

ORDINANCE _____

AN ORDINANCE OF THE CITY OF EAGLE, ADA COUNTY IDAHO, AMENDING EAGLE CITY CODE TITLE 11 TO ADD LANGUAGE CLARIFYING THE CITY OF EAGLE'S IMPLEMENTATION OF PLANNED DEVELOPMENT OVERLAY ZONING DISTRICTS AND ESTABLISHING TITLE 11 "PLANNED DEVELOPMENTS", SECTION B "AVIMOR", CHAPTER 1 "ZONING INTERPRETATION AND DEFINITIONS", CHAPTER 2 "LAND USE DISTRICTS", CHAPTER 3 "DESIGN REVIEW", CHAPTER 4 "SPECIFIC USE STANDARDS", CHAPTER 5 "OFF STREET PARKING AND LOADING", CHAPTER 6 "NON-CONFORMING USE", CHAPTER 7 "ZONING ADMINISTRATION AND ENFORCEMENT", CHAPTER 8 "AREA OF CITY IMPACT", CHAPTER 9 "HISTORIC PRESERVATION", CHAPTER 10 "DEVELOPMENT AGREEMENT", CHAPTER 11 "MINIMAL PROPERTY MAINTENANCE", AND CHAPTER 12 "LAND SUBDIVISIONS", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eagle, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho; and

WHEREAS, pursuant to Chapter 65, Title 67, Idaho Code, the City of Eagle has the authority to adopt, establish and amend a Zoning Ordinance; and

WHEREAS, the proposed change to the City Code is in accordance with and provides for the better implementation of the Comprehensive Plan; and

WHEREAS, following notice and a public hearing pursuant to I.C. 67-6511 and I.C. 67-6509, the Planning and Zoning Commission recommended approval of the zoning amendment to the City Council; and

WHEREAS, following notice and a public hearing pursuant to I.C. 67-6511 and I.C. 67-6509, the City Council finds that the zoning amendment meets the requirements of Idaho Code and the Comprehensive Plan and should be enacted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF EAGLE, Ada County, Idaho;

Section 1: Eagle City Code Title 11, "Planned Developments", shall be effective as of the date of adoption and publication of this ordinance, is hereby established to read as set forth below.

Section 2: Eagle City Code Title 11B, "Avimor Planned Development", shall be effective as of the date of adoption and publication of this ordinance, is hereby established to read as set forth below.

Section 3: If any provision in this ordinance shall be declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed severable from the remaining provisions in this ordinance and shall in no way affect the validity of the other provisions of this ordinance or Eagle City Code.

Section 4: All prior ordinances or parts thereof, to the extent inconsistent herewith, are hereby repealed and shall, to the extent of such inconsistency, have no further force or effect.

Section 5: This ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the City and shall take effect immediately upon its passage, approval, and publication.

Adopted by the City Council, Eagle, Idaho, on this ____ day of _____, 2022.

CITY OF EAGLE, IDAHO

Ada County, Idaho

Jason Pierce
Mayor

ATTEST:

Tracy E. Osborn
City Clerk

TITLE 11 PLANNED DEVELOPMENTS

The purpose of this Title 11 is to establish planned development overlay districts. Each planned development overlay district is intended to allow master planned, mixed-use type development and to provide community-specific zoning regulations for that planned development. An application for rezoning or initial zoning with annexation must specify the requested base zoning district and any planned development overlay district applicable to the planned development property.

Upon amendment of this Title 11 to add a new planned development overlay and applicable zoning ordinance, the planned development overlay district shall be established on the official zoning map of the City of Eagle as “PD-[development name]”.

Property within a planned development overlay district is subject to the standards and regulations that are applicable to the base district zoning for the property except to the extent different standards and regulations are specifically authorized for the planned development overlay district, as set forth in the Sections of this Title 1.

TITLE 11B
AVIMOR PLANNED DEVELOPMENT

11B-1-1: SHORT TITLE

This Title 11B shall be known, cited and referred to as the Avimor Development Ordinance (Ord. xx, x-x-__).

11B-1-2: PURPOSE

The vision of Avimor is a mixed use community centered around natural features that will promote and allow for residents to engage in a healthy, active lifestyle. Developed areas will be designed to integrate with and preserve natural surroundings. Natural open space will serve as the boundary of the development and will also provide recreational opportunities with trail connections to a larger foothills trail system as it develops in the future.

The purpose of this Title is to set forth the development standards and administrative procedures within the Avimor PD Overlay District. Furthermore, it is the purpose of this Title to:

- A. Support the City’s annexation and rezoning of Avimor to ensure a high-quality development that provides for orderly, controlled, and quality growth in the City;
- B. Provide for a mixture of land uses within Avimor;
- C. Encourage flexibility in Avimor’s design and development to respond to market demand and site-specific conditions while enhancing the economic viability and quality of Avimor;
- D. Encourage creative and innovative land planning and design processes throughout Avimor that are sensitive to existing environmental conditions;
- E. Provide for a phased and orderly development of Avimor utilizing consistent criteria;
- F. Establish the permitted uses and minimum standards for each category of residential and nonresidential use;
- G. Establish responsibility for the development of essential public services throughout Avimor and the specific mechanisms by which they will be provided, created and financed; and
- H. Provide significant planning and economic benefits to the City including, without limitation, by:
 - i) creating quality housing, employment, recreation and other land uses in Avimor; and
 - ii) providing for the design, construction, acquisition, and/or installation of public infrastructure to support anticipated development of Avimor and benefitting surrounding areas.

11B-1-3: APPLICABILITY

- A. **Scope And Content:** This Title governs the development and administration of the land within the Avimor PD Overlay District.
- B. **Flexibility:** Avimor will be developed in phases over time. This Title is intended to depict the general nature and relative intensity of residential and nonresidential development in the Avimor development, while allowing flexibility at the time of detailed planning and platting so that the overall goals, policies, purpose, and intent of the Eagle Comprehensive Plan can be achieved with this Title.
- C. **Conflict Of Laws:** The provisions of City Code shall govern all standards or processes that are not specifically addressed or modified by this Title or by the Avimor Development Agreement. Any contradiction, inconsistency or ambiguity between the requirements of this Title and any other provision of the City Code shall be governed and controlled by this Title. The provisions of City Code Titles 8 and 9 do not apply to lands governed by this Title, as these standards and processes are replaced and controlled by this Title. All references within any City Code sections to City Code Titles 8 and 9 or generally to “this title” shall be interpreted to mean applicable standards or regulations in this Title.
- D. **Changes to Avimor Property Boundary:** From time to time, the Avimor property boundary may change due to the addition or removal of property from Avimor. Such changes shall be governed by the Avimor Development Agreement. The additional property, upon incorporation into the Avimor Development Agreement and annexation into the City, shall be governed by this Title.
- E. **Applicable Highway Authority:** All references in this Title or in other applicable City Code sections to Ada County Highway District (ACHD) or Idaho Transportation Department (ITD) shall mean the applicable transportation agency or Local Highway Department having jurisdiction over the roadway at issue.

11B-1-4: INTERPRETATION, SCOPE OF REGULATIONS

The regulations for each land use district set forth by this Title shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the land use district in which it is located.
- B. No building or other structure shall be erected or altered:
 - 1. To provide for greater height or bulk,
 - 2. To accommodate or house a greater number of families,
 - 3. To occupy a greater percentage of lot area,

4. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, or in any other manner be contrary to the provisions of this Title.
- C. No yard or lot existing at the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall meet at least the minimum requirements set forth herein.
- D. No building or structure, on a lot under 2 acres in size, or part thereof shall be erected or constructed except where the following conditions have been satisfied:
1. Applicable streets may be dedicated to the Local Highway Department as public streets and constructed as required by the Local Highway Department.
 2. Sanitary restrictions are removed pursuant to Idaho Code Section 50-1326.
 3. Fire hydrants and water mains are provided, and operable, pursuant to Section 11B-13D-1-9 of this Title.
 4. Required street signs are installed that adequately identify the location of such building for emergency purposes.

11B-1-5: DEFINITIONS

- A. For the purpose of this Title, certain terms or words used herein shall be interpreted as follows:
1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
 2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
 4. The words "used" or "occupied" include the words "intended", "designed" or "arranged" to be used or occupied.
- B. The following words and terms, when used in this Title, shall have the meanings ascribed to them in this section:

ACCESSORY DWELLING UNIT: A dwelling located on the same lot as, and is subordinate to, the principal residential dwelling, and which may be attached or detached from the principal dwelling, and which provides living quarters with provisions for cooking (220v wiring), eating, sanitation, and sleeping for occupants or guests of occupants of the principal dwelling, their = tenants or caregivers. An accessory dwelling may include a guesthouse, casita, or caretaker/domestic unit and may be located in the front, side or rear yard of the lot or may be above a garage. Direct access from the principal dwelling is not required. Accessory dwellings require a zoning permit and approval by the Avimor Design Review Committee when modified or developed separately from the principal

dwelling. Accessory dwellings shall not count towards the maximum densities as specified in this Title and the Avimor Development Agreement.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Accessory uses/structures include, but are not limited to, detached carports and garages, covered parking structures, trash enclosures, pool houses and cabanas, barns, corrals, stables, guard houses, storage sheds, outdoor storage structures, workshops, greenhouses, microwave and satellite dish antennas, and similar uses and structures, but do not include accessory dwelling units. Accessory uses shall require a zoning permit and approval by the Avimor Design Review Committee when modified or developed separately from the principal use.

ADMINISTRATOR: An official having knowledge in the principles and practices of zoning who is appointed by the mayor, with the consent of the Council, to administer this Title.

ADULT BUSINESS: Establishments based primarily on materials or performances that depict, describe, or relate to specified sexual activities.

AGGREGATE PROCESSING, ASPHALT, AND CONCRETE BATCH PLANT: A temporary facility or area for processing aggregate or batching concrete or asphalt.

AGRICULTURE: The use of land for crop production, pasturage, animal and poultry husbandry and the necessary accessory uses for parking, treating or storing of produce. Agriculture does not include dairying or the maintenance of a commercial feedlot or stockyard where large numbers of livestock are fed concentrated feeds, particularly for the purpose of fattening for market, or uses defined as feedlots, stockyards, dairy farms or CAFO's as defined by City Code or Idaho State law.

ALLEY: A public right of way or private common lot inclusive of an easement which provides vehicular access to the rear or side of a property and is primarily intended to provide access for alley load garages.

ANIMAL DAYCARE: A lot or building where five or more dogs, cats, and other household domestic animals are maintained, harbored, or cared for on a daily basis, not to include overnight stays.

ANTENNA: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas.

ART GALLERY: An establishment for the display and/or retail sale of artwork and may include studio facilities for creation of artistic works.

AUTO BODY SHOP: A facility for automobile collision service, repair and painting.

AUTO GAS STATION: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail. Incidental minor automotive repair and maintenance and an automatic car wash facility are also permitted.

AUTO AND RECREATIONAL VEHICLE SALES: The sale or rental of new and used motor vehicles, motor homes, and travel trailers, but not including repair work, except incidental warranty repair of same, to be displayed and sold on the premises.

AUTO REPAIR AND SERVICE SHOP (MAJOR): A facility for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, but excluding collision service, painting and steam cleaning of vehicles. The term includes a facility which performs any repairs to vehicles of any size, include those with a gross vehicle weight over 10,000 pounds.

AUTO REPAIR AND SERVICE SHOP (MINOR): A facility for the performance of minor repairs and service on vehicles of 10,000 pounds gross vehicle weight or less; such repairs and service are limited to electronic tune ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, selling/installing minor parts and accessories, other similar activities and repairing and installing other minor elements of an automobile such as windshield wipers, hoses, windows, etc., but excluding engine, transmission and differential repair or installation.

AUTO RENTAL AGENCY: A facility for the rental of new or used automobiles and/or trucks. Vehicles kept on the lot for rental purposes are not considered to be outside storage.

AVIMOR: A planned development that will contain a mix of residential, commercial, employment, institutional, civic, service, recreational, and open space uses that is subject to the Avimor PD Overlay District.

AVIMOR CONSERVATION DIRECTOR: The individual responsible for the management of the Avimor Habitat Management Plan.

AVIMOR DESIGN REVIEW COMMITTEE: A committee established by the Master Developer to review and approve all development, building and site improvement proposals consistent with the Avimor design guidelines incorporated in Chapter 3 of this Title.

AVIMOR DEVELOPMENT AGREEMENT: That certain Development Agreement between the City and [owner], recorded _____, 2022, as instrument number [insert] as may be amended from time to time.

AVIMOR GRADING GUIDELINES AND HILLSIDE DEVELOPMENT STANDARDS: That certain *Avimor Grading Guidelines and Hillside Development Standards* on file with the City, as approved by the City and as may be amended from time to time pursuant to the Avimor Development Agreement.

AVIMOR HABITAT MANAGEMENT PLAN: That certain *Avimor Habitat Management Plan* on file with the City, as approved by the City and as may be amended from time to time pursuant to the Avimor Development Agreement.

AVIMOR MASTER DRAINAGE PLAN: That certain *Avimor Master Drainage Study* on file with the City, as approved by the City and as may be amended from time to time pursuant to the Avimor Development Agreement.

AVIMOR MASTER WASTEWATER PLAN: That certain Avimor Master Wastewater Study on file with the City, as approved by the City and as may be amended from time to time pursuant to the Avimor Development Agreement.

AVIMOR MASTER WATER AND PRESSURE IRRIGATION SYSTEM PLAN: That certain Master Water and Pressure Irrigation System Plan on file with the City, as approved by the City and as may be amended from time to time pursuant to the Avimor Development Agreement.

AVIMOR PD OVERLAY DISTRICT: The property subject to this Title.

AVIMOR WATER RECLAMATION COMPANY: The entity that owns and operates the sewer treatment, irrigation and reuse water facilities that serve Avimor.

BANK / FINANCIAL INSTITUTION: An establishment that provides retail banking services to individuals and businesses and may include drive-thru services. This classification does not include businesses offering check cashing facilities.

BAR / PUB / NIGHTCLUB: An establishment for which a license under Title 3, Chapter 2, Article A, B, and/or C of City Code is required and the principal business of which is the sale and consumption of alcoholic beverages to be consumed on the premises and where food may be available for consumption.

BED AND BREAKFAST FACILITY: An owner-occupied facility providing overnight accommodations and breakfast food service to guests for compensation, with no more than twelve (12) guests at any one time. No cooking shall be allowed in guestrooms and only breakfast food shall be provided to guests. Bath facilities shall be shared by no more than two (2) guestrooms.

BREWERY: An establishment for the manufacture of lager and ale; the use includes microbreweries.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

BUILDING ENVELOPE: The portion of each property or lot within which all improvements are built including, but not limited to, structures, fences, flatwork, and swimming pools, but excluding landscaping and driveways. On equestrian lots over one (1) acre, fencing may be located outside of the building envelope to contain horses.

BUILDING MATERIALS / LUMBER YARD: A facility for the storage, distribution, and sale of home, lawn and garden supplies and construction materials such as brick, block, masonry, lumber and other similar materials.

CAR WASH: An establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment operated by one or more attendants, or by self-service facilities.

CHECK-CASHING: Cashing a check for consideration or extending a deferred deposit loan but does not restrict the activities of depository institutions or persons who cash a check in a transaction

that is incidental to the retail sale of goods or services for consideration that does not exceed the greater of one percent of the amount of the check or one dollar.

CHILDCARE FACILITY: Any facility where children regularly receive care and supervision, usually unaccompanied by the children's parents, guardians or custodians, and regardless of whether the facility does or does not provide any instruction. This use excludes the case of: a) the operator's children or legal wards or children related by blood or marriage, b) occasional personal guests, and c) children aged twelve (12) years and over. Any home, place, or facility providing overnight custodial services for lodging or boarding for the occupants therein shall not be considered a childcare facility.

There are three (3) types of childcare facilities:

1. Family daycare home: A childcare facility for six (6) or fewer children. Babysitting services are an accessory use to residential uses.
2. Group daycare facility: A childcare facility for seven (7) to twelve (12) children.
3. Daycare center: A childcare facility for thirteen (13) or more children.

CHURCH / PLACE OF RELIGIOUS ASSEMBLY: An establishment that by design and construction is primarily intended for conducting organized religious services, meetings, and associated activities and that is recognized as a religious corporation or society of the state of Idaho with a state tax exempt status in accord with Idaho Code Section 63-602B.

CIRCUS AND CARNIVAL: Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities, which may be conducted outdoors, or in a tent or other temporary structure for a maximum of seven (7) days. This classification excludes events conducted in a permanent entertainment facility.

CITY: The City of Eagle, Idaho.

CITY CODE: The municipal code of the City of Eagle.

CLINIC: A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons or those who are in need of medical and surgical attention, but which building does not provide board, room or regular hospital care. A Clinic includes urgent care facilities.

CLUB OR LODGE: A building or portion thereof or premises owned or operated by an organized association of persons for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests, but not including any organization, group or association the principal activity of which is to render a service usually and ordinarily carried on as a business.

COLLOCATION: The use of a single tower to support more than one wireless telecommunication service provider's equipment, or the mounting of an antenna to a preexisting structure.

COMMISSION: The zoning, planning and zoning, joint zoning or joint planning and zoning commission with individuals appointed by the mayor and confirmed by the Council.

COMMON AREA: Land within a development that is not individually owned or dedicated for public use but which is designed and intended for the common use or enjoyment of the residents of the development. The common area may include complementary structures and improvements such as a community center, play ground area, community mail boxes, and tennis courts.

COMMUNITY INFORMATION CENTER: A facility that provides information about Avimor to the public and prospective residents or buyers and may include a sales office.

COMMUNITY TRAIL: Is a trail designed to serve Avimor and is open to the public. Some community trails will connect to Regional Pathways and Open Space. Trails may be privately or publicly owned.

CONSTRUCTION OFFICE, TEMPORARY: A mobile home, travel trailer, truck trailer, and/or other structure used as a temporary office in conjunction with a construction project.

CONSTRUCTION YARD, TEMPORARY: Any area used on a temporary basis for the storage or processing of materials and supplies used in the actual construction of a project.

CONVENIENCE STORE: An establishment providing retail sales of food, beverages and small convenience items typically found in a store with long or late hours of operation and may include 24-hour facilities. A convenience store operation may also include fuel sales, but shall then be regulated as an auto gas station. Such establishment is typically open between 6 a.m. and 11 p.m. An establishment that is open before 6 a.m. or after 11 p.m. is subject to a conditional use permit. If the establishment is located in a Highway Mixed Use zone then no permits are required to operate outside of the before-mentioned times.

COUNCIL: The city council of the City of Eagle.

DENSITY, GROSS: The number of dwelling units per acre of total land to be developed including public right of way, private streets, and common area open space; excluding floodway.

DENSITY, NET: The number of dwelling units per acre of land to be developed including only the land devoted to residential uses, excluding public right of way, private streets, common area open space, and floodway.

DENSITY, PROJECT: The total maximum gross residential density for Avimor (residential units per gross acre) is 0.5 dwelling units per gross acre. Residential units approved through a density bonus shall not be included in calculating the Project Density.

DRIVE-THRU: An establishment that by design, physical facilities, service, or method of sale encourages or permits customers to receive services or obtain goods while remaining in their vehicles. The term “drive-thru” also includes automated tellers, banks, cleaners, pharmacies, restaurants and other establishments providing food or beverages, car washes, gasoline service stations, and quick lubrication.

DRY CLEANER / LAUNDROMAT: A business that provides laundry or dry cleaning services or facilities for clothing and other fabric articles and may include drive-thru service. Dry cleaning and laundromat plant operations shall be located off-site.

DWELLING, MULTI-FAMILY: A building consisting of two (2) or more attached dwelling units where all such units are located on the same lot with varying arrangements of entrances and party walls, including units that are located one over the other.

DWELLING, SINGLE-FAMILY ATTACHED: A building consisting of two (2) or more dwelling units attached to one another by a party wall, with each dwelling located on a separate lot and having its own address and water meter. An accessory dwelling unit attached to a single-family detached dwelling does not create a single-family attached dwelling.

DWELLING, SINGLE-FAMILY DETACHED: A building on a single lot consisting of one dwelling unit, which is not attached to any other dwelling unit, other than an accessory dwelling unit.

DWELLING UNIT: A principal (not accessory) structure, building or portion thereof that is used exclusively for human habitation including living, sleeping, eating, cooking, and sanitation.

ENTERTAINMENT FACILITY: An indoor or outdoor commercial facility or area for sport, entertainment, games of skill, or recreation to the general public for a fee. Examples include, but are not limited to, bowling alleys, roller- and ice-skating rinks, miniature golf courses, golf driving ranges (not associated with a golf course), shooting ranges and gun clubs, game courts, movie theaters, concert halls, amphitheaters, video game arcades, outdoor shooting ranges, and rodeos.

EQUESTRIAN CENTER: A facility for the care, training, riding or boarding of horses and may include one or more barns, riding arenas, show rings, exercise areas, tack rooms, pastures, meeting rooms, staff lodging and other accessory structures or facilities associated with such use. Such facility may be public or private and may provide for resident or private boarding for a fee.

