

CHAPTER 16

PERFORMANCE STANDARDS

SECTION:

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10-16-1: **PURPOSE:** This chapter establishes performance and design standards for land and building development activity in the city. Performance standards apply to all developments. These standards are to promote good planning and design and encourage capability between land uses.

10-16-2: **ALL DEVELOPMENTS:**

- A. Access to City Utilities: All developments shall be connected to city utilities, and the costs of connection, including any necessary extension of mains, expansion of capacity, and/or impact fees, shall be the responsibility of the developer.

- B. Access to Public Streets and Roads:
 - 1. All developments shall have direct access to a public street or road (note that alleys are not streets or roads for the purposes of this ordinance), and the costs of any necessary street extension and/or impact fees shall be the responsibility of the developer.

 - 2. All access driveways, including residential driveways, shall comply with the standards for access driveways from off-street parking and loading areas found in Chapter 23 of this title.

- C. Access to Arterial Streets and Roads:
 - 1. The number of points of access to arterial streets shall be minimized. While it is recognized that an exception may be necessary where the terrain or pattern of existing development require closer spacing, points of access to arterials shall normally be at least 400 feet apart, and greater

intervals may be required upon the advice of the Idaho Transportation Department.

2. No commercial, industrial, or multi-family development shall have its principal access to an arterial through the R zoning districts.

- D. Easements: No building shall be placed in any utility or irrigation easement, public or private. Only wire, rail, or solid wood fences with a separable section or gate across the easement may be constructed across utility or irrigation easements.
- E. Addressing: All residential and commercial buildings shall have adequate street numbers located on the building or in the driveways as required by emergency services before a certificate of occupancy shall be issued. The Numbers shall be a minimum of three (3) inches in height.
- F. Off-Street Parking and Loading:
 - 1. All buildings and uses shall provide the off-street parking and loading areas required by Chapter 23 of this title, and the parking of vehicles shall be limited to such areas, which include residential driveways.
 - 2. Snow storage shall not be permitted to reduce the size of off-street parking or loading areas required by Chapter 23 of this title.
 - 3. There shall be safe pedestrian access through all commercial parking areas.
- G. Location of Parking Areas: Parking areas accessory to commercial and industrial uses and public buildings shall be located to the side or rear of the principal building so the predominant streetscape perception of the city will be one of building facades and landscaped areas, not asphalt pavement and automobiles.
- H. Sidewalks: All development in all commercial, R2 and R3-zoning districts shall install sidewalks along any adjoining state highway frontage. This includes developments that convert existing homes to commercial uses. For R1-zoning, a multipurpose detached path will be required.
- I. Irrigation: All developments including or adjoining irrigated lands, or including or adjoining major irrigation works (diversions, headgates, canals, pumps, drains, etc.) shall be reviewed by the responsible irrigation entity. No development shall be permitted to adversely impact the operation of any irrigation system, and all developments shall comply with the specific performance standards established here.
 - 1. All subdivisions shall demonstrate compliance with Idaho Code 31-3805, as amended, which provides for the approval of subdivisions by irrigation entities (see Appendix F for the text of this statute). Compliance shall be attained by the transfer of water rights or the installation of a

central irrigation system maintained by a community association. Irrigation systems installed in subdivisions to achieve compliance with I.C. 31-3805 are subject to all requirements imposed on other subdivision improvements.

2. No development shall channel storm water or snowmelt runoff into any irrigation system without written consent of the responsible irrigation entity.

