the application. The Commission/Council may table or continue the application when specific information has been requested from the applicant. A denial of the application will be termination of the application and the fee is forfeited.

B. Hearing Procedure: This procedure shall be followed in all hearings.

1. The presiding officer shall announce the purpose and subject of the hearing explaining the place and location.
2. The presiding officer shall determine whether proper notice of the hearing has been provided. That determination shall be based on the submission of affidavits of publication and posting and mail showing full compliance with the notice requirements of this ordinance. If proper notice has not been provided, the hearing shall be re-scheduled.
3. The presiding officer shall determine whether the application form required by this ordinance is complete and includes all required supporting materials. If the application is not complete, the hearing shall be re-scheduled.

4. The presiding officer shall ask if any commission member wishes to declare a conflict of interest, as defined by I.C. 67-6506, in the matter to be heard and excuse any member who declares such a conflict from participation in the hearing.
5. The presiding officer shall ask the administrator to present a report on the proposal being considered.
6. The presiding officer shall direct questions from commission members to the administrator. Questions asked at this time shall be solely for the purpose of clarifying the location and nature of the proposed development.
7. The presiding officer shall remind those present that all statements given must address the merits of the proposed development as measured by its compliance or lack of compliance with the comprehensive plan and this ordinance. Time limits may be imposed.
8. The presiding officer shall ask for a statement from the developer or his or her representative. Commission members may ask questions following this statement. All questions and replies shall be directed through the presiding officer.
9. Following the developer's statement, the presiding officer shall ask for statements from the public. Persons giving statements shall begin by stating their name and mailing address. Commission members may ask questions following any statement. All questions and replies shall be directed through the presiding officer.
10. When all statements have been given, the presiding officer shall ask if the representative who gave a statement wishes to speak in rebuttal to other statements or to clarify their statement. Neither new statements nor the introduction of new evidence shall be permitted at this time. Questions from commission members may follow each rebuttal or clarification.
11. The presiding officer shall close the public hearing and call for discussion by the commission. That discussion shall lead to action on the matter being considered.
12. Written statements, plans, drawings, photographs, or other materials offered in support of statements at a hearing are part of that hearing's record and shall be retained by the city. Supporting materials shall be left with the administrator after each statement is made.

C. Additional Hearing Procedures: These procedures may be used without prior notice to assist in the conduct of large or controversial hearings.

1. The commission may impose time limits on statements in order to assure completion of the agenda.
 2. The commission may require persons who wish to make a statement to register their intention to do so with the administrator before the hearing. The presiding officer shall use the register to call on persons to present their statements.
- D. Hearings to be Taped: As required by I.C. 67-6536, the administrator shall keep a transcribable tape record of all hearings on file for at least six months after the final hearing on the development.
- E. Decision Record: All quasi-judicial decisions of the commission and council shall be reported in the form of findings of fact and conclusions of law, as required by I.C. 67-6535. The completed decision record shall include the application materials and any report prepared by or on contract for the administrator
- F. Decision Deadline: This section established the “reasonable time” for deliberation on applications by the commission and council required by I.C. 67-6519. The commission or council shall make a decision on any application for a permit within 90 days of the hearing. If a hearing is required by this ordinance, or within 60 to 90 days of the meeting at which the application first appeared on the its agenda, except that:
1. The administrator may delay consideration of any application when inclement weather or snow cover prevents a proper on-site inspection; and
 2. The commission may table any application for which a large scale development study is required by 10-16-2: L. for a period of more than 90 days while the required study is conducted. The maximum time permitted for a large scale development study shall be 120 days.

10-1-15: **CERTIFICATE OF OCCUPANCY:**

- A. Certificate Of Occupancy: A certificate of occupancy shall be issued before any building or use is occupied. A certificate of occupancy indicated that an on-site inspection has shown that the building or use complies with this ordinance, including any conditions imposed upon its approval. Occupancy of a building or use without a certificate of occupancy shall be a violation of this ordinance. The issuance of a certificate of occupancy shall not be construed as approval of any violation of this ordinance that may have been undiscovered during the inspection.

- B. Temporary Certificate of Occupancy: A temporary certificate of occupancy may be issued to permit temporary use of a building in cases where weather prevents the prompt completion of such required movements as landscaping. No temporary certificate of occupancy shall be issued for more than 90 days.