EQUESTRIAN LOT: A residential lot designated with the preliminary plat upon which horses may be kept and may contain a barn, riding area, pasture, and other ancillary facilities for the sole use of the lot owner.

EVENT CENTER: An exhibition hall, conference center, convention center, civic center, performing arts center, or other large public building, typically offering enough floor area to accommodate hundreds to thousands of attendees. Can also include outdoor open space to host public social events, corporate conferences, industry trade shows, entertainment spectacles, conventions, and concerts for the surrounding municipal and/or metropolitan areas.

FARMERS' MARKET: A commercial event, typically outdoors, held periodically or on a recurring basis, where farmers and other vendors sell fresh agricultural products and similar merchandise directly to the public. It may provide arts and crafts booths accessory to the produce and plant life booths. Food and beverages may also be sold. Such use shall require a City vendor's permit. This use does not include a flea market or swap meet.

FIRE ESCAPE: A kind of emergency exit to provide escape in the event of a fire. These are usually mounted to the exterior of a building. However, occasionally may be located in the interior of the building.

FLEX SPACE: A space within a building for uses that generally require substantial amounts of storage and working area as well as office and/or showroom space. Loading docks shall be at the rear of the structure, and loading ramps shall be a maximum of two feet (2') high to discourage tractor trailer use. Examples include, but are not limited to, supply storage, computer server area, laboratories, lighting/plumbing fixture showrooms, research and development, small merchandise assembly, and low intensity sales and distribution facilities. Buildings may be comprised of several flex spaces. The gross floor area ratio of each building used as "flex space" shall be a maximum of thirty thousand (30,000) square feet. Hours of operation shall be limited to between six o'clock (6:00) A.M. to ten o'clock (10:00) P.M. This use is not intended to permit warehousing or manufacturing that has high levels of truck activity.

FLOOR AREA: The ratio of the total floor area of a building (or buildings) to the area of the lot or parcel on which the building stands. The total square footage on all floors of all buildings on a certain lot or parcel (building area) is divided by lot or parcel gross square footage (site area). As a formula, $FAR = (\text{building area}) / (\text{gross site area})$. For purposes of this definition, the total floor area (square footage) is measured from outside wall to outside wall and includes the area of all floors of the main structure and accessory structures, but excludes underground garages, uncovered terraces, patios, atriums porches or balconies, covered porches, patios and balconies enclosed on not more than two sides, and chimneys.

FOOD AND BEVERAGE SALES: Retail sales of food and beverages for off site preparation and consumption. Typical uses include grocery stores, delicatessens, and bakeries, and exclude convenience stores and catering services. Such uses may also include liquor stores.

GOLF COURSE AND RELATED SERVICES: A tract of land laid out for playing the game of golf that may include a clubhouse, dining and snack bars, pro shop, and practice facilities.

GROSS ACRES: The total acres that are included in a preliminary plat.

GROSS FLOOR AREA (GFA): The total amount of floor area within a building, as measured from the inside surface of the exterior walls, but excluding any floor area devoted to the following:

1. Mechanical, electrical, or communication equipment or uses as may be required for the operation of the building, including elevators and stairwells;
2. Parking and circulation space for motor vehicles; and
3. Exterior balconies.

HARDSCAPE: Hard surfaces such as sidewalks, pavers, patios, courtyards, and planters consisting of concrete, tile, stone, brick and other similar man-made materials used in lieu of, or in conjunction with, landscape.

HEALTH CLUB: An establishment offering services including, but not limited to, exercise and physical conditioning, spa related services, and weight counseling.

HEIGHT, BUILDING: The height of a building as measured from the finished floor elevation closest to the corresponding finished grade to the top of the roof. The height of the building may follow the same slope as the contour of the lot (grade adaptive architecture). Top of roof means ridgeline or the highest point of any architectural element concealing roof top equipment.

HEIGHT, PERSONAL WIRELESS FACILITIES, SPIRES, POLES, ANTENNAS, STEEPLES, TOWERS, AND SIMILAR STRUCTURES: The height of personal wireless facilities, spires, poles, antennas, steeples, towers, and similar structures shall be determined by measuring the vertical distance from the point of contact with the ground to the highest point of the structure, including any vertical projection thereof. When mounted upon other structures, the combined height of the personal wireless facility, spire, pole, antenna, steeple, tower, and/or similar structure, including the height of the structure mounted upon, shall be used to determine height.

HOME OCCUPATION: An accessory use of a dwelling unit and property that is:

- A. Used for gainful employment or commercial purposes solely by the resident(s) of the dwelling unit that involves the provision, assembly, processing or sale of goods and/or services; and
- B. Incidental and secondary to the residential use of the structure and land and does not change the essential residential character of the dwelling unit/property; but
- C. Excludes uses that provide shelter or lodging to persons who do not residing in the dwelling unit.
- D. No significant traffic shall be generated by any home occupation and any need for parking generated by a home occupation shall meet the off-street parking requirements as specified in this Title.

HOSPITAL: An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients for twenty-four (24) hours or more. This classification includes incidental facilities for outpatient treatment, as well as training, research, emergency care and administrative services for patients and employees. The term hospital does not include convalescent, nursing or boarding homes and does not include institutions devoted to the care of the mentally ill or drug or alcohol addicted.

HOTEL AND MOTEL: Establishments offering rooms as temporary lodging to guests. Hotels typically have eating and drinking service and a dining room where meals are served and may contain meeting/conference facilities. Hotels and motels are considered a non-residential use and are thus not considered residential dwelling units within the context of any density calculations or allowable densities set forth in this Title and the Avimor Development Agreement.

JUNKYARD: An outdoor space where waste and discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored or handled, including auto salvage yards, house wrecking yards, used lumberyards and places where such uses are conducted entirely within a completely enclosed building, or salvaged materials incidental to manufacturing operations.

KENNEL AND PET SHOP: (For hobby, commercial or boarding purposes): Any lot or premises or portion on which five (5) or more dogs, cats and other household domestic animals are maintained, harbored, possessed, boarded, bred or cared for in return for compensation or kept for sale including privately or publicly owned, operated or managed dog pounds.

LABORATORY: An establishment providing medical or dental laboratory services, or establishments with less than two thousand (2,000) square feet providing photographic, analytical, or testing services.

LAND USE DISTRICT: The zoning districts within Avimor where designated land uses are regulated including; (1) Village Center; (2) Mixed Use/Commercial; (3) Village Residential; (4) Foothills Residential; and (5) Open Space. See also, Sub-Use District definition.

LIBRARY: Any establishment or building set aside for the repository or retrieval of information available for the public or patrons to make use of for all kinds of research and reading, including rooms for meetings.

LIQUOR STORE: An establishment for the retail or wholesale sales of packaged liquor and alcohol and where no consumption takes place on the premises. Such use shall be regulated by City Code and Idaho Code.

LIVE/WORK: A dwelling unit that contains a commercial component anywhere in the unit that may accommodate employees and walk-in-trade.

LIVING QUARTERS, ACCESSORY: A structure located on the same lot as, and is subordinate to, the principal residential dwelling, and which may be attached or detached from the principal dwelling, and which may provide living accommodations with provisions for eating, sanitation, and sleeping for occupants, or guests of occupants of the principal dwelling, their domestic employees, tenants or caregivers, but does not include cooking facilities (220v wiring). Accessory living quarters may include a guesthouse, casita, or caretaker/domestic unit and may be located in the front, side or rear yard of the lot or may be above a garage. Direct access from the principal dwelling is not required. Accessory living quarters are not considered dwelling units and do not count toward maximum density calculations.

LOADING SPACE, OFF STREET: Space logically and conveniently located for bulk pick ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off street parking spaces are filled.

LOCAL HIGHWAY DEPARTMENT: The applicable highway authority.

LOT: A Parcel, plot, unit, tract, or other land area of sufficient size to meet minimum zoning requirements for use, coverage and area, and created by subdivision for sale, transfer, or lease.

LOT COVERAGE: The size of the footprint(s) of a building(s) and/or structure(s) on a lot divided by the size of the parcel, expressed as a decimal number. The lot coverage is used in calculating the intensity of use of a parcel for a development project.

LOT FRONTAGE: The front of a lot shall be construed to be the portion adjacent to the street, except for alley load homes designed to face each other with common area pedestrian access between fronts. In that case the front of the lot shall be the property line opposite of the alley and adjacent to the common area pedestrian access.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right of way of any public or private street.

LOT WIDTH: Lot width shall be determined as follows: The distance between side lot lines measured at a point midway between the front and rear lot lines.

MANUFACTURING, LIGHT: Industrial uses that are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures and generating little industrial traffic and no nuisances.

MASTER DEVELOPER: Avimor Development, LLC, an Idaho limited liability company, and all its successors in title and interest.

MASTER LAND USE MAP: That certain land use map for Avimor on file with the City, as approved by the City and as may be amended from time to time pursuant to this Title.

MORTUARY / FUNERAL HOME: A facility where services and/or ceremonies are held in conjunction with human burial or cremation. Crematories may be an accessory use.

MOTION PICTURE / RADIO / TELEVISION PRODUCTION FACILITY: A facility for the making, broadcasting, and/or recording of movie, radio, or television productions.

NON-DWELLING UNIT: A structure, building or portion thereof that is not intended for human habitation.

NEIGHBORHOOD TRAIL: A trail designed to serve a neighborhood or combination of neighborhoods and may connect to a regional pathways, community trail, and open space. Neighborhood trails may be public or private.

NURSERY / SOD FARM, RETAIL: Land, building or combination thereof for the storage, cultivation, and transplanting of live trees, shrubs, plants or sod offered for retail sale to the general public on the premises including products used for gardening or landscaping.

NURSERY / SOD FARM, WHOLESALE: Land, building or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs, plants or sod offered for commercial sale to professional landscape businesses and members of such businesses and not for retail sale to the general public.

NURSING / CONVALESCENT HOME / TRANSITIONAL HOUSING: An establishment providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services. This classification also includes senior assisted living facilities with provisions for shared kitchen facilities and rooms with private bathrooms.

OFFICE PARK: A comprehensively planned and unified office-oriented development containing at least two separate buildings. Office parks typically have a mixture of office, service, professional, and commercial activities and are designed to incorporate aesthetic and service amenities for the employees and patrons of the establishments located within the park. However, commercial and service uses are considered ancillary uses which shall not exceed fifteen percent (15%) of the buildable acres of the office park and are intended to be secondary and complimentary to the principal use.

OFFICE, BUSINESS AND PROFESSIONAL: An office of a firm or organization providing professional, executive, management, or administrative services. This classification includes medical/dental laboratories incidental to an office use but excludes bank/financial institution.

OPEN SPACE: Land within the development that is designated and intended for active and passive recreation, for residents and/or public enjoyment.

Developed Open Space: Open Space that consists of irrigated open space. These areas mostly consist of lawns, shrubs, and planted vegetation.

Natural Open Space: Open Space that is undeveloped land, preserved in its natural state.

Regional Open Space: Open Space that consists of parks and green spaces for use by the public.

Community Open Space: Open Space, including developed and natural open space, for the use of Avimor residents only.

OPEN VIEW FENCE: A fence constructed of metal pickets, glass or other approved material that allows full or partial viewing through the fence.

OUTDOOR STORAGE: The storage of goods, wares, merchandise, equipment, vehicles, materials or supplies in the same place for more than twenty-four (24) hours in an open area. The term outdoor storage shall include material that is kept under a pole barn structure or any structure that is less than fully enclosed.

OWNERS' ASSOCIATION: A legal entity created by the Master Developer for the purpose of managing and operating common areas and facilities within Avimor for the use of its members through assessments of its members, which may include the Avimor Residential Community Association and the Avimor Commercial Properties Association.

PARCEL: A designated tract or area of land which is unplatted or as otherwise permitted by law, to be used, developed or built upon as a unit.

PARKING LOT / PARKING GARAGE: A parking lot or garage offering short-term or long-term parking to the public and which may also include a fee.

PARKING SPACE: An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

PARKING SPACE, OFF STREET: A parking space that is located outside of any street or alley right of way. Off street parking spaces are allowed to count towards the parking requirements of a specific use.

PARKING SPACE, ON STREET: A parking space that is located along or within a street or alley right of way. On street parking spaces are allowed to count towards the parking requirements of multi-family dwellings and commercial uses.

PAWN SHOP: An establishment engaged in the buying or selling of merchandise, including minimal numbers of used autos, and offering loans secured by personal property. This definition does not include the sale of new autos unless the business is in conjunction with and on the premises of a new auto dealership.

PERFORMANCE BOND OR SURETY BOND: A financial guarantee by a subdivider or developer with the city in the amount of the estimated construction cost guaranteeing the completion of physical improvements, according to plans and specifications within the time prescribed by the agreement.

PERSONAL SERVICE: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, electronics and appliance repair (no outdoor storage), barbershops, beauty parlors, day spa, massage therapy, dog groomers without a kennel, and similar activities.

PORCH: A covered outdoor space defined by building walls and guardrails at the front, side or rear of a residence with one or more access points into the residence.

PUMP STATION: Portable, non-potable, domestic water system, non-potable irrigation system, wastewater pumps, and sewer reuse and collection systems that are used to serve the project and owned by the Avimor Water Reclamation Company.

RADIO AND TELEVISION BROADCAST STATION: A facility used to transmit television and radio signals and shows/programs.

RECREATION / COMMUNITY CENTER: A facility that provides a variety of recreational facilities and programs for community residents or the general public. Such facilities may include swimming pools, indoor and outdoor sports courts, exercise facilities and classes, spa facilities, locker rooms, meeting rooms, dance studios, game rooms, arts and crafts rooms, a restaurant and snack bar, bar, banquet facilities, lounge area and other similar uses. Recreation centers include YMCA's, teen centers, and similar facilities and may also include entertainment facilities or health clubs.

RECYCLING / SOLID WASTE TRANSFER CENTER: A facility that is not a junkyard and in which recoverable resource materials, such as paper products, glassware, and metal cans are collected, sorted, flattened, crushed, or bundled within a completely enclosed structure prior to shipment to others who use such resource materials to manufacture new products.

REGIONAL PATHWAY: A public pathway that will serve the community connecting neighbors and regional destinations.

RESEARCH AND DEVELOPMENT: An establishment primarily engaged in the research, development, testing, and production of high technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Examples of research and development establishments include biotechnology, chemical, pharmaceutical, medical, electrical, transportation, and engineering firms and computer component manufacturers.

RESORT: A destination point for visitors that generally provides overnight accommodations and recreation, fitness and spa facilities for persons on vacation including timeshare and vacation clubs. A resort is self-contained and provides personal services customarily furnished at hotels, including the serving of meals and meeting/conference facilities. Buildings and structures in a resort complement the scenic qualities of the location in which the resort is situated. Resorts are considered non-residential uses and are thus not considered residential dwelling units within the context of any density calculations or allowable densities set forth in this Title and the Avimor Development Agreement.

RESTAURANT: Any establishment, other than a bed and breakfast facility, where meals are provided for compensation, including, among others, such uses as cafe, cafeteria, coffee shop, lunchroom, tearoom, dining room, and dining accommodations of public or private clubs. Bars and pubs may be included within a restaurant as an accessory use.

RETAIL SALES: The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, drugstores, video stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, printing and copy supplies and service, electronic equipment, music, pets and pet supplies, sporting goods, bicycles, kitchen utensils, hardware, appliances, artwork, art supplies and services, antiques, collectibles, paint and wallpaper, carpeting and floor coverings, office supplies, and new automotive parts and accessories (excluding services and installation) , and other similar items, but excluding building material/lumber yards. This definition also includes stores and establishments for the rental of small tools and equipment.

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural and related products, the majority of which have been grown on adjacent land.

SALES OFFICE/TRAILER, TEMPORARY: The temporary use of a mobile home, travel trailer, truck trailer, and/or dwelling unit within a development project as a sales or rental office for the project.

SEASONAL SALE: A one-time, temporary sale that is conducted for less than thirty (30) days customarily prior to or in conjunction with a specific holiday and or seasonal event.

SCHOOL, BUSINESS: A commercial or public-school providing instruction solely in professional skills including, but not limited to, business management, accounting, secretarial skills, sales, marketing and merchandising.

SCHOOL, COLLEGE AND UNIVERSITY: An educational institution authorized by the State of Idaho to award associate, baccalaureate or higher degrees or post high school certifications or licenses.

SCHOOL, ELEMENTARY/MIDDLE/HIGH: A public or private educational institution having a curriculum comparable to that required in the public schools of the State of Idaho.

SCHOOL, VOCATIONAL/TECHNICAL: A commercial or public establishment offering training in a skill or trade to be pursued as a career.

SETBACK: The required distance from a building to a property line or site improvements including streets, curbs, parking lots, various site driveways and access roads, walkways, hardscape and walls and in which no building or structure may be located above ground except as may be provided herein.

SHOPPING CENTER, COMMUNITY: A group of commercial establishments, planned, developed, owned and/or managed as a unit and typically containing 100,000-350,000 square feet of gross leasable space designed to serve the needs of the community. A community shopping center is typically anchored by supermarkets, super drugstores, and discount department stores and sometimes contains big box retailers selling such items as apparel, home improvement/furnishings, toys, electronics or sporting goods.

SHOPPING CENTER, NEIGHBORHOOD: A group of commercial establishments planned, developed, owned and/or managed as a unit and typically containing 30,000-150,000 square feet of gross leasable space and designed to provide convenience shopping for the day-to-day needs of consumers in the neighborhood. A neighborhood shopping center is typically anchored by a supermarket or drugstore.

SIGN: Any display or device consisting of attached or painted letters, symbols or designs, and is intended to communicate business identification, advertisement, announcement, direction or other message or attract, distract, hold, direct or focus attention.

SITE DRIVEWAY AND ACCESS ROAD: Facilities that are typically privately owned and maintained, do not conform with public street design standards and are located on-site, serve an individual development (occasionally with separately owned lots) and do not serve as public streets either by function or appearance.

SITE FURNISHINGS: Utilitarian outdoor elements intended for pedestrian use such as benches, trash receptacles, public telephones, newspaper racks, bollards, drinking fountains, bike racks, parcel delivery service and postal boxes, lighting standards, and other such furnishings.

SPECIAL CARE FACILITY: A facility used exclusively for one or more of the following: (a) the treatment of alcohol or drug dependency; (b) the housing and care of persons with physical or mental illness that requires them to be confined in an institutional facility as allowed by Idaho Code.

SPECIAL EVENT (LARGE): An event or happening organized by any person which will generate or invite over 300 participants and/or spectators, from outside of Avimor, for a particular and limited purpose and time, including, but not limited to, musical and dance performances, arts and craft shows, artifact displays, holiday events, fun runs, roadway foot races, fundraising/charitable events, bikeathons, parades, and fairs. Special events may occur on public or private property.

SPECIAL EVENT (SMALL): An event or happening organized by any person that will generate or invite participants and/or spectators from Avimor or less than 300 participants and/or spectators from the general public, for a particular and limited purpose and time, including, but not limited to, musical and dance performances, arts and craft shows, artifact displays, holiday events, fun runs, roadway foot races, fundraising/charitable events, bikeathons, parades, and fairs. Special events may occur on public or private property.

SPORTING EVENT: An event often held over multiple days, featuring competition in many different sports among organized teams of athletes or professionals.

STREETScape: All of the plant material, walkways, walls, community monumentation and street furnishing adjacent to a roadway that establish the visual character of the street.

SUBDIVISION LAND USE MAP: A map submitted by a subdivider in connection with a preliminary plat application designating the specific Land Use Districts and Sub-Use Districts within the area being platted.

SUBSTANTIAL CONFORMANCE: A proposed Final Plat shall be deemed to be in substantial conformance with an approved Preliminary Plat if the number of buildable lots proposed in the Final Plat is within twenty percent (20%), plus or minus, of the approved Preliminary Plat and there is a twenty-five percent (25%) or less deviation in dimensional standards as shown on the approved Preliminary Plat. This definition of Substantial Conformance should be interpreted to provide flexibility in Final Plat design standards.

SUPER PAD: One (1) or more lots identified as "Super Pad(s)" on a plat for grading and/or further development. Such Super Pad(s) will be graded and will have adequate roads and utilities stubbed to such lots in preparation for replatting. Such Super Pad(s) are not considered buildable lots until replatted as provided in this Title.

SUB-USE DISTRICT: A specific use district within each Land Use District in Avimor where designated land uses are regulated including: (1) Rural Residential; (2) Estate Residential; (3) Single-Family Detached 1 (SF1); (4) Single-Family Detached 2 (SF2); (5) Single-Family Detached 3 (SF3); (6) Single-Family Zero Lot Line (SFZL); (7) Single-Family Special Lot (SFSL); (8) Single-Family Attached (SFA); (9) Medium Density Multi-Family (MF1); (10) High Density Multi-Family (MF2); (11) Village Center (C/VC); (12) Mixed Use (MU); (13) Highway Mixed Use (HMU); (14) Neighborhood Commercial (NC); and (15) Community Commercial (CC).