J. Fire Protection: All proposed developments shall be referred to the fire department for review and comment. Fire department comments may result in approval of a permit being conditioned on:

1. Provision of additional access for fire fighting apparatus where the exterior wall of a commercial or industrial building is located more than 150 feet from a public street or road, or other safe and adequate access for fire fighting apparatus;
2. Installation of a fire alarm system and installation of sprinklers or other fire suppression devices;
3. Provision of a water supply for fire fighting by commercial or industrial developments that are not served by a municipal water system that provides adequate fire flows;
4. Limitations on the storage of combustible material, including location on the property, setbacks from property lines, which shall be a minimum of 10 feet, minimum aisle widths, and the height, size, and/or volume of individual piles, stacks, etc.;
5. Setbacks or buffers larger than those otherwise required by this ordinance for uses that use or store combustible, flammable, explosive, or hazardous materials;
6. Setbacks from property lines and buildings and/or separations between containers or tanks used to store hazardous materials (see definitions 10-1-3)
7. Installation of spill and drainage control, including secondary containment and overflow control by developments that handle hazardous materials, including flammable and combustible liquids;
8. Limitations on the total quantity of hazardous materials, including flammable and combustible liquids, that may be kept at a site;
9. Submission and implementation of a hazardous materials management plan.
10. Any other applicable fire protection requirements within the International Fire Code as adopted by the State of Idaho and/or Teton County, Idaho.

- K. Infrastructure Impacts of Development: All subdivisions and large-scale industrial, commercial, and residential developments shall provide any additional public facilities necessitated by their development. Such facilities shall be provided in compliance with all requirements of this ordinance and may include:
1. Off-site runoff and erosion control measures;
 2. Water system improvements, including wells and reservoirs; central sewerage systems;
 3. Such off-site road improvements as deceleration or acceleration lanes, left turn lanes, signs or signals, and bridges or culverts;
 4. Solid waste transfer stations;
 5. Emergency services buildings and apparatus, including fire engines and ambulances; and
 6. Neighborhood parks (which may include space used for recreational trails)
- L. In the event that a public facilities needs study is required, the developer shall place a deposit with the administrator in the amount required by the resolution establishing fees for the administration of this ordinance. The administrator shall retain appropriate professional assistance for the study, drawing against the deposit as necessary. Additional actual costs shall be billed to the developer, with such costs being paid before a hearing on the application is scheduled. Any unused funds shall be returned to the developer upon completion of the study.
- M. The application for a permit shall be considered complete and a hearing conducted only after completion of the public facilities needs study.
- N. All neighborhood parks will be constructed at developers expense. City council and planning & zoning shall approve all improvements.
- O. Mail Receptacles: All developments required by post office to have on site mail delivery, shall install a mail receptacle. Placement and design shall meet post office and city requirements.
- P. Bus Stop: All developments required by school district/city shall construct a bus stop, placement and design to be approved by school district/city.
- Q. Utilities, cables, phone lines and electrical must be underground.

10-16-3: **POTENTIAL NUISANCES:**

- A. Livestock: No livestock shall be kept or maintained within an area of less than 20,000 square feet. One large animal (one horse, cow, llama, sheep, goat, or pig including offspring until weaned) may be kept for each 20,000 square feet of lot area. Chickens, geese, rabbits, turkey, and other small domestic animals are also permitted, but all areas in which any livestock or domestic animals are kept shall be maintained so as not to create a nuisance impacting neighboring properties with noise, odors, insects, or dust.
- B. Hazardous Substances: Any use that is, or may reasonably be expected to be, subject to the reporting requirements of Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) shall demonstrate continuing compliance with state and federal requirements for the storage and handling of hazardous substances, including submission of lists (MSDS) of materials safety. Full hazardous waste generators may be located only in certain zoning districts.
- C. Nuisances: All potential nuisances and hazards shall be mitigated by appropriate means.
1. A pastoral level of "peace and quiet" have been identified as an essential element of the living environment the city wishes to maintain. The entire city and its area of impact shall be classified in Land Use Category B (Exterior) and Land Use Category E (Interior), as defined by the U.S. Department of Transportation, Federal Highway Administration, and no use shall generate a noise level beyond its property line that is in excess of 70 dBA (Exterior) or 55 dBA (Interior) for more than 10% of each day.
 2. No use shall generate a level of vibration beyond its property line that exceeds .70 inch per second at any frequency.
 3. No development shall direct light, glare, or heat beyond its property line. Welding equipment and other sources of intense light or glare shall be shielded from the view of neighboring properties or public ways by enclosure in a building, location on the property, or construction of a fence or wall.
 4. No development shall create electrical interference that adversely affects other uses.
 5. No development shall generate dust, smoke, odors, or other airborne pollutants that travel beyond its property line, except as permitted by state and federal air quality standards.
 6. All solid waste shall be stored in enclosures or containers and shall not:
 - a.) Attract rodents or other vermin, or be susceptible to spillage by dogs or cats;

b.) Generate odors beyond the property line or liquid runoff; or

c.) Permit blowing of paper and other light weight waste.