TITLE: Title 11B of the City Code.

TOWER: Any ground or roof mounted pole, spire, similar structure, or combination thereof, with a "height", as defined in this Title, in excess of fifteen feet (15'), including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

UNIT: A residence that provides a space for occupants making up a household to live and eat. Each unit shall count towards the maximum density as specified in this Title and the Avimor Development Agreement.

USE, ACCESSORY: A use or structure that is incidental and subordinate to an established principal use of a property and is located on the same lot as the principal use. Accessory uses/structures include, but are not limited to, detached carports and garages, covered parking structures, trash enclosures, pool houses and cabanas, barns, corrals, stables, caretaker's quarters, guard houses, storage sheds, outdoor storage structures, microwave and satellite dish antennas, and similar uses and structures. Accessory uses shall require a zoning permit when modified or developed separately from the principal use, and shall not count towards the overall Project Density.

USE, PRINCIPAL: The primary or main use of the land, building or structure, as distinguished from an accessory or temporary use.

USE, TEMPORARY: Any activity on a site approved by the Administrator for a limited time of operation, as set forth in Chapter 3 of this Title. A temporary use is governed by a zoning permit.

UTILITY BUILDINGS OR APPURTENANCES: Elements of the utility system that extend above ground and can be seen. Utility appurtenances include, but are not limited to, electronic transformers, switch and junction boxes, telephone switch and junction boxes, cable television boxes, gas vents and valves, irrigation controllers and valve boxes, security and camera, satellite dishes and antennas of all types.

VETERINARY HOSPITAL / CLINIC: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

VIEW WALL: A security or privacy screen that is part solid wall and part view fence.

VINEYARD: Land used for the growing of grapes including storage of related equipment and accessory uses. It may also include a winery, tasting room, wine cellar, bottling, and any other uses related to the production of wine.

WALL, COMMUNITY: A wall within and along the perimeter of Avimor that is designed to enhance the community theme.

WALL, PARCEL: A wall not designated as a community wall within a neighborhood, including a wall between individual parcels and rear and side yard privacy walls.

WAREHOUSING, STORAGE AND MINISTORAGE: Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces. Vehicle storage must be treated as outdoor storage.

WASTEWATER TREATMENT AND WATER STORAGE FACILITY: Treatment facility owned and operated by the Avimor Water Reclamation Company.

WHOLESALE, DISTRIBUTION AND STORAGE: Storage and distribution facilities without direct public access for merchandise to retailers, industrial, commercial, institutional, or professional business users, to other wholesalers and to members of such businesses.

WINERY: A facility dedicated to producing, warehousing, distributing, and selling of wine and other associated products. A winery may include a crushing facility, bottling equipment, barrel storage, agricultural equipment and storage. A tasting room, restaurant, events center, and retail sales associated with the winery may be included as accessory uses.

WIRELESS COMMUNICATION FACILITY: Any facility, often unstaffed, that transmits and/or receives signals by electromagnetic or optical means, including, without limitation, antennas, microwave dishes, satellite dishes or similar structures supporting such equipment.

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more building sides have no (zero) building setback (or yard requirements) and rest directly on a side, rear, or front lot line.

CHAPTER 2 LAND USE DISTRICTS

11B-2-1: ZONING AND MAXIMUM DEVELOPMENT INTENSITY

Avimor will contain a mix of residential, commercial, employment, public, institutional, civic, service, recreational and open space uses. The Property is zoned Mixed-Use with the Avimor PD Overlay District (MU-PD-Avimor).

11B-2-2: MASTER LAND USE MAP AND LAND USE DISTRICTS

The Master Land Use Map generally depicts the areas within Avimor planned for potential residential development and the areas within Avimor planned for potential mixed use/commercial development. The Open Space Land Use District is appropriate anywhere within Avimor. A Subdivision Land Use Plan submitted and approved with each preliminary plat will specifically identify the Land Use District(s) and Sub-Use District(s), and the boundary of each, and the density allocation included in the preliminary plat area, in accordance with 11B-12B-3. The following Land Use Districts are found within Avimor:

A. Village Center: The Village Center (VC) district is the heart of the community and the main activity center for Avimor and is designed to accommodate commercial, community, residential and cultural activities. This district may include shopping, business and professional offices, research and development, hotel and resort uses, vineyards and wineries, cultural, educational, civic, community facilities, and parks and recreational facilities to serve Avimor and area residents. Medium to high density residential areas may be included, and residential units may be stacked vertically above business uses.

B. Mixed Use/Commercial:

1. **Mixed Use** districts are comprised of Highway Mixed Use (HMU) and Mixed Use (MU) and are intended to provide a variety and mixture of retail, business, residential and employment opportunities for Avimor and area residents. The HMU Sub-Use District is located next to State Highway 55 and the MU Sub Use District is located interior to the community. The HMU Sub-Use District is designed to provide highway-oriented businesses as well as similar and more intensive uses than found in the MU Sub-Use District. Mixed Use Districts will accommodate office, flex space, light manufacturing, research and development, shopping, business, lodging, professional and support commercial services, primary, secondary and higher educational facilities, parks and recreation facilities, vineyards and wineries, and residential uses.
2. **Commercial** districts are intended to provide commercial facilities designed for use by community or area residents that will provide most of the daily and weekly support services that residents require on a regular basis. Commercial districts may be Community Commercial (CC) or Neighborhood Commercial (NC) and may include retail and convenience businesses, shopping centers, professional offices, and vineyards and wineries. Residential uses may be included in the NC district.

- C. Foothills Residential:** Foothills Residential districts (ER and RR as shown in Table 2.2) are intended to provide residential neighborhoods. Foothills Residential districts may also include farmers' markets, schools, vineyards, community centers and other complementary uses, as shown in Table 2.1. Some Foothills Residential uses are also permitted in non-residential land use districts as shown in Table 2.1. Refer to Table 2.2 for residential land use descriptions and density ranges.
- D. Village Residential:** Village Residential districts are intended to provide residential neighborhoods with a range of lot sizes and housing types depending on location, site conditions, and market influences to create a community that emphasizes housing diversity. Village Residential districts are comprised of Single-Family Detached (SF1, SF2, SF3, SFZL, SFSL), Single-Family Attached (SFA) and Multi-Family (MF1, MF2) at various densities and mixes. Village Residential districts may also include schools, day care facilities, worship sites, parks, playfields, and other recreational facilities, golf courses, resorts, vineyards and wineries, and other complementary uses, as shown in Table 2.1. Some Village Residential uses are also permitted in non-residential land use districts as shown in Table 2.1. Refer to Table 2.2 for residential land use descriptions and density ranges. Village Residential is depicted in two categories on the Land Use Map: (1) Village Residential Low, which includes the SF1 and SF2 districts, with densities ranging from 1 to 9 units per acre, and (2) Village Residential Medium, which includes the SF3, SFZL, SFSL, SFA districts, with densities ranging from 1 to 20 units per acre.
- E. Open Space:** Open Space districts consist of Community Open Space (COS) and Regional Open Space (ROS) districts. Community Open Space and Regional Open Space is an allowed use within any land use district.
- 1. Community Open Space:** Community Open Space is land set aside for recreation, agriculture, habitat, vegetation, scenic, or similar uses and is intended to primarily serve Avimor residents. Community Open Space may include public, semi-public, and private recreational facilities, amphitheaters, golf courses, pathways and trails, landscape zones in and adjacent to major roadways including areas outside of a dedicated right-of-way, greenbelts, cultural, community, educational, and quasi-public facilities, equestrian centers, and trailheads, as well as parks, playfields and natural open spaces. Agricultural uses, such as vineyards, wineries and plant nurseries, are considered Community Open Space. Facilities and tracts of land owned by the Owners' Association are also considered Community Open Space.
 - 2. Regional Open Space:** Regional Open Space is intended to serve both Avimor residents and the general public and may be adjacent to, or provide connection to, large scale regional open space. Regional Open Space may include many of the amenities provided in Community Open Space as well as active regional parks, trail corridors (such as the proposed Eagle Canyon Regional Park, Trail and Open Space Corridor.) Regional Open Space may be owned and maintained by the City, the Owners' Association, private parties, a land trust, or other conservation group or entity.

11B-2-3: PERMITTED USES

This Chapter indicates which uses are permitted in each Land Use District and Sub-Use District. Table 2.1 identifies those uses permitted by right, those uses that require approval by Conditional Use

Permit, and those uses that are prohibited. The asterisk (*) in the Table's final column refers to special performance standards and/or limitations applicable to a particular use. These special standards are found in Chapter 4 of this Title, Specific Land Use Standards.

Abbreviations used in Table 2.1 are:

P- Permitted Use

C- Use Permitted by Conditional Use Permit, in accordance with Chapter 11B-7

P/C- Use either permitted by right or permitted by Conditional Use Permit as defined in the Specific Land Use Standards for that use.

A- Accessory Use

Blank Prohibited Uses

TABLE 2.1 – LAND USE TABLE

	VC	H M U	MU	CC	NC	RR	ER	SF 1	SF 2	SF 3	SFZL	SFSL	SFA	MF1	MF2	COS	ROS
COMMERCIAL																	
Adult Business																	
Auto Body Shop*		C		C													
Auto Gas Station*	C	P	P	P	C												
Auto Repair and Service Shop (Major)*		P	C	C													
Auto Repair and Service Shop (Minor)*	P	P	P	P	P												
Auto Rental Agency*	C	P	C	C													
Auto and Recreational Vehicle Sales*		P	C	C													
Animal Daycare*	P	P	P	P	P	C	C										
Bank / Financial Institution	P	P	P	P	P												
Bar/ Pub/ Nightclub*	P	P	P	P	P												
Bed and Breakfast Facility*	P	P	P			C	C	C									

	VC	H M U	MU	CC	NC	RR	ER	SF 1	SF 2	SF 3	SFZL	SFSL	SFA	MF1	MF2	COS	ROS
Brewery	P	P	P	P	P												
Building Materials/ Lumber Yard	P	P	P	P	P											C	
Car Wash *	C	C	C	C	C												
Check Cashing	P/C	P/C	P/C	P/C													
Childcare Facility (Family/Home Daycare)*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Childcare Facility (Group Daycare)*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Childcare Facility (Daycare Center) *	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Clinic	P	P	P	P	P												
Club or Lodges	P	P	P	P	P											P	
Convenience Store*	P/C	P/C	P/C	P/C	P/C												
Dry Cleaner / Laundromat	P	P	P	P	P												
Entertainment Facility (excluding Shooting Range, Gun Club, and Rodeo)*	P	P	P	P	C											P/C	P/C
Flex Space	P	P	P	P	P												

	VC	H M U	MU	CC	NC	RR	ER	SF 1	SF 2	SF 3	SFZL	SFSL	SFA	MF1	MF2	COS	ROS
Food and Beverage Sales	P	P	P	P	P												
Health Club	P	P	P	P	P									C	C		
Home Occupation*	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Hospital	P	P	P	C													
Hotel and Motel*	P	P	P	P	P									P/C	P/C		
Junkyard																	
Kennel and Pet Shop*	P	P	P	P	P	C	C										
Laboratory	P	P	P	P													
Liquor Store*	C	C	C	C	C												
Manufacturing, Light*	P	P	P														
Mortuary/ Funeral Home*		P	P	P													
Motion Picture /Radio/ Television Production Facility*	P	P	P	P	C												
Nursing/ Convalescent Home/ Transitional Housing/ Assisted Living	P	P	P	C	C									C	C		

	VC	H M U	MU	CC	NC	RR	ER	SF 1	SF 2	SF 3	SFZL	SFSL	SFA	MF1	MF2	COS	ROS
Office, Business & Professional	P	P	P	P	P												
Outdoor Storage*	P	P	P	P	P	A	A	A	A	A	A	A	A	A	A	A	A
Parking Lot/ Parking Garages (Commercial)	P	P	P	P	P									P/C	P/C		
Pawn Shop / Auto Title Loans																	
Personal Service	P	P	P	P	P												
Radio and Television Broadcast Station*	P	P	P	P	C												
Recreational Vehicle Storage*	C	P	C	C	C												
Recycling / Solid Waste Transfer Center*		C	C	C													
Rental Service / Storage Yard (Large Equipment)*		P	C	C													
Research and Development	P	P	P	P													
Resort*	P		P			P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		

	VC	H M U	MU	CC	NC	RR	ER	SF 1	SF 2	SF 3	SFZL	SFSL	SFA	MF1	MF2	COS	ROS
Restaurant (with and without Drive- thru) and Catering Establishment*	P	P	P	P	P												
Retail Sales	P	P	P	P	P												
Shooting Range /Gun Club (Indoor)*		C	C	C													
Shooting Range / Gun Club (Outdoor)*																P/C	P/C
Shopping Center, Community	P	P	P	P	P												
Shopping Center, Neighborhood	P	P	P	P	P												
Special Care Facility*		C	C	C													
Veterinary Hospital/ Clinic*	P	P	P	P	P	C	C										
Warehousing, Storage and, Ministorage*	C	P	P	P	C												

	VC	H M U	MU	CC	NC	RR	ER	SF 1	SF 2	SF 3	SFZL	SFSL	SFA	MF1	MF2	COS	ROS
Wholesaling, Distribution, and Storage*		P	P	P													
Accessory Dwelling Unit*		A	A		A	A	A	A	A	A	A	A	A				
Dwelling, Multi- Family	P	P	P	P	P			P	P	P	P	P	P	P	P		
Dwelling, Single-Family Attached	P	P	P		P			P	P	P	P	P	P	P	P		
Dwelling, Single-Family Detached	P	P	P		P	P	P	P	P	P	P	P	P	P	P		
Equestrian Lot*						P	P										
Living Quarters, Accessory*	A	A	A		A	A	A	A	A	A	A	A	A	A	A		
Art Gallery	P	P	P	P	P												P
Church/Place of Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Community Association Building/ Facility	P	P	P	P	P			P	P	P	P	P	P	P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Information Center*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

	VC	H M U	MU	CC	NC	RR	ER	SF 1	SF 2	SF 3	SFZL	SFSL	SFA	MF1	MF2	COS	ROS
Electric Substation*	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Equestrian Center*		P	P	P	P/C	P	P/C									P	P
Event Center	P	P	P	P	P	P/C	P/C									P	
Fire/Police Station*	P	P	P	P	P	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Golf Course			P			P	P	P	P	P	P	P	P	P	P	P	
Library*	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Maintenance Facility Related to Open Space	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Museums	P	P	P	P	P											P	P
Park, Open Space and Open Space Easement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Post Office/ Annex	P	P	P	P	P			P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		
Pump Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation/ Community Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation Field, Court, and Sports Facility*	P	P	P	P	P	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C

	VC	H M U	MU	CC	NC	RR	ER	SF 1	SF 2	SF 3	SFZL	SFSL	SFA	MF1	MF2	COS	ROS
Satellite and Microwave Dishes*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C
Wastewater Treatment Facility*	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Water Storage Facility*	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Wireless Communication Facility*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Schools, Business	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Schools, Colleges and Universities (including Satellite Campuses)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Schools, Elementary/ Middle/High Schools (Public & Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Schools, Vocational/ Technical	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Agriculture*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

	VC	H M U	MU	CC	NC	RR	ER	SF 1	SF 2	SF 3	SFZL	SFSL	SFA	MF1	MF2	COS	ROS
Plant Nursery/ Sod Farm (Retail & Wholesale)*	P	P	P	P	P	A	A									P	P
Vineyard	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Winery*	P	P	P	P	P	C	C	C								P	P
Aggregate Processing, Asphalt, and Concrete Batch Plant*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Circus and Carnival*	C	C	C	C	C											C	C
Farmers' Market*	P	P	P	P	P	C	C									P	P
Roadside Stand*	C	C	C	C	C	C	C									P	
Seasonal Sales	P	P	P	P	P	P	P									P	
Special Event (Large)*	P	P	P	P	P	P	P	C	C	C	C	C	C	C	C	P	P
Special Event (Small)*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sporting Event*	P	P	P	P	P	P/C	P/C	P/C	P/C	P/C						P	P
Temporary Construction Office / Yard*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

	VC	H M U	MU	CC	NC	RR	ER	SF 1	SF 2	SF 3	SFZL	SFSL	SFA	MF1	MF2	COS	ROS
Temporary Sales Office/ Trailer*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

11B-2-4: SETBACKS AND GENERAL LOT DEVELOPMENT REGULATIONS

These standards are designed to ensure that development within Avimor will produce a built environment of stable, desirable character that is harmonious with existing and future development and is consistent with the intent and purpose of the Master Land Use Map. Centralized Water and Wastewater facilities are required for all subdivision and lot split applications in all land use districts exceeding one (1) dwelling unit per two (2) acres (where facilities are available).

A. General Setback Standards

1. Minimum residential and non-residential district setbacks are outlined in Tables 2.2, 2.3 and 2.4. Dwelling units located in the HMU, MU, and NC districts shall use the setback standards for the applicable non-residential district.
2. Dwelling units that are stacked above non-residential uses shall use the setbacks of the non-residential district.
3. Dwelling units in the RR, ER, and SF1 districts shall adhere to the setbacks outlined in Table 2.2 unless building envelopes are used in which case the more restrictive setbacks described in Chapter 3 of this Title shall apply.
4. Residential setbacks for front, side and rear-loaded single-family lots shall be measured from the back of sidewalk, or back of curb if no sidewalk exists, or edge of pavement if no curb exists, to the foundation of a building or the face of a garage. All other setbacks shall be measured to the property line or as otherwise noted.
5. Driveway length shall be eighteen (18) feet minimum beyond the back of sidewalk, or back of curb if no sidewalk exists, or edge of pavement if no curb exists to allow vehicles to park completely outside the vehicular or pedestrian travel corridor, or three (3) to five (5) feet to prevent a vehicle from parking in the driveway. No more than three consecutive dwelling units in a row shall have front loaded driveways between three (3) to five (5) feet in length. There shall be no such restriction for rear loaded dwelling units.
6. Bay windows, nooks, architectural pop-outs and appendages, fireplaces, cabinets designed to screen utility meters and similar architectural features shall encroach no more than two (2) feet into any setback, provided they remain at least three (3) feet from the side property lines and ten (10) feet from the front property line, and do not increase the living space within the home at the floor line. The maximum width of such structures shall not exceed thirteen (13) feet in total for any facade.
7. Roof overhangs, cornices, and similar architectural features shall encroach no more than two (2) feet into any setback provided they remain at least three (3) feet from the property line. Balconies must maintain the setback required for the structure to which they are attached and may not extend into the required setback area except on lots where

such balconies abut a golf course, park area, common open space, or similar open space. In such case balconies may extend into the setback area toward the open space a distance equal to fifty percent (50%) of the required setback provided they remain at least five (5) feet from the property line. Balconies on multi-family dwelling units may also overhang a sidewalk or common area up to five (5) feet so long as they are elevated in the vertical air space over and above such sidewalk or common area by a minimum of ten (10) feet.

8. Interior fire escapes are encouraged. Exterior fire escapes shall encroach no more than 6 feet into any setback provided they remain at least three (3) feet from the property line. Exterior fire escapes are allowed in the side or rear yards only.
9. Accessory dwelling units, shall comply with the setback and height standards for the district they are located in as set forth in Tables 2.2, 2.3, and 2.4 or as otherwise described in Chapter 4 of this Title.
10. Accessory structures shall not be permitted in the addressed front except for garages and accessory dwelling units, which shall comply with the setback standards of the applicable residential district.
11. Attached patio covers, awnings, carports, trellises, and similar structures and architectural elements within residential districts shall encroach no more than two (2) feet into the front setback and shall encroach no more than fifteen (15) feet into the side and rear setbacks provided they remain at least 5 feet from the property line. These setbacks are measured from the supporting posts; however, overhangs may extend up to three (3) feet from a property line. Such structures must remain open without the use of siding, screens or other enclosures. Enclosed structures must conform to the setback standards for the principal dwelling.
12. Awnings, trellises, and similar structures and architectural elements in non-residential districts may overhang a sidewalk up to six (6) feet so long as they are elevated in the vertical air space over and above such sidewalk by a minimum of eight (8) feet and do not negatively impact a tree canopy.
13. Swimming pools shall only be permitted in the side or rear yard areas. Swimming pools shall maintain a minimum setback of three (3) feet from the water's edge to property lines and easements. Any setback, if required, from the dwelling or other buildings on the same lot shall be determined by the City Building Department.

B. Building Heights

1. Building heights shall be measured from the finished floor elevation closest to the finished grade to the top of the roof. The height of the building may follow the slope of the contour of the lot (grade adaptive architecture). Top of roof means ridgeline or the highest point of any architectural element concealing roof top equipment, excluding

chimneys and vents. Height restrictions are not intended to limit the number of stories. Height restrictions do not apply to chimneys, which are governed by the building code.

2. Themed, non-habitable structures or parts of structures, such as church steeples and clock towers, shall be allowed up to fifty (50) feet in height in the CC, NC and residential districts and shall be allowed up to sixty (60) feet in height in the VC, HMU and MU districts except where the height of such structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.
3. Refer to Tables 2.2, 2.3 and 2.4 for maximum building heights.

C. Residential Density

1. Residential density, as shown on Table 2.2, shall be determined on a gross area basis. Gross area includes the entire area being developed together with all right-of-way prior to any right-of-way dedication.

D. Refuse Storage/Disposal

1. Every parcel with a multi-family or commercial use shall have a trash receptacle on the premises. The trash receptacle shall be of sufficient size to accommodate the trash generated by the use and must be a minimum of fifty (50) feet from any single-family residential property. The receptacle shall be screened from public view on at least three sides by a solid wall or structure not to exceed six (6) feet in height and on the fourth side by a solid gate not to exceed six (6) feet in height. Trash structures must be compatible in materials with the principal building(s). Trash receptacles for single-family homes must be stored within the enclosed garage or screened from the right-of-way behind a fence. Notwithstanding anything herein, the following shall be exempt from the setbacks of this subsection: all uses within the VC district, Live/Work uses, and any dwelling units that are stacked above non-residential uses. However, the trash receptacle must be located in the rear of the property and not encroach into any site triangle.

E. Hillside Development and Grade-Adaptive Housing

1. Guidelines for hillside development and grade-adaptive housing are contained in the Avimor Grading Guidelines and Hillside Development Standards.

F. Side And Rear Yards For Nonresidential Uses Abutting Residential Districts

1. Nonresidential buildings or uses shall not be located or constructed closer than twenty feet (20') to any lot line of a residential district, unless specifically called out in Chapter 4 of this Title; except that the minimum yard requirements may be reduced to no less than ten feet (10') of the requirement if acceptable to the City Design Review Board.

TABLE 2.2: SINGLE FAMILY RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

SINGLE FAMILY RESIDENTIAL USES					
SUB-USE DISTRICT	MAXIMUM DENSITY ^{see note 4}	MINIMUM LOT AREA	MAXIMUM LOT COVERAGE	MINIMUM SETBACKS	MAXIMUM HEIGHT
FOOTHILLS RESIDENTIAL					
(RR) Rural Residential <i>See Note 1</i>	1 unit per 2 gross acres	1.0 Acre	35%	Front: Front Garage: 30' Side Garage: 20' Living: 25' Interior Side: 10' Street Side: 20' Rear: 20'	40'
(ER) Estate Residential <i>See Note 1</i>	5 units per gross acre	8,500 sq. ft.	40%	Front: Front Garage: 20' Side Garage 15' Living: 15' Interior Side: 5' Street Side: 15' Rear: 20'	40'
VILLAGE RESIDENTIAL					
(SF1) Single-Family Detached <i>See Note 1</i>	6 units per gross acre	6,500 s.f.	50%	Front: Front Garage: 20' Side Garage: 10' Living: 10' Interior Side: 5' Street Side: 10' Rear: 20' Alley Garage: 5'	35'
(SF2) Single-Family Detached <i>See Note 1</i>	9 units per gross acre	4,500 s.f.	60%	Front: Front Garage: 18' Side Garage: 10' Living: 10' Interior Side: 5' Street Side: 10' Rear: 10' Alley Garage: 5'	35'
(SF3) Single-Family Detached	10 units per gross acre	3,000 s.f.	70%	Front: Front Garage: 18' Side Garage: 8' Living: 8' Interior Side: 3'	35'

SINGLE FAMILY RESIDENTIAL USES					
SUB-USE DISTRICT	MAXIMUM DENSITY ^{see note 4}	MINIMUM LOT AREA	MAXIMUM LOT COVERAGE	MINIMUM SETBACKS	MAXIMUM HEIGHT
				Street Side: 10' Rear 10' Alley Garage: 5'	
(SFZL) Single-Family Zero Lot Line <i>See Notes 2 & 3</i>	10 units per gross acre	3,000 s.f.	90%	Front: See note 2 Interior Side: 0'/5' Street Side: 0' Rear: 0' Alley Garage: 3'-5'	35'
(SFSL) Single Family Special Lot	12 units per gross acre	3,000 s.f.	90%	<i>See Note 3</i>	38'
(SFA) Single-Family Attached <i>See Notes 2 & 3</i>	18 units per gross acre	N/A	90%	Front: <i>See note 2</i> Interior Side: 0'/5' Street Side: 15' Rear: 15' Alley Garage: 3'-5'	38'

Notes:

1. In the RR, ER and SF1 districts, the rear setback may be reduced to fifteen (15) feet if the rear property line is adjacent to open space that is a minimum of fifty (50) feet wide. In the SF2 district, the rear setback may be reduced to ten (10) feet if the same condition exists.
2. In the SFZL and SFA districts, the front building setback, exclusive of the garage, may be eight (8) feet. The front setback to a side entry garage may also be eight (8) feet. The setback to a front entry garage shall be either eighteen (18) feet or more or three (3) to five (5) feet. Setbacks between five (5) feet and eighteen (18) feet are not allowed.
3. In the SFZL district and SFA district the 0' side setback is for the party wall and 5' side setback is for the non-party wall side of the dwelling.
4. The Maximum Density in any residential single-family residential Sub-Use District may be increased, a density bonus, by one (1) residential unit for each acre of Regional Open Space provided. Residential units added through a density bonus shall not be included in the overall Project Density calculation.

TABLE 2.3 – MULTI-FAMILY RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

MULTI-FAMILY VILLAGE RESIDENTIAL USES				
DISTRICT	MAXIMUM DENSITY	MINIMUM OPEN SPACE^{2, 3}	MINIMUM SETBACKS	MAXIMUM HEIGHT
(MF1) Medium Density / Multi-Family	28 units per acre	20% of the site	20' from the exterior property lines of the development and 20' between buildings ¹	45'; (58' in the CC, HMU & MU Districts)
(MF2) High-Density / Multi-Family	40 units per acre	20% of the site	10' from the exterior property lines of the development and 20' between buildings ¹	45'; (58' in the CC, HMU & MU Districts)

Notes:

1. In all multi-family districts, garage door setbacks may be either eighteen (18) feet or more or three (3) to five (5) feet. Setbacks between five (5) feet and eighteen (18) feet are not allowed.
2. Open Space that was platted with the initial plat in which the superpad is located shall be sufficient for the open space requirements for the superpad resubdivision.
3. Open Space requirements are waived if lot coverage is 80% or more of the lot or if the lot abuts natural open space.

TABLE 2.4 – NON-RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

NON-RESIDENTIAL USES				
SUB-USE DISTRICT	MINIMUM LOT AREA	MAXIMUM Floor Area	MINIMUM SETBACKS	MAXIMUM HEIGHT
MIXED USE				
(HMU & MU) Highway Mixed Use & Mixed Use	N/A	4.0	Front: 15' Interior Side: 5' Street Side: 10' Rear: 10'	58'
COMMERCIAL				
(CC) Community Commercial	10 Acres	.5	Front: 20' Interior Side: 0' Street Side: 0' Rear: 0'	58'
(NC) Neighborhood Commercial	3 Acres	.5	Front: 15' Interior Side: 0' Street Side: 10' Rear: 5'	48'
(VC) Village Center	N/A	4.0	Front: 0' Interior Side 0' Street Side: 0' Rear: 0'	48'

Notes:

1. The minimum on-site landscape requirement for any non-residential parcel is ten percent (10%) of the lot area. The intent of this requirement may be satisfied by interior plazas of building, roof top gardens and parking lot landscaping consistent with Chapter 3 of this Title. This requirement is waived if the lot coverage is eighty percent (80%) or above.

11B-2-5: SINGLE-FAMILY SPECIAL LOT (SFSL) DEVELOPMENT STANDARDS:

The SFSL district offers alternative site planning and housing mix opportunities from the typical single-family detached development. SFSL projects shall conform to the following:

A. Applicability

1. A parcel may be developed using a combination of SFSL types.
 - a. Single family zero lot
 - b. Single family 1,2 & 3
2. Alternative SFSL types may be added to these Standards in the future through a modification of these Standards (see Chapter 7 of this Title) to reflect new housing designs and neighborhood configurations.

B. Parking

1. Two enclosed garage spaces are required for each dwelling unit. Tandem garage spaces shall satisfy this requirement.
2. All SFSL projects shall also provide guest parking spaces as follows:
 - a. One (1) guest space shall be provided for every four (4) units.
 - b. On-street parking is acceptable for guest parking when sufficient street width exists per the Local Highway Department's road standards and there are no conflicts with utilities or driveways. When off-street guest parking areas are provided in lieu of on-street parking, such parking areas shall be distributed as evenly as possible throughout the SFSL project.

CHAPTER 3 DESIGN REVIEW

11-3-1: PURPOSE

The purpose of this Chapter is to:

- A. Promote high-quality building design in nonresidential and mixed-use areas through flexible standards that allow for creativity and innovation, consider the surrounding context, foster a human scale with accessible and attractive street fronts, and project a positive image to encourage economic development in the Village Center.
- B. Ensure that the aesthetic harmony will be maintained throughout Avimor by the repeated use of selected design elements such as cohesive architecture, landscaping, and signage.
- C. Maintain, protect, enhance, and improve the values and amenities of Avimor and the surrounding area.

11B-3-2: APPLICABILITY

- A. The design review process and standards set forth in this Title apply to all nonresidential uses, multi-family dwellings, and community signage.
- B. The following housing types are specifically excluded from the requirements of the remainder of this Chapter and the City Design Review approval process: (1) a single-family detached dwelling unit with or without attached accessory dwelling units and (2) a building with a maximum of two (2) single-family attached dwelling units.
- C. Single family residential units and a building with a maximum of two (2) single-family attached dwelling units are not subject to the City's Design Review approval process, but they do require approval by the Avimor Design Review Committee. The City shall not accept an application for these uses without an approval letter from the Avimor Design Review Committee.

11B-3-3: DESIGN REVIEW AND APPROVAL PROCEDURES

- A. Design Review: All required design review applications must be reviewed and approved by the Avimor Design Review Committee prior to submittal to the City. The City will not accept an application without an approval letter from the Avimor Design Review Committee.
- B. Procedures: The City conducts design review and approval process as detailed by this Chapter.
- C. Waivers:
 - 1. Request: Any person may request a waiver of any provision of this Chapter.

2. Submittal: A request for waiver must be submitted to the City in writing and must provide specific reasons for which the waiver is sought. Additionally, it must include an approval letter of waiver request by the Avimor Design Review Committee.
3. Response: The City Design Review Board shall provide a written response within thirty (30) business days of receipt of a request for waiver.
4. Appeal Of Decision: Within ten (10) days of the decision of the Design Review Board an appeal may be filed to Council.

11B-3-4: SITE DEVELOPMENT STANDARDS

- A. Site Grading and Drainage: Improvements must include site grading and drainage in accordance with the Avimor Grading Guidelines and Hillside Development Standards.
- B. Landscaping: All landscape areas within Avimor must comply with this Title. The plant list in Section 11B-3-19-1 H of this Title has been established to create unity in Avimor's landscaping; any deviation from the plant list requires approval by Idaho Department of Fish and Game or the Avimor Conservation Director.
- C. Driveways: Driveway locations may be approved by the Local Highway Department.
- D. Setbacks: Setbacks must comply with Section 11B-2 of this Title.

11B-3-5: BUILDING HEIGHT/MASSING

- A. Building Height: Maximum building height is set forth in Tables 2.2, 2.3 and 2.4 in Section 11-2-2 of this Title. Buildings should be encouraged to vary their height to create visual interest, but not so much to create proportional discontinuity. Features such as a terracing parapet, multiple peaks, jogged ridge lines, dormers and gable ends are encouraged.
- B. Balconies are encouraged on upper floors and over entry porches to provide additional visual interest, protection from elements, and opportunities for social interaction, street life and added security.
- C. Commercial buildings should be distinguishable by special architectural features. Clock towers, turrets, or similar elements may be used to create special landmark features.
- D. Facade articulation shall be achieved by incorporating a combination (at least 3 or more) of the following detail elements every fifty (50) feet in wall length on each building elevation:
 1. Changes in color, texture, and/or material.
 2. Projections, recesses, and reveals, expressing structural bays or other aspects of the architecture with a minimum change of plane of twelve (12) inches.
 3. Windows and primary entrances.

4. Projections or breaks in the vertical rise of the building elevation.
- E. The facades of all multi-family dwelling buildings shall be articulated by incorporating three or more of the following, See Exhibit 3.1 and 3.2 below:
1. Balconies
 2. Bay or box windows
 3. Porches or articulated entries
 4. Dormers
 5. Variations in materials and/or colors
 6. Variations in roof forms
 7. Variation in window sizes and shapes
 8. Vertical elements that demarcate building modules

Exhibit 3.1

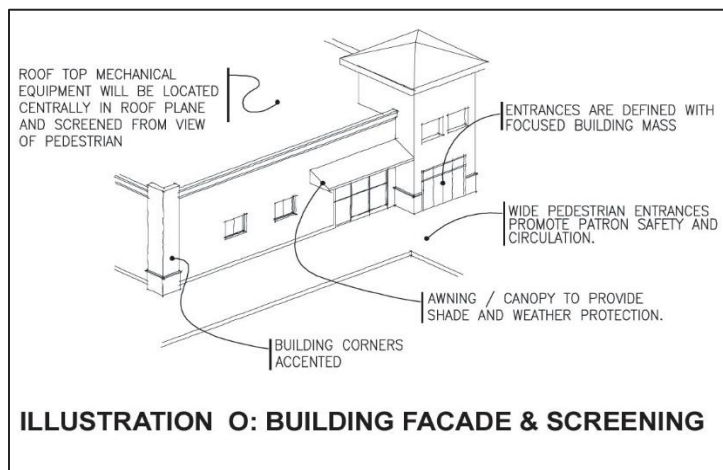
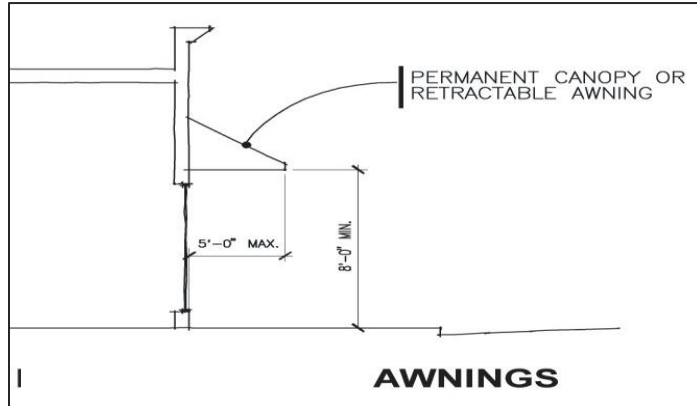


Exhibit 3.2

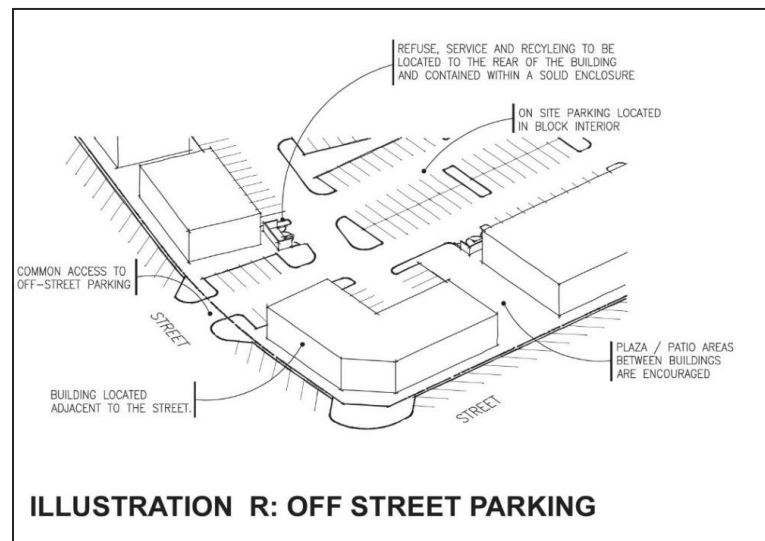


11B-3-6: OFF-STREET PARKING

- A. All off-street parking lots, spaces, and drive aisles shall be paved with impermeable materials such as a concrete, asphalt, or unit pavers to standards prescribed by a geotechnical report or traffic engineer. All driveways and parking areas must be paved; unless specified in this Title. Asphalt curbs are prohibited.
- B. Required parking areas serving a site, whether located on that same lot or on an adjacent lot, shall be connected by means of a common access driveway within or between the interior of such lots.
- C. Off-street parking shall be recognized as shared-parking for multiple uses pursuant to Section 5-4-3 of this Title 11- B.
- D. No wall, post, guardrail, or other obstruction that would restrict vehicle door opening shall be permitted within five feet of the centerline of a parking space.
- E. A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for the use by persons with physical disabilities. The number and design of accessible handicap parking spaces shall be in accord with the Americans with Disabilities Act.
- F. Garages within the Village Center shall be accessed off alleyways or common parking lots only.
- G. Parking facilities need not be located in one consolidated area of a Parcel lot but may be separated by landscaping and building.
- H. Garden walls or parking screen walls are permitted within the building setback; however the walls shall meet the requirements specified in Section 3-12 of this Chapter.

- I. All loading areas, refuse collection areas, storage areas, service yards, truck docks, ramps, electrical equipment, storage tanks and other exterior equipment shall be screened to block headlights from adjacent right-of-way.
- J. Overnight parking or storage of recreational vehicles shall not be permitted for more than seventy-two (72) hours. Such use is intended for loading/unloading only. The time period for loading/unloading shall be the same time period set forth in Chapter 4 of this Title.
- K. All regular parking stalls and driving aisles shall be designed in accordance with the standards set forth by this Title.
- L. Approved canopy or shade-type parking structures may be installed in parking areas. Structural elements, beams, and columns must be tubular or boxed forms. Edges of the structures must be finished with fascia colors that match or complement building colors. The design of canopy structures must be approved by the City Design Review of Eagle and the Avimor Design Review Committee.

Exhibit 3.3



11B-3-7: EXTERIOR STORAGE AREAS AND SERVICE YARDS

- A. No storage is permitted between any public street and the setback line of any building in Avimor. Storage areas must be located in the least-visible area of each Parcel. All outdoor storage areas and service yards must be visually screened from streets and adjoining property by a continuous screen wall. No work in progress, stored merchandise, inventory, or racks may extend above the height of the screen wall. Placement and/or installation of temporary mini mobile, mini storage or cargo container units will not be allowed. This requirement does not apply to construction equipment or supplies needed for renovation work.

- B. All outdoor storage areas shall be completely fenced or enclosed and screened from public view. The sight obscuring screen shall be at least six feet (6'), but not greater than ten feet (10') in height. and shall be comprised of the materials described in 3-12 of this Chapter One side of the outdoor storage area shall be used for access into the storage area. All outdoor storage areas must comply with Section 11B-4-4 KK of this Title.
- C. All motor vehicles (other than passenger vehicles and vehicles offered for sale, if permitted by the Title) and all equipment operated within Avimor are to be stored in a screened outdoor storage area in accordance with Chapter 4 of this Title. All vehicle service, repair, cleaning, and maintenance activities must be conducted within a building.

11B-3-8: LOADING AREA

- A. All loading and unloading is to be conducted in approved designated loading areas. Loading areas are to be designed as integral parts of the facility and maintained in a neat and clean manner so as to not detract from the appearance of the property. Loading areas are to be located in the least-visible area of a building. Rear-building loading is preferred; however, side building loading may be allowed, provided the loading areas are adequately screened.
- B. Loading will not be permitted on the street, in parking areas, in fire lanes, or at the front of any building in or in any area fronting on a public street.
- C. Loading areas (including, but not limited to, loading spaces, loading docks, and service or maintenance areas) shall be screened from public view pursuant to 3-12 of this Chapter. In addition, loading areas that abut a residential district shall attenuate noise associated with such use by providing a sound wall and/or berm with screen plantings around the loading areas or at the property line abutting the residential district.