7. All commercial, industrial, and high density residential solid waste handling areas and containers shall be effectively screened from the public view by enclosure in a building, location on the property, or construction of a fence or wall. The expansion of existing, un-buffered outdoor materials storage and handling areas or solid waste storage and handling areas is prohibited.

10-16-4: **LAND USE COMPATIBILITY:**

A. Yards, Outdoor Storage on Residential Premises: Yards are the areas created by the setback requirements for all structures. Yards shall remain unenclosed, except as permitted by this performance standard.

1. Eaves, rain gutters, bay windows, and similar above-grade extensions may extend no more than three feet into a required yard.

2. Uncovered porches, patios, and decks may extend no more than 10 feet into a front or side yard, and must be set back at least five feet from a rear property line. Single family dwellings that have nonconforming front or side setbacks may extend an uncovered porch, deck, or patio into the existing front or side yard for a distance of one-fifth the depth of that yard.

3. Accessory buildings shall be permitted in required rear yards, provided that a setback of five feet from all property lines is maintained. No accessory building shall be located in a required front or side yard. Front and side yards may be used for parking provided that all driveways comply with the detailed performance standards of Chapter 23.

4. No space required to make up the required yards for any principal building shall be removed from the lot on which that building is sited by sale, lease, or other conveyance.

5. Outdoor storage, as defined in 10-1-3, is permitted on residential lots if a minimum 10 foot wide landscaped buffer or a minimum six foot high screening fence are provided. See B of this section regarding fences over six feet in height.

6. All vehicles (including air, snow, and water craft) stored or parked in all residential zoning districts shall have a current license and/or meet all legal requirements for operation. Unlicensed and/or non-operational vehicles may be stored or parked in other zoning districts, but such storage is subject to the buffering and screening requirements of this ordinance.

- B. Fences: Applications for building permits for fences over 6 feet in height shall be accompanied by copies of letters that have been sent to notify all adjacent property owners of the height, materials, and color of the proposed fence. No fence over 6 feet in height shall be permitted if it will:
1. Block views from adjoining homes or public spaces, or
 2. Shade adjoining properties so as to cause additional ice build-up on driveways or walks, or adversely affect landscape or garden plants.
- C. Buffering and Screening: All buffers required here shall be installed in compliance with the detailed performance standards for effective buffering found in Chapter 26 of this title Required setbacks may be included within required buffers. The landscaped area included in required buffers is included in determining compliance.
1. Industrial developments and outdoor materials handling and storage areas shall provide an effective buffer for all adjoining parcels and public streets.
 2. All commercial developments and public buildings shall provide an effective buffer for adjoining residences or adjoining undeveloped parcels in the R1 Zoning District.
 3. Parking areas with more than four spaces shall provide an effective buffer for any public street.
 4. All high density residential developments shall provide an effective buffer for existing commercial or industrial uses and public buildings, adjoining residences, or adjoining undeveloped parcels in the R1 Zoning Districts.
 5. Existing vegetation shall be retained to serve required buffering or screening functions wherever possible.
- D. Connections: All developments shall be designed to maximize functional connections with adjoining developments, including connected access to arterial and collector streets, connected parking and service access, connected buffering and open space, and connected circulation.
- E. Land Use Compatibility: Special permit uses shall be designed for compatibility with neighboring uses, with compatibility being evaluated using the following factors:
1. Lot coverage and extent of landscaping, including the effectiveness of proposed buffers;
 2. Building bulk, height, and scale;

3. Effect on scenic views from adjoining properties and public space;
and
4. Activity levels, as measured by traffic and noise generation, parking area requirements, the number and size of signs, hours of operation, and similar indicators.