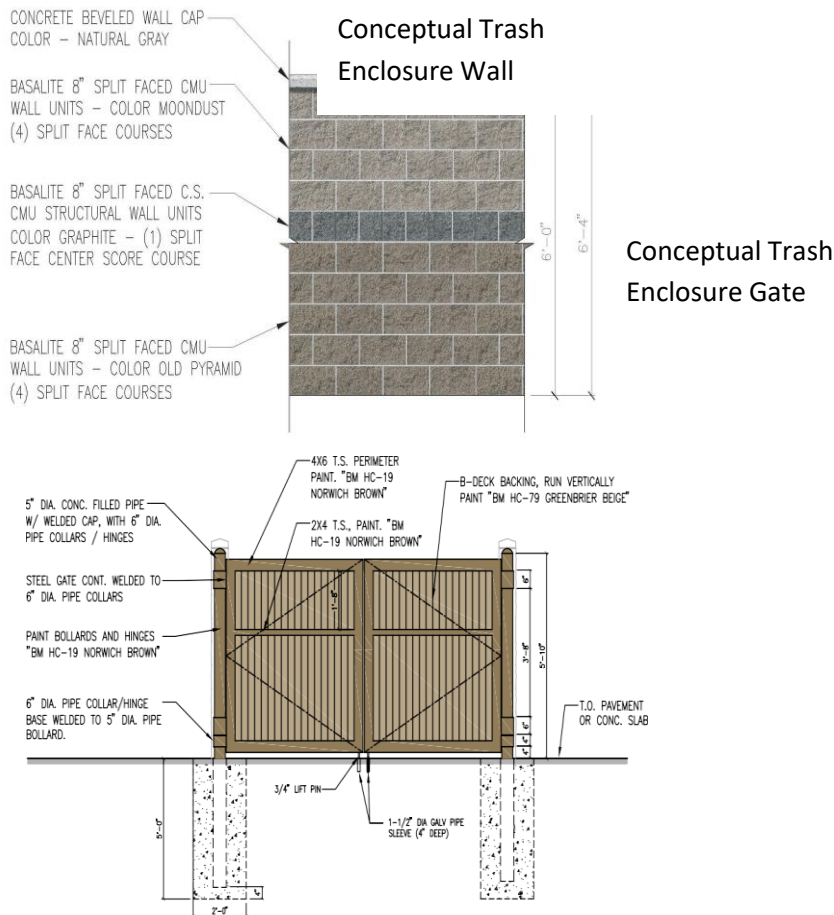
11B-3-9: REFUSE COLLECTION AREAS

- A. All refuse from any parcel is to be accumulated in an approved "trash container," provided for such parcel by the refuse service provider. All refuse collection areas must be located where the trash enclosures are concealed to the public and in accordance with this Chapter. All exterior refuse collection areas must be screened by building walls or screening walls six feet (6') in height. The location of all such enclosures must allow adequate space for ingress and egress by collection trucks. All waste and refuse must be frequently and regularly removed from the parcel.
- B. Trash enclosures shall be fenced or enclosed and screened from public view. The sight obscuring screen shall be at least six feet (6') minimum, but not greater than ten feet (10') in height. Materials shall comply with 3-12 of this Chapter.
- C. If a trash enclosure is attached to, or within 10'-0" of the building which it services, the enclosure must match the colors and materials of that building. If the trash enclosure is a

shared unit located centrally within the parking lot, then it must match the typical trash enclosure wall and gate style, *see Exhibit 3.4.*

- D. All refuse and trash collection areas shall be delineated on the parking lot layout and design plan. Refuse and trash collection receptacles shall not be located in a manner that obstructs or interferes with any designated vehicular or pedestrian circulation routes within a parking lot.
- E. All Trash Enclosure Gates shall be complimentary color to the building as determined by the Avimor Design Review Committee and the City Design Review.
- F. All trash and/or garbage collection areas for commercial, industrial and multi-family residential uses shall be enclosed on at least three (3) sides by a solid wall or fence of at least six feet (6') in height, and a solid gate on a metal frame shall enclose the fourth side, or shall be within an enclosed building or structure. Adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Administrator shall be provided.

Exhibit 3.4



11B-3-10: EXTERIOR EQUIPMENT

- A. All roof-mounted equipment and ventilators must be screened at eye-level by a building parapet. No wall-mounted equipment will be permitted on the front or sides of any building. Only ground-mounted building, electrical, or mechanical equipment will be allowed on the fronts or sides of buildings, and such equipment must be screened from view by walls and/or dense landscaping.

11B-3-12: SITE LIGHTING

- A. Street lighting will be limited to intersections, along the Village Center main street, in public parking areas, and in specified public places. All such lighting shall be controlled to prevent spillage and glare and comply with Section 11B-3-12-5 of this Chapter.
- B. Pedestrian areas, patios, sidewalks, and building entrances, in the Village Center, should be adequately lit to provide safety and security.
- C. Any lights used to illuminate a site and building shall be arranged to reflect the light away from the adjoining property.
- D. Recessed down-lights are encouraged at residence entries and patios. Surface-mounted light fixtures shall have shielded light sources with bulbs or tubes not directly visible. Wall or eave-mounted floodlights, including motion-sensor lighting, are prohibited.
- E. Building light fixtures shall be designed or selected to be architecturally compatible with the main structure, which should complement the theme of the surrounding area.
- F. Blinking, flashing lights, and exposed neon lighting used to illuminate building façades or to outline buildings are prohibited.
- G. Parking lot lighting should be shielded to have a minimal effect on surrounding properties and buildings. Lighting should be directed downward to minimize glare, and light intensity should be of satisfactory quality to ensure visibility, safety, and security.
- H. Landscape lighting shall be low-voltage only and controlled with an electric clock or photo-cell device. Light sources must be shielded from view with perimeter landscaping providing a 12-month screen of sufficient height and density to conceal such fixtures. Controller equipment must be located in a discreet location or screened from view from the street or adjacent property.
- I. Exterior lighting design shall promote Dark Sky principals per Section 3-12-5.

11B-3-12-1: DESIGN AND MAINTENANCE REGULATIONS AND REQUIREMENTS

- A. Site Lighting: Parking areas used during the hours of darkness shall have lighting that provides adequate illumination, security, and safety while maintaining dark sky principles. The only

parking areas that may be required to be lit are parking areas located within the Village Center.

- B. Lighting Plans: All plans shall be reviewed and approved by the Administrator prior to issuance of a building/zoning permit.
- C. Screening and/or Landscaping: Parking lot screening and landscaping shall comply with this Chapter.
- D. Area Lighting shall meet the general requirements of the following schedule:

Area Lighting Standards Schedule				
	<i>Uses</i>			
	Streets	Site lighting > 1 acre or parking lots > 100 cars	Site lighting < 1 acre or parking lots < 100 cars	Recreation fields, courts and other sports facilities
Districts	Village Center (VC), Highway Mixed Use (HMU), Mixed Use (MU) and Community Commercial (CC)	VillageCenter (VC), Highway Mixed Use (HMU), Mixed Use (MU), Community Commercial (CC), Multi-Family 2 (MF2)	Village Center (VC), Highway Mixed Use (HMU), Mixed Use (MU), Neighborhood Commercial (NC) and Multi-family 1 (MF1)	Any Permitted or Approved Conditional Use Zone
Maximum mounting height	25'	25'	25'	30'
Maximum Ave. Footcandles	1 fc	.5 fc	.5 fc	1.5 fc
Maximum Luminance	7000	8000	7000	9000
Maximum Kelvin Temp	3000	3000	3000	3000
Maximum Trespass into residential or common area uses	0.01 Fc at 15' from property line	0.01 Fc at 15' from property line	0.01 Fc at 15' from property line	0.01 Fc at 20' from property line
Minimum Uniformity	NA	8:1	5:1	5:1
* All fixtures shall be full cut-off				
* Any lighting placed with within 50' of an occupied residence shall require a reduced height of 15'				

E. Building Lighting shall meet the general requirements of the following schedule:

Building Lighting Standards Schedule		
	Uses	
	Commercial Buildings, Civic Buildings, Public Buildings and Quasi-Public Buildings:	Single Family and Multi-Family residential buildings
Maximum mounting height	20'	15' except recessed soffit lights and can lights
Maximum Ave. Footcandles	1fc	.5 fc
Maximum Luminance	8000	7000
Maximum Kelvin Temp	4000	3000
Maximum Trespass into residential or common area uses	.01 fc at 15' from property	.01 fc at 5' from property
Maximum Flood Light angle	40 degrees	40 degrees
Minimum Uniformity	NA	NA

11B-3-12-2: PEDESTRIAN/BICYCLE PATHWAY AND SIDEWALK REGULATIONS

A. Exterior lighting design shall provide a cohesive, safe, but low impact theme for the community consistent with Dark Sky lighting. Lighting design shall consider the aesthetics, color, photometric performance, glare and light trespass of exterior lighting in the lighting design. Lighting types to be considered in the Village Center Area include, but are not limited to, street lighting, parking lot lighting, landscape and amenity lighting. Avimor’s Dark Sky lighting is intended to do the following and shall comply with Section 11B 3-12-5 of this Title:

1. Increase night sky visibility
2. Minimize light trespass from buildings and site areas on adjacent properties
3. Conserve energy
4. Reduce sky-glow and glare
5. Minimize adverse impact on the natural environment.

B. All exterior lighting shall provide acceptable qualities and quantities of illumination for its function and minimize off site glare and light trespass. Any lights used to illuminate a site shall be arranged to reflect light away from the adjoining property.

C. Lighting design shall promote dark sky principles and minimize light pollution by incorporating lighting practices that minimize the amount and area of illumination. Such practices include:

1. Providing lighting fixtures that maximize uniformity and minimize lamp wattages.

2. Providing energy efficient light sources.
3. Minimizing light trespass and glare by aiming fixtures downward, shining light only where it is needed, shielding light from adjacent property, and preventing light from escaping upward, causing sky glow.
4. Minimizing the duration of illumination of certain light sources by having lights out as long as practical.

11B-3-12-3: SPORTS LIGHTING

- A. General Requirements: All exterior sports and recreational lighting installations shall require a conditional use permit. Photometric calculations by a licensed electrical engineer are required in all applications. All Lighting must comply with section 11B 3-12-5 of this Title.

11B-3-12-4: PATHWAY/TRAIL AREA LIGHTING

- A. The extent of lighting, if any, on pathways and trails located within the Village Center areas only, shall be determined by the Eagle Parks, Pathway and Recreation Committee. No other trails or pathways outside of the Village Center area shall be required to be lit.
- B. Pathway/Trail lighting shall consist of two (2) types: pole lights and bollard lights. Pole lights shall be identical to parking area lights and Bollard Lighting shall be 32" to 44" in height.

11B-3-12-5: DARK SKY

- A. All lighting within Avimor shall comply with the following:
 1. Provide shielded down-lighting of the patio and plaza areas to promote safety.
 2. Street lighting will be limited to intersections, along the Commercial/Village Center main street, in public parking areas. All such lighting shall be controlled to prevent spillage and glare.
 3. Pedestrian areas, patios, sidewalks, and building entrances within the non-residential areas, should be adequately lit to provide safety and security.
 4. Lighting shall be limited to the building or residence area and shall not glare or spill onto neighboring lots.
 5. Recessed down-lights are encouraged at residence entries and patios. Surface-mounted light fixtures shall have shielded light sources with bulbs or tubes not directly visible. Wall or eave-mounted floodlights, including motion-sensor lighting, are prohibited.

6. Skylights are very useful in conserving energy, but they can provide objectionable light spillage and glare in the night sky. Skylights are allowed on residential units, but they must ensure they are not unsightly and do not cause undue light spillage.
7. Permanent blinking, flashing lights, and exposed neon lighting used to illuminate building façades or to outline buildings are prohibited.
8. Parking lot lighting should be designed to have a minimal effect on surrounding properties and buildings. Lighting should be directed downward to minimize glare, and light intensity should be of satisfactory quality to ensure visibility, safety, and security.
9. Landscape lighting shall be low-voltage only and must be shielded from view.
10. Business signage shall avoid glare or visual interference for vehicular and pedestrian safety.
11. Energy efficiency and low wattage, high life lighting is encouraged.

11B-3-13: SCREENING ELEMENTS AND SCREEN WALLS

- A. Screening elements shall include, but not be limited to: deciduous trees (shade and ornamental), evergreen trees, berms, solid fences, walls and sound walls. Cyclone or chain link fencing (with or without slats) shall not be deemed a screening material and is not permitted.
- B. Screen walls permitted outside building setback lines along the side of the property adjacent to single-family residential are to be between six feet and eight (6'–8') feet high.
- C. Garden walls or parking screen walls permitted within the building setback shall be a maximum of three feet (3'-0").
- D. Where visible from streets, screen walls shall be constructed to match the typical parking lot screen wall detail as shown in Exhibit 3.6 below. Appropriate landscaping should be used to reduce the visual impact of screen walls.
- E. Service areas for new buildings will be located at the rear including loading, recycling, garbage, meters, mechanical equipment, etc. Service areas will be screened from view to the height of the equipment with decorative walls compatible with the building façade if visible from the street.

Exhibit 3.6

CONCEPTUAL PARKING LOT SCREEN WALL



F. Fences and Walls: The purpose of this section is so fences and walls are useful in distinguishing and delineating spaces and property lines, and in providing security and safety. However, fences and walls should not block views of riparian corridors, and should not pose a danger, or be an impediment to movement of wildlife. Transitional slopes between improved lot areas should be maintained by vegetation and natural rock features; walls will be approved only where required or for structural integrity.

1. Fencing must adhere to an approved, consistent community theme.
2. In foothills areas, only building envelopes may be fenced. Areas outside of building envelopes must be left open and unobstructed. On equestrian lots over one (1) acre, fencing may be located outside of the building envelope to contain horses.
3. Wrought iron fencing shall be 48" maximum height and picket spacing shall be closer than 4" apart or wider than 8" apart. All wrought iron fencing must have a solid top rail as a protection for big game; spikes and pointed finials are prohibited. If the Avimor Conservation Director gives written approval, wrought iron fencing height may be increased to 72".
4. Lot-line fencing in the front of mixed-use product will be limited to open picket, or to planting hedge and must not exceed 42" in height.
5. Site walls shall be of the same character, color and finish as the primary residence or structure, unless otherwise approved.
6. Site walls, fences, berms or landscaping may align with the building envelope but must never delineate the entire envelope.
7. The maximum uninterrupted height of any retaining wall shall be 6 feet, measured from grade to top of wall. Where grades require more than one wall, additional walls must be

set apart a distance of one foot horizontally for each one foot of vertical of the second wall and the areas between walls must be landscaped.

8. All fencing must follow firewise standards and requirements.

11B-3-14: UTILITY LINES AND ANTENNAS

- A. Unless a variance is granted pursuant to Chapter 7 Section 5 of this Title, no utility lines, antennas, wires, or other devices for the communication or transmission of electric current, power, or signals (including telephone, television, micro-wave, or radio signals), shall be constructed, placed, or maintained anywhere in or upon any Parcel other than within buildings or structures, unless the same shall be contained in conduits or cables constructed, placed, or maintained underground or concealed in or under buildings or other structures. No antennas or other services for the transmission or reception of telephone, television, microwave, or radio signals may be placed on any building or other Improvement on any parcel without approval of the Administrator. Nothing contained herein shall be deemed to forbid the erection or use of temporary power or telephone facilities incidental to the construction or repair of improvements of any Parcel, subject to the approval of the Administrator.

11B-3-15: CONSTRUCTION PHASE

- A. In order to minimize soil erosion by water and wind, practical combinations of the following measures should be employed in accordance with SWPPP requirements:
 1. Sediment basins (debris basins, desilting basins, or silt traps) are to be installed and maintained to remove sediment from runoff waters during construction.
 2. Landscaping is to be installed prior to the issuance of a certificate of occupancy for all of the Improvement, unless a financial security is posted with the City to guarantee the landscaping will be installed within 60 days. The Administrator may authorize a delay in the completion of planting during the months of November, December, January, February, and March due to weather conditions, if a surety for one hundred twenty percent (120%) of the cost of installation is provided to the City.
- B. The Owner/Occupant is responsible for determining the location of existing underground utilities and for their protection during construction. The Owner/Occupant must contact Utility Provider prior to any excavation or the "Call Before You Dig" line.
- C. Maintaining an orderly appearance at the construction site such that areas under construction are to be fenced and must be maintained in a neat and orderly condition. Chain-link fencing may be utilized during construction phase only. All trash must be kept in enclosed containers and removed frequently.

- D. Special care must be taken to protect existing pavement and landscaping from damage. The Owner/Occupant is liable for repair of damage to paving, sidewalks, landscaping, utilities, irrigation lines, and common areas caused by the Owner/Occupant or its representatives.
- E. The Owner/Occupant is responsible for maintaining the streets (or causing them to be maintained) in a clean condition on a daily basis.
- F. The Owner/Occupant is responsible for controlling dust and air pollution on its construction site.
- G. Depending on the nature of a project, phasing may be appropriate, as determined by the Owner/Occupant and approved by the City.

11B-3-16: SOUND ATTENUATION

- A. All business work and compressor work must be performed in an enclosed or masonry-screened area.
- B. Air compressor exhaust stacks must contain muffling devices, and exhaust stacks and loudspeakers must be incorporated into building architecture. Any exterior loud-speakers allowed by the Avimor Design Review Committee may be mounted no higher than ten feet (10'-0") above immediate finished grade. This does not include under-canopy or low speakers along the drive for retail patrons.

11B-3-17: AUTO GAS STATION

- A. Gas stations shall have canopies that are designed with materials, colors, and treatments compatible with Avimor architecture. Canopy columns must be of materials compatible with Avimor architecture, such as masonry that matches materials and colors used elsewhere in Avimor.
- B. Canopy lights must be full ninety-degree (90°) cutoff and the same light source as the center site lights. The foot-candle level at grade must not exceed the average foot-candle level for the center outside the perimeter of the canopy.
- C. The light fixtures shall be reassessed and flush with the underside of the canopy.
- D. Vent pipes must be concealed in the canopy columns or concealed against a building.
- E. Any air, water, or phone service at a street-screen wall must be screened by raising the screen wall and landscaping.

11B-3-18: ARCHITECTURAL DESIGN STANDARDS

- A. Purpose: The overall intent of the architectural design standards in this section is to achieve unity of design and identifiable character for Avimor as a whole by the use of similar massing

elements of varying materials and finishes. These standards provide a framework for the development of architectural designs that are consistent with the overall image of the project and maintain its aesthetic integrity.

The primary inspiration for the architecture comes from the “Northwest Contemporary Style”. The northwest style incorporates Scandinavian and Japanese architectural traditions known for its clean lines, minimal adornment, local materials (particularly wood), and abundant natural light. The play of materials constitutes a balance between the rugged natural materials and the smooth, precise manmade forms. Architecture is encouraged to portray clear material expression and cohesion based upon a materials inherent structural integrity. Strong horizontal rooflines, sloped roofs, deep overhangs and site walls act as a counterpoint to the strong verticality of the surrounding natural environment. Energy conscious designs combined with the use of local materials and structural expressiveness define the essence of the Northwest Contemporary Style.

B. Building Form and Design:

1. The master-designed conceptual elevation:

- a. Building masses are to be similar in form and of strong geometry.

2. Building rears and sides:

- a. Special attention should be given to the rears and sides of buildings that have reverse frontage to public streets.
- b. Although the front facades of commercial and mixed-use buildings are critical elevations, these buildings should also be designed to be seen from all sides.

3. Street Façade:

- a. Long, unbroken facades will not be permitted. Stepping, massing, fenestration, or similar architectural treatments should be used to break up building masses.
- b. The front elevations of new commercial or mixed-use buildings must contribute positively to the attractiveness of the streetscape and the Village Center through the combination of the building height, massing color and material guidelines as described within this Title.
- c. All retail space must be easily accessible to the general public.
- d. The entrances to mixed-use buildings should be always oriented to, and be highly visible from, the street. Entrances for retail uses must be separated from residential entrances. Additional residential or service entrances connected to the rear parking may be provided from the rear or side of the buildings.

- e. At the street level, windows should be sufficiently large to expose goods within shops and encourage a retail presence.
 - f. Retractable fabric awnings or permanent canopies for sun protection and the creation of protected sidewalk space are encouraged. Awnings or permanent canopies may encroach 5' into the building setback. Columns supporting canopies or awnings are not allowed in the building setback.
4. Design elements that add human scale:
- a. Recessed entries and other architectural treatments should be used to add human scale to buildings, e.g. awnings, window, outdoor patios.
5. Roofs and drainage equipment:
- a. All flat roofs must be below parapets, and no roof may drain over a wall. Gutters, downspouts, and vents should be painted to match the surfaces to which they are attached if their appearance is not to be pronounced. If downspouts are used for roof drainage design attention must be given and their color is to be consistent with the color scheme of the building.
6. Roof-mounted equipment:
- a. Parapet conditions must be in height to allow full screening of roof-mounted equipment from eye-level.
 - b. Rooftop mechanical equipment must be screened to the height of the equipment with parapet walls.
 - c. If additional equipment/items are needed on the building per State Statute, they to shall be screened from pedestrian view.
 - d. Access ladders:
 - i. Top access ladders shall be located internal to the building.
 - ii. All hand rails, hatches, etc. shall be completely screened by the parapet wall.
 - e. External ladders are not permitted.
 - f. All vents, hoods and mechanical units must be completely screened by parapet walls.
7. Approved Materials:
- a. Primary materials may include: stucco, cementitious siding, brick, integral colored, sandblasted, honed and /or split faced CMU, wood, architecturally designed metal panels, brick or natural cultured stone, or a combination of the below:

- i. Accent materials, and clear or lightly tinted glass. Accent materials may include: natural and simulated stone veneer, rough cut wood beams, columns and accent bands, ceramic tile, and anodized aluminum stainless steel fascia and non-corrosive corrugated steel.
 - ii. Primary and accent roof materials visible from street level shall include: concrete or clay tile, architectural shingles and metal standing seam. Visible roofing to have low reflectivity. Concealed fasteners are required.
 - iii. Primary roof materials for low slope roofs screened by parapet walls shall include: PVC, TPO or other associated single-ply membrane roofing.
8. Prohibited Materials:
- a. Building materials not permitted include: T-111 siding except in interior ceiling locations, standard unfinished gray CMU, unfinished plywood or wood trim, vinyl siding, mirrored glass, highly reflective materials, asphalt roof shingles, or wood shingles on roofs due to fire risk.
9. Colors:
- a. A varied color palette shall be used. Earth tone color palettes are encouraged; however, the use of richer, more vibrant colors may be approved by the Avimor Design Review Committee.

11B-3-19: LANDSCAPE STANDARDS

- A. Overview and Intent:** The built landscape within Avimor will embrace the surrounding natural landscape as the foundation for design. Preservation and integration of native vegetation and materials is critical to preserving a sense of place. It also provides an opportunity to enhance habitat and to create a seamless transition to the more urban environments which bind the development together. This transition will occur in accordance with the following practices:
1. Preserve native vegetation and plants in all undisturbed areas.
 2. Plant selection shall be from the preferred plant list, see section 11B-3-19-1 H of this chapter, appropriate to varied site locations and land uses.
 3. When adjacent to undisturbed natural features, blend structures with the existing terrain through landscape design and selection of plant material.
 4. Use plant materials to reduce building scale and mass to help integrate the structure into its surroundings.

5. Protect areas disturbed by construction from erosion by revegetation as soon as possible after completion of such activity as seasonal conditions allow.
6. Climate conditions and building orientation shall guide the type and location of trees and shrubbery.
7. Water conservation and sustainability shall guide plant location and groupings, and mulching shall be encouraged to preserve moisture in planting beds.
8. Village Center street planting may include deciduous trees of a minimum of a 2" diameter in size and character to provide shading for pedestrians, roadways, and buildings during the summer, and conversely, to enable solar gain during winter months.
9. Windbreaks and buffering of noise and light will be considered in the design and placement of trees and shrubbery.
10. Except for fire-defensible areas, undeveloped land and undisturbed lot areas shall not be irrigated or landscaped, other than for enhancement or restoration of drought resistant plants and grasses.
11. Where appropriate, new landscaping should be less or nonpalatable to wildlife as outlined in Section 3-19-1-H, Plant Section Guide.
12. Landscape as Percent of Site:
 - a. Landscaping shall cover a minimum of fifteen percent (15%) of the property on multi-family residential developments. Hardscape plaza areas, such as decorative concrete/paver patios that are integrated into the design of the landscaped area, may be included in the fifteen percent (15%) landscape coverage requirement.
 - b. Landscaping shall cover a minimum of ten percent (10%) of the property on all other developments. Hardscape plaza areas, such as decorative concrete/paver patios that are integrated into the design of the landscaped area, may be included in the ten percent (10%) landscape coverage requirement.
 - c. All landscape improvements required in this section shall count toward fulfillment of the above minimum percentages.
13. Existing Vegetation:
 - a. Retention of Existing Trees: Existing healthy trees shall be retained, unless removal is approved in writing by the Avimor Conservation Director. Where trees are approved by the Avimor Conservation Director to be removed from the project site (or from abutting right of way), replacement with an acceptable species is required as follows:

Existing Tree	Replacement
1 inch to 6 inches caliper	2x caliper of tree removed
6 1/4 inches to 12 inches	1.5x caliper of tree removed
12 1/4 inches or more	1x caliper of tree removed

b. Removal of the following trees shall not require replacement: black locust, poplar, *cottonwood, *willows, tree of heaven, elm, and silver maple. Trees which are weak wooded, weak branched, suckering, damaged, diseased, insect infested, or containing similar maladies may be exempt from replacement if removal is first approved by the County. In all cases, planting within public rights of way shall be with approval from the public and/or private entities owning the property.

* If these trees are located within a riparian area they shall be retained and protected to the maximum extent possible. If the trees do need to be removed in these areas, then a replacement tree shall be planted in accordance with this Chapter.

Example: An eight-inch (8") caliper tree is removed; an acceptable replacement would be three (3) 4-inch caliper trees or four (4) 3-inch caliper trees.

c. Damage During Construction: Existing trees or shrubs that are retained shall be protected from damage to bark, branches, or roots during construction. Construction or excavation occurring within the drip line of any public or private retained tree or shrub may severely damage the tree or shrub. Any severely damaged tree or shrub shall be replaced in accordance with subsection A1 of this Section.

d. Minimum Landscaping: Existing vegetation which is to be retained may be used to satisfy the minimum required landscaping.

14. Common Lots: Residential:

- a. Lawn, either seed or sod.
- b. A minimum of one deciduous shade tree per two thousand (2,000) square feet.

15. Common Lots: Commercial:

- a. Lawn, either seed or sod

- b. A minimum of one deciduous shade tree per two thousand (2,000) square feet.
- c. For design flexibility, half of the required shade trees may be substituted on a two to one (2:1) basis with ornamental and evergreen trees.
- d. Buffer areas should include a variety of species, arranged to create varied and attractive views. Open fences, decorative walls, and berms may be used. Height changes, offset angles, different materials, and other design techniques are required so as to create variety.

16. Noxious Weeds:

- a. Avimor shall recognize the established populations of Idaho State Listed Noxious Weeds within the development area.
- b. All Noxious Weeds and Invasive Plants shall be controlled in such a manner as outlined in the Avimor Habitat Management Plan.

B. Streetscape Design:

- 1. The sidewalk in the Village Center are to be designed to accommodate many of the streetscape elements that are found in the public right-of-way. These include street trees, landscaping, lights, street furniture, kiosks, etc.
- 2. Sidewalks within the Village Center should be in the range of 5' -10' in width or greater to accommodate larger volumes of pedestrians, increased activity and pedestrian amenities such as street furniture and lights.
- 3. Pedestrian crossings should be constructed of a contrasting material including highly contrasting color to provide high visibility for both motorists and pedestrians subject to the Local Highway Departments approval.
- 4. Site furnishings should be located at key nodes where pedestrians are intended to gather. This may include locations such as the forecourt of a building, a pedestrian node on the sidewalk (where space permits or a bump out location is located), and public spaces for informal or spontaneous uses and programmed uses. Furthermore, all site furnishings shall be approved by the Avimor Design Review Committee.

C. Public Plaza/Patios:

- 1. Should provide an opportunity to accommodate a variety of landscape elements such as a water feature, public art or an architectural feature.
- 2. May contain intimate sitting areas adjacent to retail or commercial buildings and sidewalks with views to and from the street. Opportunities to establish patios and plazas that are integral to site development throughout the village core should be encouraged.

3. Provide shielded down-lighting of the patio and plaza areas to promote safety.
4. Public spaces will be encouraged to include other pedestrian amenities such as drinking fountains, bicycle racks, trash receptacles, etc. Grass areas, low walls and steps can be used as alternate forms of seating.

11B 3- 19-1: Master Streets and Circulation Map

A. Streetscapes: The following standards shall apply to Avimor internal and perimeter roadways as shown. In all cases, any planting within public rights of way shall be with approval from the public entity owning the property. (The rights of way widths and pavement areas in the sections below are shown for illustrative purposes only. Actual rights of way widths and lane configurations will be determined by the Local Highway Department as appropriate.) The following standards do not apply to State Highway 55 and development abutting State Highway 55 requires a minimum setback of: (i) twenty-five (25) feet to residential uses; and (ii) twenty (20) feet to commercial uses.

1. Foothills Arterial Streets

- a. The landscape buffer for Foothills Principal Arterials shall be twenty feet (20') minimum except adjacent to single family residential uses where it shall be thirty feet (30') minimum. *See Exhibit 3.7 for example.*
- b. The landscape buffer for Foothills Minor Arterials shall be ten feet (10') minimum except adjacent to single family residential uses where it shall be fifteen feet (15') minimum. *See Exhibit 3.8 for example.*
- c. A detached sidewalk shall be provided on both sides of the street at least eight feet (8') from the back of curb. The sidewalk shall be a minimum of five feet (5') wide and may or may not meander depending on the streetscape approved by the City with the preliminary plat. Sidewalks may be attached to the curb in front of bus pullouts but shall be six feet (6') minimum width in such locations. An eight-foot (8') wide multi-use pathway on one side of the road may be approved by the city within low density areas (one (1) acre lots and larger) or along roadways adjacent to Regional Open Space.
- d. Landscape buffers adjacent to natural open space shall not be irrigated landscape. These areas shall be reseeded back to their natural state.

Exhibit 3.7

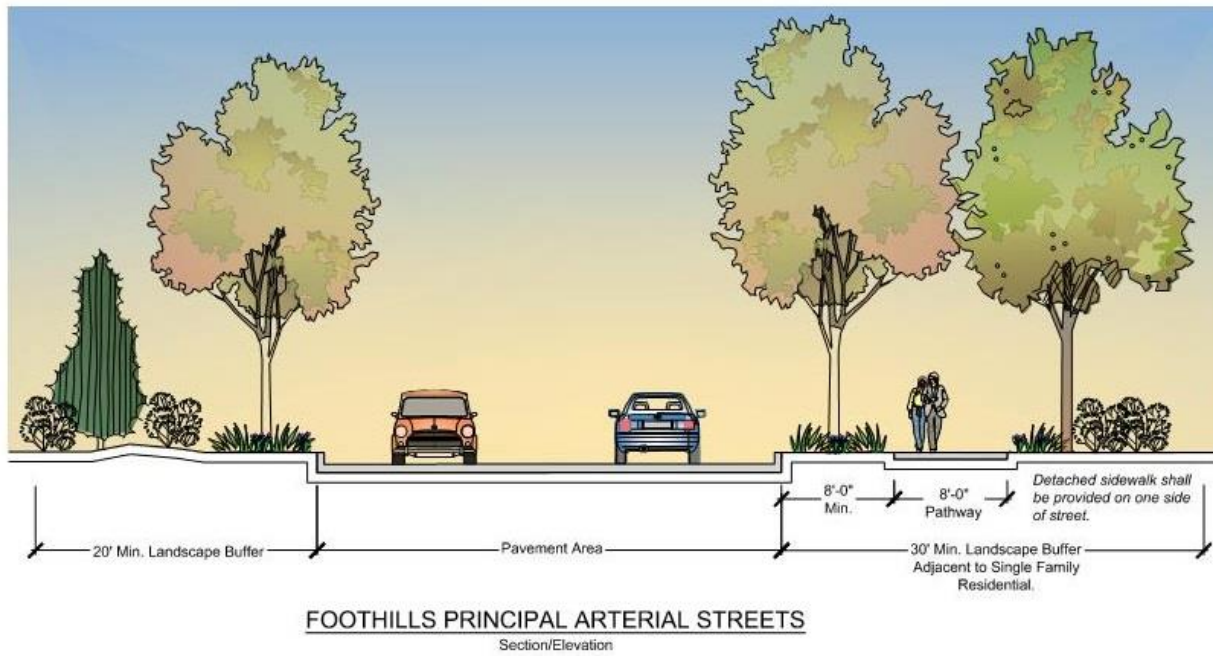


Exhibit 3.8



2. Collector Streets

- a. The landscape buffer for collector streets shall be eight (8') minimum See Exhibit 3.9 for example.

- b. A detached sidewalk shall be provided on both sides of the street at least five feet (5') from the back of curb. The sidewalk shall be a minimum of five feet (5') wide and may or may not meander depending on the streetscape concept shown on the preliminary plat. Sidewalks may be attached to the curb in front of bus pullouts, drop-off areas, on-street parking areas, and similar circumstances as approved by Local Highway Department and the city, but shall be six feet (5') minimum width in such locations. An eight-foot (8') wide multi-use pathway on one side of the street may be approved by the city within low density areas (one (1) acre lots and larger) or along streets adjacent to regional open space depending on the streetscape approved by the City. One eight foot 8' wide pathway is allowed in lieu of sidewalks on either side of the road, if found to be in the best interest of the public and approved by the City of Eagle.
- c. Landscape buffers adjacent to natural open space shall not be irrigated landscape. These areas shall be reseeded back to their natural state.

Exhibit 3.9

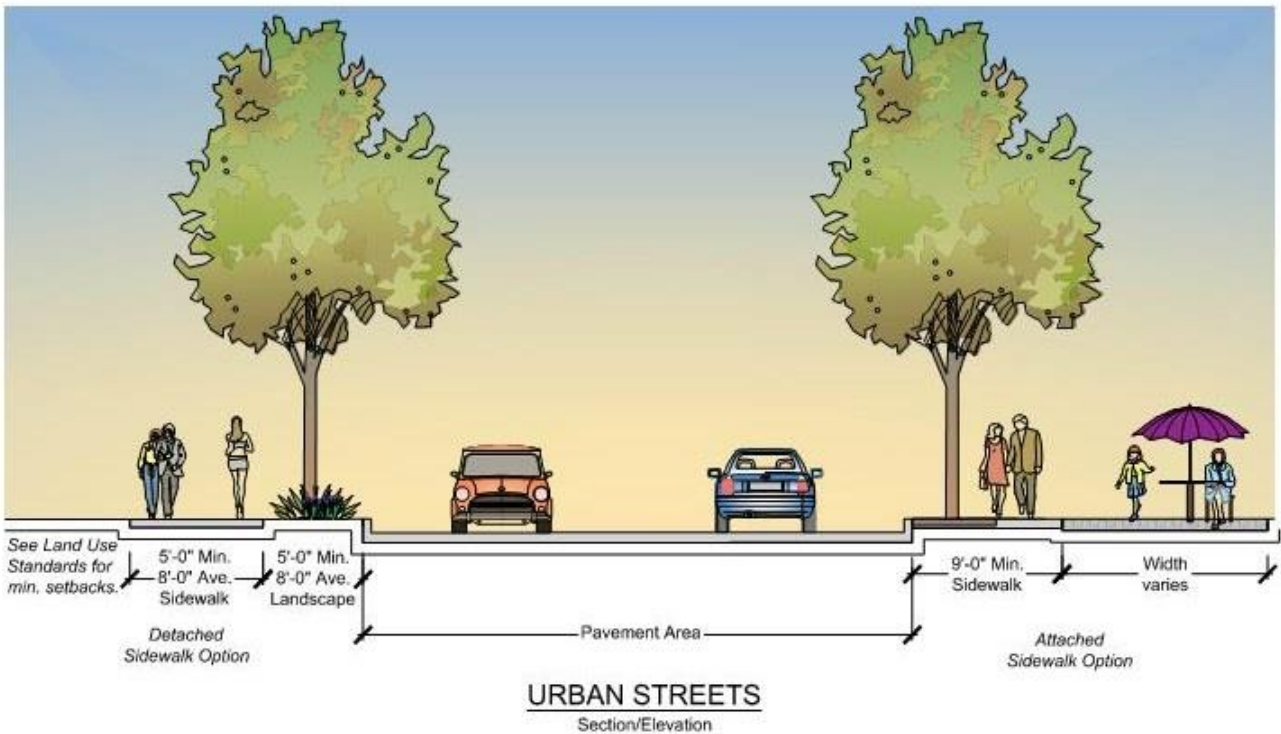


3. Urban Streets

- a. Urban streets may be arterials, collectors or local streets, or stretches thereof, which are located in the VC, HMU, MU, CC and NC districts.
- b. There shall be five foot (5') detached sidewalks are located and landscape buffer required. *See Exhibit 3.10 for example.*

- c. Urban streets shall have an attached or detached sidewalk on both sides of the street. The sidewalk shall be a minimum of nine feet (9') wide if attached and a minimum of five feet (5') wide if detached. One eight foot (8') pathway is allowed in lieu of sidewalks on either side of the road, if found to be in the best interest of the public and approved by the City of Eagle.
- d. Landscape buffers adjacent to natural open space shall not be irrigated landscape. These areas shall be reseeded back to their natural state.

Exhibit 3.10

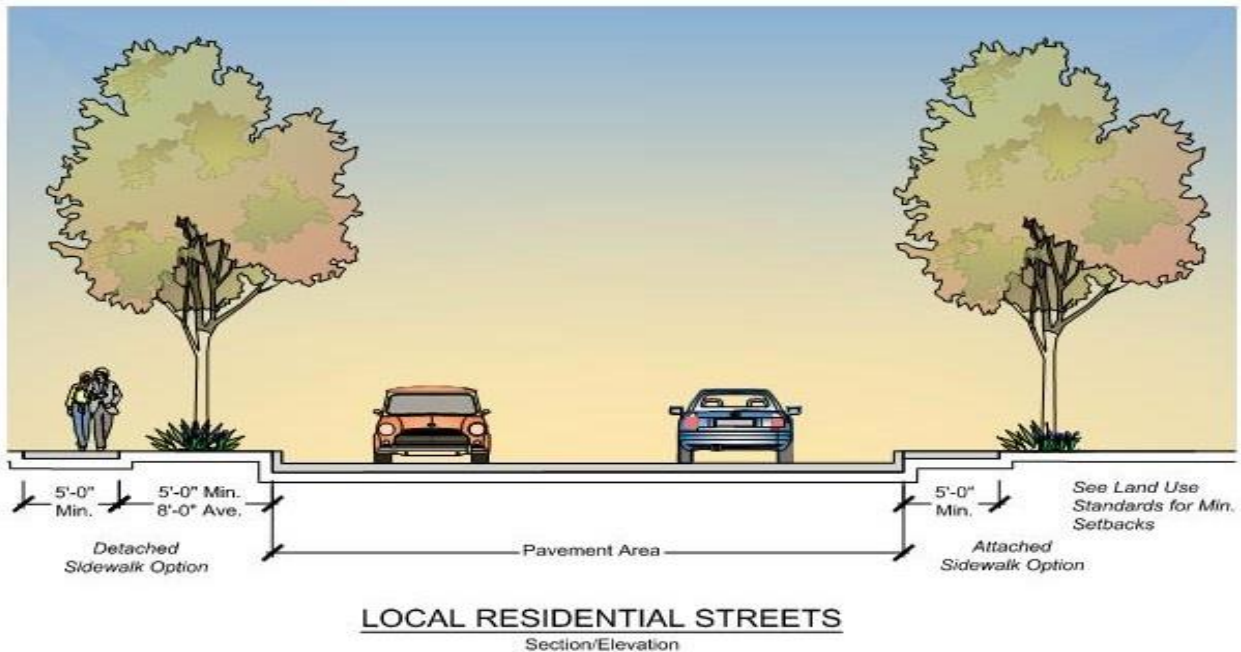


4. Local Residential Streets

- a. There shall be a minimum five-foot (5') wide landscape buffer for local residential streets where detached sidewalks are located. Trees shall not be planted in landscape buffers unless the buffer is a minimum six feet (6') wide. Trees planted in landscape buffers that are between six (6) and seven (7) feet in width require root barriers to be installed. No root barrier is required when the landscaped buffer exceeds (7) feet in width. The minimum setback for local streets (both public and private) in single and multi-family residential uses shall correspond to the building setbacks identified in Chapter 2, Land Use Standards, Table 2.2, Residential District Development Standards, Single Family Residential Uses and Table 2.3, Multi-Family Residential Uses.
- b. An attached or detached sidewalk shall be provided on both sides of the roadway as shown on example Exhibit 3.11 below.

- c. The sidewalk shall be a minimum of five feet (5') wide and may or may not meander depending on the streetscape concept. The sidewalk requirement may be waived as part of the preliminary plat approval in one of the following conditions:
 - i. A single-loaded street adjacent to a slope (sidewalk shall be required on the loaded side only).
 - ii. A double-loaded street in a hillside area where topographic constraints allow sidewalk on one side of the street only to minimize grading.
 - iii. Single Family Special Lot (SFSL) neighborhoods as detailed in Section 11B 2-5 of this Title (sidewalk shall be required on at least one side of the street).
 - iv. Low density (one (1) acre and larger lots) neighborhoods (sidewalk requirement may be waived entirely where a striped four foot (4') wide shoulder is provided).
 - v. One eight foot 8' pathway is allowed in lieu of sidewalks on either side of the road, if found to be in the best interest of the public and approved by the City of Eagle.
- d. Landscape buffers adjacent to natural open space shall not be irrigated landscape. These areas shall be reseeded back to their natural state.

Exhibit 3.11

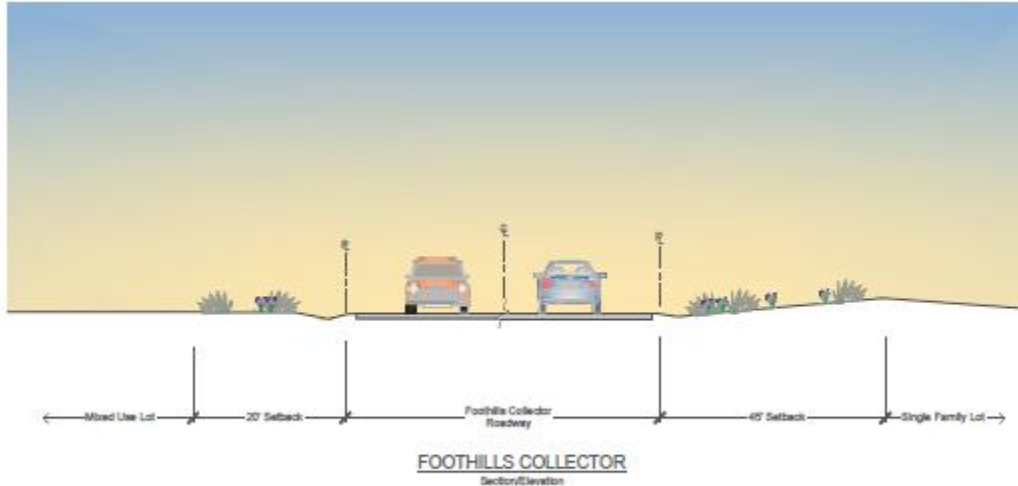


5. Foothills Collector

- a. No landscape buffers are required.