10-16-5: **COMPATIBLE ACCESS:**

- A. No commercial or industrial development, with the exception of an approved home occupations, shall have its principal access through a residential area.
- B. No higher density residential development shall have its principal access through a lower density residential area.
- C. Recreational Vehicles: Use of a recreational vehicle or travel trailer as a dwelling shall be prohibited. A recreational vehicle or travel trailer may be parked on residential premises (not on public streets) as guest quarters for no more than 21 days.

10-16-5: **ENVIRONMENTAL ISSUES:**

- A. Slopes: No development shall be permitted on slopes of 30% or more, or other slopes identified as unstable, except where a geotechnical engineer certifies that the development creates no significant hazard of slope failure or accelerated soil erosion. See B of this Chapter.
- B. Runoff and Erosion Control: Implementation of a professionally-prepared runoff and erosion control plan shall be required wherever a development will disturb a cumulative total of more than one acre of land with a slope of more than eight percent, or create 20,000 or more contiguous square feet of impervious cover. That plan shall:
 1. Identify runoff and erosion hazard areas on the site and areas and facilities, both on and down-slope from the site, that are vulnerable to damage from accelerated runoff or erosion;
 2. Show how existing vegetation will be retained (including the protection of trees that are to be retained during construction) and land disturbance minimized;
 3. Show how the area disturbed by construction at any one time will be minimized, and how disturbed areas will be stabilized during the construction period;
 4. Show how disturbed areas will be promptly, permanently stabilized by re-vegetation or structural techniques;

5. Show how runoff velocities will be minimized and drainage ways prepared to handle any acceleration or increase of runoff;
6. Show how any additional runoff generated will be retained on-site and absorbed, evaporated, or released from the site at a rate not exceeding the pre-development rate of release;
7. Show how sediment resulting from accelerated soil erosion will be retained on-site; and
8. Show how development adjacent to wetlands and streams will protect water quality by retaining existing vegetation, installing vegetative filter strips, and similar means.

- C. Wetlands: Any development that disturbs wetlands shall demonstrate compliance with state and federal wetlands protection requirements. See also Title 11. B.
- D. Wildlife Habitat: Developments that will disturb more than one acre in or adjoining a critical wildlife habitat area shall be required to implement a professionally prepared plan for the protection of wildlife values. That plan shall:
1. Identify the critical wildlife habitat area, the principal species present, and species used as "indicators" in the habitat protection plan;
 2. Identify existing wildlife habitat elements, including sources of water, vegetative cover, and migration routes or other wildlife use areas;
 3. Show how land disturbance will be minimized in order to maximize retention of large habitat patches;
 4. Show how the site plan provides for movement of wildlife through or around developed areas and the connection of habitat patches;
 5. Show how disturbed areas will be re-vegetated with native plants and how re-vegetation will result a volume, structure, and diversity of vegetation similar to that found in the existing habitat; and
 6. Show how occupants will be educated in order to promote long run maintenance of the habitat protection features of the site plan.

10-16-7: **MAINTENANCE:**

- A. Continuing Maintenance Required: The continuing maintenance of any improvement required for compliance with any performance standard of this ordinance shall be required. This provision applies to:
1. Improvements required for the mitigation of potential nuisances;

2. Off-street parking and loading areas;
3. Improvements required for the on-site retention of storm or melt water runoff;
4. Landscaped areas, including any required buffers; and
5. Any other improvement required for compliance with this ordinance. The maintenance of landscaped areas includes irrigation, maintenance of the irrigation system, and weed and pest control.
6. Maintenance Mechanism: Any development subject to continuing maintenance requirements that results, or may reasonably be expected to result, in the creation of multiple ownerships shall create a community association or other entity to assure continuing maintenance. The developer shall submit the proposed declaration of covenants, articles of incorporation, and by-laws for the community association with the application for a permit and shall provide evidence that these documents have been recorded before a certificate of occupancy is issued.
7. Failure to Maintain: Failure to maintain any required improvement is a violation of this ordinance.