- b. The setbacks from a Foothills Collector street section shall be twenty feet (20') minimum except adjacent to single-family residential uses where the minimum setback shall be forty-five feet (45'). See Exhibit 3.12.

Exhibit 3.12



B. Landscape Buffers:

1. Materials:

- a. All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs, and ground cover in which evergreen plant materials comprise a minimum of forty percent (40%) of the total plant material used.
- b. Height requirements of a minimum of six (6') shall be accomplished with plant material, with a fence or decorative wall.
- c. The required buffer area shall result in an effective barrier within three (3) years and be maintained such that sixty percent (60%) or more of the vertical surface is closed and prevents the passage of vision through it.
- d. All landscape buffers that are adjacent to natural open space shall be reseeded back to their natural state, and shall not be required to have irrigated landscaping.
- e. Chain-link fencing, with slats or otherwise, and cedar fencing is prohibited for screening.

C. General Landscaping Guidelines:

1. Professional landscape design: Landscaping plans must be prepared by and stamped by Licensed landscape architect registered in the State of Idaho.
2. Unplanted areas: In landscaped areas where turf is not used, a minimum of 60% of the total area may be planted with shrubs and groundcover, unless adjacent to natural open space. An exception is made for areas designated for future development. These areas must be in a neat and weed-free condition, and dust-control methods must be used if conditions require.
3. Plantings to emphasize entries: Landscaping should be used to emphasize building entries and to screen service areas.
4. Plantings to screen unattractive areas: Landscaping such as walls, berms, plantings, and innovative site design will be required to screen unattractive site features or uses from public view. Areas of concern include, but are not limited to: service areas, roll-up doors, refuse collection areas, and vehicle storage areas.
5. Landscaping clearance: Landscaping shall have a 7' minimum clearance from fire equipment in all directions to new landscaping and a 13'-6" vertical clearance from tree canopy.

D. Landscaping Materials:

1. Proposed materials are subject to approval by the City. Materials not listed in the preferred plant list may be considered if an alternative form of compliance is approved by the City.

E. Irrigation Standards:

1. Coverage: All landscape material shall be provided with adequate irrigation coverage.
2. Heads and emitters: The use of low-gallon heads is encouraged for turf areas. A drip emitter system is preferred for plants in non-turf areas.
3. Nuisance water: All nuisance water must be retained on site.
4. Valves and breakers: Check valves and pressure vacuum shall not be visible from the street.

F. Grading and Drainage:

1. Drainage control: Site grading should control drainage. Grading should also be designed to screen parking areas, service areas, or other visually unattractive areas.

2. Retention basins: Landscaped areas may be used for retention of storm water. Basins must be designed to hold and retain all water resulting from a 100-year, six-hour storm event. Retention also must be designed so as not to cause damage to landscaping or other improvements. The maximum depth of a retention basin exposed to direct public view is two feet (2'), with side slopes of not more than 4:1. Where space is limited, retaining walls may be used. Such walls must complement the building architecture. Retention basin design must comply with the Local Highway Department design standards.
3. Runoff: Owners/occupants may not allow runoff from their parcel to drain onto adjacent parcels, except through common drainage easements areas.
4. Grading and building access: Site grading may not block access to the site, internal vehicular circulation, and existing structures.

G. Landscaping Maintenance:

1. Maintenance and replacement of required landscaping and screening shall be the responsibility of the property owner.
2. All plant materials shall be pruned, trimmed, watered, and otherwise maintained to create an attractive appearance and a healthy growing condition. No trees shall be severely pruned or topped.
3. Dead, diseased, stolen, or vandalized plant materials shall be replaced by the next planting season.
4. Property owners shall keep landscaped areas free of weeds and trash.
5. Stolen, vandalized, or otherwise damaged fences and /or walls shall be replaced immediately. Fences and/or walls shall be maintained to create an attractive

H. Plant Selection Guide:

1. This list is the preferred planting list for Avimor. Other plant species and varieties may be considered with an alternative form of compliance if approved by the Avimor Design Review Committee and the City Design Review, as appropriate, if the plant is a street tree or is located within the public right-of-way.

PROHIBITED PLANT MATERIALS

Common Name	Scientific Name	Prohibited status
All Yew species	Taxus species	Toxic to big game
Siberian Elm	Ulmus pumila	Invasive
Russian Olive	Elaeagnus angustifolia	Invasive allergen
Box Elder	Acer negundo	Invasive
Tree of Heaven	Ailanthus altissima	Invasive
Royal Empress Tree	Paulownia tomentosa	Invasive
Myrtle Spurge	Euphorbia myrsinites	Invasive
Bachelor’s Button	Centaurea cyanus	Invasive
Tamarisk	Tamarix spp.	Invasive
1. Noxious weeds and invasive plants are prohibited. Any plant or animal listed as noxious or invasive by the Idaho State Department of Agriculture (ISDA) shall be prohibited. A list of these plants can be found at http://invasivespecies.idaho.gov/invasivespecies-overview		
2. No required landscape areas shall include artificial trees or plants as a vegetative substitute. Artificial turf may be used for nonrequired landscape areas such as sports fields and putting greens with Avimor Design Review Committee approval.		

PREFERRED PLANT MATERIALS

Deciduous Canopy Trees (Large class II and class III)								
Common Name	Scientific Name	Size: Ht'xW'	Firewise	Regionally Native	Deer Resistant	Xeric	Varieties	Character
Bigtooth Maple	Acer grandidentatum	45'x25'	X	X	X			Broad, rounded, multi-stemmed, long-lived
Norway Maple	Acer platinoides	55'x50'	X				Deborah	
Sugar Maple	Acer saccharum	70'x60'	X		X		Green Mountain	Not as drought tolerant as other maples
Ginkgo	Ginkgo biloba	60'x50'					Autumn Gold	

Littleleaf Linden	<i>Tillia cordata</i>	60'x40'	X				Greenspire	More drought and heat tolerant than other <i>Tillia</i> species
American Sweetgum	<i>Liquidamber styraciflua</i>	60'x50'	X				Moraine	Seed ball litter
Black Cottonwood	<i>Populus trichocarpa</i>	100'x75'	X	X	X			Weak wood, best in natural areas
Autumn Blaze Maple	<i>Acer x freemanii 'Jeffsred'</i>	50'x40'	X			X		Not allowed in ROWs
Common Name	Scientific Name	Size: Ht' x W'	Firewise	Regionally Native	Deer Resistant	Xeric	Varieties	Character
London Planetree	<i>Platnaus acerifolia</i>	100'x80'	X			X	Bloodgood	
Red Alder	<i>Alnus rubra</i>	50'x30'	X	X				Not always available in nursery
River Birch	<i>Betula nigra</i>	45'x30'	X		X		Heritage	Attractive bark texture
European Hornbeam	<i>Carpinus betulus</i>	40'x30'	X			X	Fastigiata	
Common Hackberry	<i>Celtis occidentalis</i>	50'x50'	X			X		Drought tolerant and clean
Net Leaf Hackberry				X		X		

Green Ash	Fraxinus pennsylvanica	55'x50'	X		X	X		Solid street tree, yellow fall color, watch for borers
Thornless Honey Locust	Gleditsia triacanthos	55'x50'	X		X	X	Seedless male cultivars	Moraine Northern Aedaim Perfection Starburst
Quaking Aspen	Populus tremuloides	50'x20'	X	X				Best around swales
Callery Pear	Pyrus calleryana "Aristocrat"	30'x25'	X			X	Aristocrat, Non-invasive cultivars only	
Swamp White Oak	Quercus bicolor	60'x60'	X					
Red Oak	Quercus rubra	60'x40'	X			X		Rapid grower, nice fall color, can hold leaves
Burr Oak	Quercus macrocarpa	80'x80'	X		X	X		
Evergreen Trees								
Common Name	Scientific Name	Size: Ht x W	Firewise	Regionally Native	Deer Resistant	Xeric	Varieties	Character
Hostemanns Silberlocke Korean Fir	Abies koreana 'Horstmanns SilberLocke'							

Rocky Mountain Juniper	Juniperus scopulorum	30'x15'		X	X	X	Skyline, Rocket	
Norway Spruce	Picea abies	80'x35'			X	X	Cuppresina, Hoopsii, Glauca	Requires more water than other evergreens
Blue Spruce (Compact or Dwarf)	Picea pungens	30'x15'		X	X		Hoopsii, Fat Albert, Kosteri	
Bristlecone Pine	Pinus arista	20'x20'			X	X		Long lived open canopy tree
Pinyon Pine	Pinus edulis	25'x25'			X	X		Slow grower but nice form for residential lots
Vanderwolf Pine	Pinus flexilus 'Vanderwolf'	25'x12'			X	X		Upright, green/blue needles
Common Name	Scientific Name	Size: Ht'x W'	firewise	Regionally Native	Deer Resistant	Xeric	Varieties	Character
Oregon Green Austrian Pine	Pinus nigra 'Oregon Green'	20'x15'			X	X		Rich green with large pipe cleaners and open form
Douglas Fir	Pseudotsuga menziesii	100'x30'		X		X		
Ponderosa Pine	Pinus ponderosa	100'x50'	X	X		X		Best in large spaces and

								natural riparian areas.
Ornamental Trees (Small, class I)								
Vine Maple	Acer circinatum	20'x20'	X		X			
Amur Maple	Acer ginnala	20'x20'	X		X	X	Flame	Good color
Serviceberry	Amelanchier grandiflora	20'x15'	X		X		Autumn Brilliance, Robinhill, Cumulus	
Eastern Redbud	Cercis canadensis	25'x20'	X			X	Forest Pansy, Lavender Twist	Covered in pink in early spring, good fall color
Flowering Dogwood	Cornus Florida	25'x20'	X		X			Showy flowers (bracts)
*Hawthorn	Crataegus sp,	20'x20'	X	X	X	X	Thornless, Douglas, Washington	Fruit for birds, screen
Flowering Crabapple	Malus sp.	20'x20'	X		X	X	Donald Wyman, Prairie Fire, Spring Snow	
Cherry	Prunus Sp.							
Chokecherry	Prunus virginiana	25'x15'	X	X		X	Canada Red, Schubert	Will sucker, useful for birds and wildlife

Rocky Mountain Maple	Acer glabrum	20'x15'	X	X				Usually, multi-stemmed and so often considered a large shrub
Paperbark Maple	Acer griseum	30'x25'	X					
Large Deciduous Shrubs								
Western Serviceberry	Amelanchier alnifolia	12'x6'	X	X		X		
Curl-leaf Mountain Mahogany	Cercocarpus ledifolius	10'x6'	X	X	X	X		
Purple Smoketree	Cotinus coggyria	12'x12'				X		
Witchhazel	Hamamelis virginiana	20'x20'				X	Pallida, Arnold Promise, Jelena	Shade tolerant understory plant. Winter bloom
Common Name	Scientific Name	Size: HT'x W'	Firewise	Regionally Native	Deer Resistant	Xeric	Varieties	Characters
Ninebark	Physocarpus malvaceus	8'x6'	X	X		X	Diablo, Little devil, Coppertina	Bird habitat
Staghorn Sumac	Rhus typhina	25'x25'	X			X	Bailtiger	Good fall color, naturalizer, spreads and colonizes
Willow	Salix sp	10'x10'	X				Hakuro Nishiki,	

							Flame, Dwarf Arctic	
Elderberry	Sambucus nigra	8'x8'	X		X		Black Lace, Black Beauty	Habitat, bold texture
Silver Buffaloberry	Shepherdia argentea	8'x6'	X	X	X	X		Thorns and good bird habitat. Olive colored leaves
Cascade Mountain- Ash	Sorbus scopulina		X	X				
Common Lilac	Syringa vulgaris	8'x7'	X		X	X	Sensation, Pres Greevy, Miss Kim	Aromatic in spring
Viburnum	Viburnum sp.		X			X		
Medium D. Shrubs								
Black Chokeberry	Aronia melanocarpa	8'x7'	X		X	X	Autumn Magic	Upright with good fall color, Colonizer
Fourwing Salt Bush	Atriplex canescens	6'x6'	X	X		X		
Flowering Quince	Chaenomeles japonica	4'x5'	X			X	Texas Scarlet	Early spring bloom
Rabbitbrush	Ericameria	4'x4'	X	X		X		Naturalizer
Red-osier Dogwood	Cornus sericea	7'x7'	X	X	X	X	Flaviamea, Bailey, variegata	Red twigs for winter interest
Witchalder	Fothergilla major	5'x5'	X			X	Blue Shadow	

Hibiscus	Hibiscus sp.	6'x5'						Often upright, colorfully flowered screening plants
Russian Sage	Perovksia atriplicifolia	5'x4'	X		X	X		Reseeds
Mockorange	Philadelphus lewisii	7'x6'	X	X		X		Fragrant Flowers
Cinquefoil	Potentilla fruticosa		X	X		X		Bright yellow flowers, highly adaptive, informal
Common Name	Scientific Name	Size: Ht'xW'	Firewise	Regionally Native	Deer Resistant	Xeric	Varieties	Character
Buckthorn	Rhamnus sp.	12'x4'	X		X		Fineline, Tallhedge	Glossy green columnar shrubs
*Currant Bush	Ribes sp.	6'x6'	X	X	X	X		Edible berries, hardy
Shrub Rose	Rosa sp.	5'x5'	X			X	Nearly Wild, Knockout	4-6' high rose for massing,
Spirea	Spirea sp.	4'x4'	X	X	X	X		
Common Snowberry	Symphoricarpos albus	4'x4'	X	X	X	X		
Dwarf Cranberry Viburnum	Viburnum opulus 'Nanum'	5'x5'	X		X	X		Medium scale shrub, great year-round interest

Yucca	Yucca filamentosa	3'x3'	X			X		Excellent for arid, sunny, exposed slopes
Evergreen Shrubs								
Blue Cloak Fir	Abies concolor 'Blue Cloak'	8'x3'						Dwarf tree form
Boxwood	Buxus sp.	3'x3'			X	X		
Oregon Grape	Mahonia aquifolium	5'x5'	X	X	X	X		Evergreen, reddish in fall, yellow flowers, fruit
Dwarf Norway Spruce	Picea abies Dwarf	4'x6'				X	Pumila, Little Gem, Pusch, Pendula	
Dwarf Mugo Pine	Pinus mugo	5'x5'			X	X	Pumila, Sherwood	
Cherry Laurel	Prunus laurocerasus	6'x5'	X			X	Schipka	Young plants winter burn
Rhododendron	Rhododendron sp.	4'x5'	X		X			Good courtyard. Part-shade shrub
Carol Mackie Daphne	Daphne x burkwoodii	3'x4'	X		X	X		Fragrant, protect from winter winds
Holly	Ilex sp.	3'x3'			X	X	Little Rascal	Male, best in evening shade
Small Shrubs								

*Wormwood	Artemisia sp.	2'x3'	X	X	X	X		Silvery to blue green foliage, aromatic
Barberry	Berberis sp.	3'x3'	X		X	X		
Summer Sweet	Clethra sp.		X				Pumila, Little Gem, Pusch, pendula	
Winter Heath and Heathers	Erica sp.	2'x2'	X		X		Kramer's Red	Later winter flowering
Forsythia	Forsythia sp.	3'x4'	X		X	X	Gold Tide and Gold Peep	Dwarf early spring flowering
Common Name	Scientific Name	Size: Ht'x W'	Firewise	Regionally Native	Deer Resistant	Xeric	Varieties	Character
Sweetspire	Itea virginica	3'x3'	X		X		Little Henry	Great fall color. Unique white flowers
English Lavender	Lavandula angustifolia	3'x3'	X		X	X	Munstead and Hidcote	Reseeds
Growlow Sumac	Rhus aromatica "gro Low'	2.5'x4'	X		X	X		Good fall color. Easy care
Desert Sage	Salvia dorrii	3'x4'		X				Not allows available

Weigela	Weigela sp.	4'x4'	X		X		My Monet, Wine and Roses	
Perennials Forbs								
*Yarrow	Achillea sp.	2'x1.5'	X	X	X	X		
Sea Thrift	Armeria maritima	6"x10"	X			X	Ballerina Lilac	
Fall Aster	Aster dumosus	2'x2'	X				Wood Purple, Winston Churchill, Prof Kipp	
Bellflower	Campanula sp.	.5'x2'	X		X		Blue Clips, Serbian	Long blooming
Tickseed	Coreopsis sp.	2'x2'	X		X	X	Full Moon, Little Sundial, Zagreb	Long blooming
Coneflower	Echineachea purpurea	2.5'x1.5'	X		X	X		Self seeding spreader, long blooming
Sulfur Buckwheat	Eriogonum umbellatum	.5'x1.5'		X		X		Red orange winter foliage
*Blanket Flower	Gaillardia aristata	1'x1'	X	X	X	X	Arizona Sun, Oranges and Lemons	Long blooming

Gaura	Gaura sp.	2'x2'	X			X	Crimson Butterflies, Siskiyou Pink	Long blooming
Geranium	Geranium sp.	2'x3'			X		Biokova, Crystal Rose, New Hampshire	Long blooming
Prairie Smoke	Geum triflorum	1'x1'	X	X	X	X	Flora plena,	
Daylily	Hermerocallis sp.	2'x2'	X		X	X	Little Business, Happy Returns, Primal Scream	Adaptable, long-blooming, self-propagates
Hosta	Hosta sp.	2'x2'	X				Stained Glass, Elegans, June	Shade tolerant
*Coralbells	Huechera sp.	1.5'x1.5'	X	X	X		Green Spice, Lime Rickey	Long blooming
Common Name	Scientific Name	Size: Ht'x W'	Firewise	Regionally Native	Deer Resistant	Xeric	Varieties	Character
Daisy	Leucanthemum vulgare	2'x1'	X		X	X	Becky, Real Neat	Long Blooming
*Blazing Star	Liatris sp.	1.5'x1'	X	X	X	X	Kobold	
Lewis Blue Flax	Linum lewisii	2'x1.5'	X	X	X	X		Self seeding spreader, long blooming

Tufted Evening-Primrose	Oenothera caespitosa	.5'x2'	X	X		X		
*Penstemon var	Penstemon sp.	1.5'x1.5'	X	X	X	X	Red Rocks, Pine Leaf, Pikes Peak Purple, Rocky Mt.	Attracts hummingbirds
Russian Sage	Perovskia atriplicifolia	3'x3'			X	X	Little Spire	Pairs well with lime green foliage
Coneflower	Rudbeckia hirta	2'x1.5'	X		X	X		Long Blooming
May Night Sage	Salvia nemorosa 'May Night'	2'x2'	X		X	X		Compliments Dianthus
*Globemallow	Sphaeralcea sp.	2.5'x2.5'	X	X		X		Unique color with Russian Sage
Spiderwort	Traedescantia sp.	1.5'x1.5'	X		X	X		Long Blooming
Groundcovers								
Bearberry	Arctostaphylos uva-ursi	.5'x3'	X	X	X	X		Fine textured, year-round interest
Aubrieta	Aubrieta deltoidea	.5'x1.5'	X		X		Purple Cascade	Evergreen but dry looking in summer. Early blooming and long blooming

Wine Cups Poppy Mallow	Callirhoe involucrata	.5'x6'	X					Pink blooms for long period. Prune in Fall
Eichholz Cotoneaster	Cotoneaster dammeri "eichholz'	.5'x10'	X		X	X		
Ice Plant	Delosperma sp	.5'x	X			X		Long blooming
Maiden Pink	Dianthus sp.	1'x1.5'	X		X	X	Tiny Rubies, Firewitch, Neon Star	Long blooming
*Strawberry	Fragaria sp.	.5x1'	X	X				Fast spreading, available Spring
Candytuft Little Gem	Iberis sempervirens	1'x1'	X		X	X		Evergreen foliage. Good to cut biannually
Creeping Oregon Grape	Mahonia repens	1'x4'		X	X	X		naturalized semi-sun locations
Creeping Phlox	Phlox subulata	.5'x3'	X		X	X	Pink, Blue, White	many evergreen varieties
Common Name	Scientific Name	Size: Ht'xW'	Firewise	Regionally Native	Deer Resistant	Xeric	Varieties	Character
Sedum varieties	Sedum sp.	.5'x2'	X			X	Vera Jameson, Autumn Joy	
Creeping Thyme	Thymus praecox	.5'x3'	X		X	X		Fast spreading
Speedwell	Veronica sp.	.5'x3'	X		X		Wooly Blue,	Attracts butterflies
Periwinkle	Vinca minor	.5'x3'	X		X	X	Bowles	Tolerates many conditions

Grasses/Sedges								
Feather Reed Grass	Calamagrostis x acutiflora	5'x2'			X	X	Karl Foerster, Overdam,	Tight upright form.
Japanese Sedge	Carex morrowii	1.5'x1.5'	X				Ice Dance, Evergold, Gold Band, Silver Septre	Good for partial shade areas and courtyards
Blue Bunchgrass	Festuca idahoensis	1.5'x1.5'		X		X	Elijah, Siskiyou	
Blue Oat Grass	Helictotrichon sempervirens	2'x2'			X	X		Silvery-blue, open-bladed, homogeneous texture
Maiden Grass	Miscanthus sp.	4'x4'						Cut to the ground in late Winter
Fountain Grass	Pennisetum alopecuroides	2'x2'			X	X	Little Bunny, Hemlyn	Fountain-like texture, year-round interest
Little Bluestem	Schizachyrium scoparium	2.5'x2'		X		X	The Blues	Upright. Foliage color changes throughout the season
Vines								
Trumpet Creeper	Campsis radicans	18'x1.5'	X		X	X		Fast growing, long blooms, self clinging

Grape Vine	Vitis sp.		X					
a	Clematis sp.	12'x2'	X	X	X		Jackmanii, Henryii	Long blooming last spring-fall, works as a groundcover
*Honeysuckle vine	Lonicera sp.	12'x2'	X			X	Major Wheeler, Alabama Crimson	Attracts hummingbirds, long blooming
NOTES: TREES APPROVED IN THE CITY OF BOISE AREA ARE ALSO ACCEPTED IN AVIMOR * Some varieties of this species are native while others are not								

11B-3-20: SIGNAGE

A. PURPOSE: It is the purpose of the sign regulations to balance public interest and private business needs with objectives of creating and preserving a community that is aesthetically pleasing, livable, sustainable and connected. The sign regulations do not intent to have content-based restrictions or content-based enforcement. These sign standards and regulations are designed:

1. To ensure that the constitutionally guaranteed right to free speech is protected.
2. To promote and protect the public health, safety and welfare of residents and visitors to the Development; by maintaining and improving pedestrian and vehicular safety by reducing distractions, obstructions, and hazards caused by the excessive number, excessive size or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs.
3. To encourage signs which are clear and legible; to encourage and enhance effective visual communications as a means of communication; to enable people to identify destinations and locations; and to aid the public and private sectors in identifying the location of goods and services.
4. To enhance the appearance and economic value of the visual environment by regulating and controlling the type, location, and physical dimensions of signs and sign structures.
5. To promote the use of signs that are aesthetically pleasing, safe, of appropriate scale, and integrated with the built environment, in order to meet objectives related to the quality and character of the development.
6. To maintain and enhance the beauty, unique character, aesthetic environment and quality, that will attract commerce, businesses, economic development, residents and visitors; to preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts; to regulate the appearance and design of signs in a manner that promotes and enhances the beautification and that complements the natural surroundings in efforts in retaining economic advantage for its community; and to assure that the benefits derived from the protection and enhancement of property values and business opportunities by exercising reasonable controls over the physical characteristics and structural design of signs.
7. To reduce visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for attention of pedestrian and vehicular traffic.
8. To encourage and allow signs that are appropriate to the zoning district in which they are located.

9. To establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains; to foster the integration of signage with architectural and landscape designs; to provide flexibility and encourage variety of signage, and to promote the use of signs that positively enhance and contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape and advance the goals of quality and development and quality of place.
10. To provide fair and consistent enforcement of these sign regulations.

B. DEFINITIONS:

1. If conflict arises between any definition in this section and any other definition within this Title, the definition with the more specific and/or more restrictive definition shall control. Any other words or phrases not specifically defined shall be interpreted to give this Title its most reasonable application.

A-FRAME SIGN: See definition of Sandwich Board Sign.

ANIMATED SIGN: Any sign which is designed and constructed to give its message through a sequence or progressive changes or parts or lights or degree of lighting, such as an electronic reader board.

AREA OF THE BUILDING FACE: The general outer surface of an exterior wall of a building. The area of the building face shall be a total area of such surface, including the area of doors and windows which open into such face, if any.

AUTOMATED SIGN: A sign with a fixed or changing display capable of displaying words, symbols, figures or images composed of, a series of light emitting elements or moving panels or parts; including, but not limited to: tri-paneled, digital, electronic message boards, light emitting diodes (LED) signs or signs that in any other way move or create the illusion of movement. This definition does not include signs with copy that is manually changed.



(Example)

BANNER SIGN: Any sign made of lightweight fabric, plastic, or similar material that is mounted to poles attached in the ground or to a building (excluding flags and pennants as defined herein).

BUILDING FACE AREA: The building face area of a single-tenant building is the area that lies within a line drawn around the outermost points of the building frontage wall face. Building face area shall be expressed in square feet. Where a building houses more than one business, building face area for each business shall be that area lying within a line drawn around the outermost points of the building frontage or building face that is actually occupied by the individual business.

CABINET SIGN (SCULPTED): A sign consisting of a translucent or non-translucent panel containing sign copy which is affixed to a cabinet that is sculpted to form a non-square or non-rectangular

decorative shape which provides interest to the sign, such as the shape of a logo, the shape of letters, or combination thereof.

CABINET SIGN (STANDARD): A sign consisting of one or more translucent or non-translucent panels containing sign copy, which are interchangeable and which are affixed to a box or cabinet that is generally square or rectangular in shape.

CANOPY SIGN: A sign attached to or printed on the fascia or valence of a canopy, awning or marquee. For the purposes of this Title, canopy signs are regulated as wall signs.

CHARITABLE ORGANIZATIONS: For the purposes of this code, the term “charitable organizations” means any tax-exempt government, religious, educational, veteran’s, fraternal, service, nonprofit medical, volunteer rescue service, volunteer firemen’s, senior citizen’s, youth athletic, or youth athletic park organization. An organization is tax exempt if the organization is, and has received from the internal revenue service a determination letter that is currently in effect, stating that the organization is, exempt from federal income taxation under the Internal Revenue Code.

COMMUNITY MONUMENT: A permanent sign identifying the Planned Development or the City of Eagle. No business advertising is permitted on entry signage.

COMMUNITY- EVENTS: Community sponsored events such as Eagle Rodeo, Farmers’ Market, sporting events, and similar homeowner events, for the purpose of this code, community events are considered as non-commercial events or activities.

COOPERATIVE BUSINESS SIGN: A sign utilized by multiple businesses, that is to be constructed as a part of the "Entry Statement Cooperative Sign Plan".

DEVELOPMENT SIGN: A temporary sign announcing builder or business that will be constructed on the subject property and which construction activities are being actively performed.

DIRECTORY SIGN: An outdoor sign erected on a single site with multiple buildings and where multiple tenants exist, or for a multi-tenant building and the like, which lists the names of all businesses, in a uniform manner on a single structure.

DIRECTIONAL SIGN (OFF PREMISES): See definitions of Portable Off Premises Directional Sign and Subdivision Directional Sign (Off Premises).

DIRECTIONAL SIGN (ON PREMISES): An on-premises sign directing vehicular or pedestrian traffic to a related site, location or business, that primarily contains instructions by means of text or symbols, but which contains no advertising copy.

DRIVE-THRU/DRIVE-UP SERVICE MENU BOARD SIGN: A sign located at the entry or in the drive-lane of a building and/or structure that includes a drive-thru and/or drive-up window, used to display and/or order products and services available through the business.

FACE OF SIGN: The surface of the sign area upon, against or through which the message is displayed or illustrated.



(Examples)

FLAG (COMMERCIAL): The flag of a commercial institution, except that no more than one (1) flag is permitted per business, the flag shall not exceed twenty (20) square feet in surface area, shall be left loose to fly in the breeze and shall be a maximum of fifteen feet (15') in height.



(Example)

FREEHANGING SIGNBOARD: A sign which is also referred to as a “suspended or hanging sign” is attached underneath a canopy, awning or colonnade.

FREESTANDING SIGN: A single or multiple faced signs, supported from the ground by one or more columns, uprights or braces, and permanently attached to the ground by a foundation or footing, with a clearance between the ground and the sign face.

GRADE: The elevation or level of the street closest to the sign to which reference is made, as measured at the street's centerline, or top of curb if one exists, adjacent to where the sign is to be placed, or the relative ground level in the immediate vicinity of the sign if determined by the Administrator to be an accurate determination for grade with regard to the intent of this article.

GRAND OPENING: The promotional activity used by a new business or enterprise or for a grand opening for a business or enterprise under new management. "Grand opening" does not mean the annual or occasional promotion of services or retail sales by a business.

HEIGHT: Sign height shall be measured from the average level of the grade below the sign to the topmost point of the sign structure. Architectural elements used above any sign area may be excluded from the maximum height measurement if the city determines that said architectural elements add to the character of the sign and do not create an overbearing appearance in relation to the sign, building and/or area.

HEIGHT OF SIGN: The vertical distance measured from the grade to the highest point of a sign or any vertical projection thereof. Architectural elements used above any sign area may be excluded from the maximum height measurement if the city determines that said architectural elements add to the character of the sign and do not create an overbearing appearance in relation to the sign, building and area.

HISTORIC MARKERS: Historical markers erected or maintained by public authority or by a historical society or historical organization identifying sites, buildings, or structures of recognized historical value or significance.

HISTORICAL SIGNAGE: Existing signs pertaining to any commercial or noncommercial property within the planned development which is found by the Design Review Board and Council to be of local historical significance are exempt from the provisions of this Title.

HUMAN SIGN: A human sign is a sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product. A person dressed in costume for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product shall also be construed as a human sign.

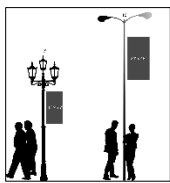
ILLUMINATION, EXTERNAL: A sign that is affected by an artificial light source that is not contained within the sign itself.

ILLUMINATION, HALO: An illumination that casts a “halo-like” glow along the sides of the graphics, or casts light backwards onto the face of the sign or structure upon which the graphics are mounted. The illumination of a sign is from a light source that is not visible and is concealed or contained within the sign or located between the sign and the structure/wall. Illumination from the source of the light becomes visible in darkness when the light is reflected off of the wall/structure upon which the sign is attached.

ILLUMINATION, INTERNAL: Illumination of a sign from any light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface, except for illumination, punch through letter signs. This includes characters, letters, figures, designs or outline which is illuminated by gas filled luminous tubes, such as neon, argon or fluorescent.

ILLUMINATION, PUNCH THROUGH LETTER: A sign with letters, logos or other sign graphics that are opaque (no light is permitted to shine through them), that are attached to a sign cabinet or structure that allows light to shine through it. The distance between the letters, logos, or other sign graphics and the background (surface of the cabinet or structure) is a maximum of one-half inch. The light source is concealed within the cabinet or structure and is not visible except that illumination from the light source shines through transparent (nonopaque) background material for no more than one-fourth inch around the letters, logo, and other graphics, creating a halo effect.

INCIDENTAL SIGNS: Signs, otherwise known as “Information Signs”, containing no other message, copy, announcement, or decoration other than instructions or directions to the public. Examples of such signs include “no parking”, “loading only”, or signs that identify restrooms, walkways, entrances, exits, etc.



(Example)

LIGHTPOLE BANNER: A non-rigid permanent or temporary sign made of durable lightweight fabric, hung from a horizontal bar, often secured at the bottom and supported by sign brackets which are attached to a streetlight pole.

MASTER SIGN PLAN: A plan designed to show the relationship of signs for any cluster of buildings intended for business occupancy, or any single building containing more than one business or any arrangement of business buildings or shops which constitute a visual entity as a whole. These include developments such as shopping centers, mini-malls, business parks, and multi-tenant commercial, office or industrial buildings housing two or more businesses. Additionally, a master sign plan may be submitted for a single business if the owner chooses to submit an application for a master sign plan for said business.

MONUMENT SIGN: A freestanding sign with a solid base, including rock signs, or with supports that are designed to be structurally similar to the sign construction, and which incorporate architectural features which complement the sign construction. Pole type supports are not permitted for monument signs, unless enclosed within the monument sign structure.

MULTI-TENANT BUILDING: A commercial or industrial building(s) that is occupied by two or more businesses in their own physically separated tenant spaces. Physically separated means that the tenant spaces are physically separated by tenant separation walls in such a way that each tenant space becomes its own separate and distinct space. In the event two or more businesses occupy the same area, they shall be considered as a single tenant or business with regards to the total allowable signage.

MURAL: A painting, other than a business advertising sign, on the outside wall of a building. See definition of painted graphics. Murals shall be considered art and not signs so long as the mural is not used to advertise a business, product or service, or used to provide personal messaging. Murals shall be artistic and nostalgic in nature and shall follow the theme of Avimor's architecture, as approved by the City. All properties located in the planned development and not exempt from design review must receive a recommendation from the Eagle Arts Commission, which is then referred to the Design Review Board and the Council for approval. After receiving a recommendation from the Eagle Arts Commission, all murals shall be reviewed by the design review board and approved by Council.

NAMEPLATE: A sign indicating the name, address and/or profession of a person or persons occupying a residence.

NON-COMMERCIAL EVENTS AND ACTIVITIES: An event or activity that is open to the general public or residents of Avimor and is non-commercial in nature. Such events include but are not limited to, open-air festivals, block parties; special public events; a bike, run or walk on a public right-of-way, events in parks or public spaces, downtown events, recreation events, farmers' markets, parades, community garage sales, and similar events by charitable organizations. See also definition of community events and charitable organizations.

NONCONFORMING SIGN: Any sign which does not comply with the provisions of this Title.

OFFICIAL FLAGS: Official flags of the United States, the State of Idaho, or other states of the nation, counties, municipalities and official flags of foreign nations. Official flags are not considered signs.

OFF PREMISES SIGN: Signs not located on a parcel of land or a Site that directly relates to what is being advertised or conveyed on the site.

ON PREMISES SIGN: Signs located on the same parcel of land or a site that directly relates to what is being advertised or conveyed on the sign.

PENNANT SIGN: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, whether in series or not, designed to move in the wind and therefore considered a moving sign.

POLE SIGN: A freestanding sign that is supported by one or more poles that are not enclosed as in a monument sign structure.

PORTABLE OFF PREMISES DIRECTIONAL SIGN: Off premises portable signs designed to be used for the purposes of identifying and locating a particular non-commercial or commercial location, activity or event.

PORTABLE ON PREMISES SIGNS: Portable on premises signs for advertising which can be used on a permanent basis and which are intended to allow for business identification and any other advertising being promoted by the business or enterprise.

PORTABLE SIGN: Any sign, which is designed to be moved and is not permanently attached to any part of a building or to the ground, such as, but not limited to; A-frame signs, yard signs (rigid), yard signs (nonrigid), banner signs, feather flags, wind flag signs and sandwich board signs. All portable signs shall be self-supporting so as to remain in an upright position, be weatherproofed, professionally made, and kept in a state of good appearance, safety and repair.



(Example)

PROJECTING SIGN: A sign, often referred to as a “blade” sign, and other than a wall sign, that projects perpendicularly and extends from the building frontage or building face to which it is attached outwardly. For the purposes of this Title, a projecting sign is considered a “perpendicular” wall sign.

READER BOARD: A sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time.

REAL ESTATE SIGN: A temporary sign placed on a parcel of land where the land, building or portion thereof, or both are actively for sale, rent, lease or exchange.

ROOF SIGN: A sign that is erected on or above the roof of a building and which derives its principal support from the roof or from columns or supports extending through the roof. The definition

includes a sign affixed to any structure erected upon a roof, including a structure housing building equipment and includes a sign erected on top of a canopy, deck, patio, or similar structure.



(Example)

SANDWICH BOARD SIGN: A pair of signboards fastened at their tops and separated at their base to form a freestanding portable sign structure.

SCOREBOARDS: Scoreboards are signs erected at a sporting field and which are generally used to maintain the score or time expired in an event at the field. This definition shall also include signs mounted or applied to the outfield wall within a baseball, football or similar type field.

SEASONAL DECORATIONS OR SIGNS: Reasonable seasonal decorations within the appropriate holiday season. Signs of a decorative nature, incidental and commonly associated with any national, local or religious holiday, provided such decorations and signs are not placed within the sight vision area of an intersection as determined by Local Highway Department, and that seasonal signs are not placed in the city right of way or block ADA accessible sidewalks. However, such displays decorations and signs shall be removed at the end of the public national, local or religious holiday season.

SETBACKS: For the purpose of applying setback requirements for signs, distances shall be measured from the property line to the nearest edge of the display surface, unless otherwise noted in this Title.

SIGN: Any letters, figures, design, symbol, trademark, logo or device intended to attract attention to any activity or service, place, subject, person, firm, corporation, public performance, machine or merchandise whatsoever, including the display of merchandise. Sources of light used primarily to illuminate a sign, or a building, or grounds surrounding the building, shall not be considered signs themselves; provided however, that sources of light used primarily to attract attention to the light itself or as a decorative feature of the display shall be considered as part of the sign.

SIGN AREA: The entire area within a single, contiguous perimeter enclosing the extreme limits of writing, representation, logo, emblem or any figure or similar character, together with any form or other material or color forming an integral part of the display, or used to differentiate such sign area from the background against which it is placed. The sign area shall not include the necessary supports or uprights on which the sign is placed, and superficial, nonilluminated column covers, ornamental trim and other such incidental objects attached thereto, or portions of the sign structure which are not designed to convey a message.

SIGN AREA (DISPLAY SURFACE): The entire area within a single, contiguous perimeter enclosing the extreme limits of writing, representation, logo, emblem or any figure or similar character, together with any form or other material or color forming an integral part of the display, or used to differentiate such sign area from the background against which it is placed. The sign area shall not include the necessary supports or uprights on which the sign is placed, and superficial,

nonilluminated column covers, ornamental trim and other such incidental objects attached thereto, or portions of the sign structure which are not designed to convey a message.

SIZE: Size includes the height, length, width, and sign area, also known as the display surface of a sign unless otherwise specified in this article. Measurements shall be rounded up to the nearest foot, or nearest square foot, as applicable.

SPACING AND DENSITY: For the purpose of applying spacing requirements or density limits to signs, distances shall be measured along a line parallel to the centerline of the adjacent street or highway and between the nearest edges of the display surfaces. A back-to-back sign is counted as a single sign for the purposes of spacing and density limits.

STATE HIGHWAY: Highways in and adjacent to the development that are owned and maintained by the state of Idaho.

STREETLIGHT SIGN: A permanent or temporary sign, otherwise known as a light pole banner, supported by sign brackets which are attached to a streetlight pole.

SUBDIVISION MONUMENT SIGN (RESIDENTIAL): A permanent on premises sign placed at the entrance (s) to a subdivision.

TEMPORARY SIGN: Any sign that is not permanently affixed or attached to a building, structure, or the ground. These can include portable signs, signs placed in or on a building, ground or signs placed on a vehicle. The intent of a temporary sign is to be displayed solely for a limited amount of time.

VERTICAL CLEARANCE: The lowest element of any sign which occupies the vertical space above a pedestrian way and is designed to permit traffic thereunder shall be at least 8-feet above the finished grade of a sidewalk or other pedestrian way and at least 16-feet above the finished grade of a pavement used for vehicular traffic if such sign is located within 18-inches of the vertical projection of the pavement edge.



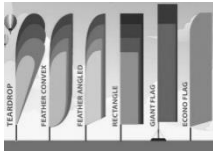
(Example)

VEHICLE SIGN: A vehicle sign is a sign that is attached to or placed in or on a truck, bus, car, trailer, boat, recreational vehicle, or any other vehicle. Vehicle signs shall exclude bumper stickers, license plates, and inspection and registration stickers.

WALL SIGN (FLAT): A sign attached to or erected against the wall of a building or structure with the face of the sign parallel to the plane of said wall, and not extending over 12-inches from the wall of the building or structure.



WAYFINDING SIGNS: Signs that serve the function of informing people of the surrounding within the development. The intent of wayfinding signs is for orientation and navigation purposes. For the purposes of this Title, wayfinding signage does not refer to directional, informational or incidental signage on private property.



(Example)

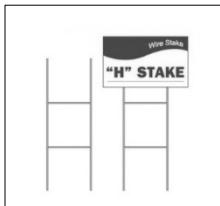
WIND BANNER FLAGS: A non-rigid attention attracting device made of durable and lightweight fabric that flows easily in the wind, and is attached entirely along the long edge to a vertical pole, including, Teardrop, Feather Convex, Feather Angled, Rectangle, Giant Flag and Econo type banner flags. The pole can either be inserted into the ground or can be connected to a solid, spring or spinning base.



(Example)

WIND FLAGS: A non-rigid attention attracting device made of durable and lightweight fabric that flows easily in the wind, and is attached by one edge to a vertical pole in the ground without a permanent foundation. Such flag is usually oblong in shape. For the purposes of this Title, official flags such as Government Flags or State, are not considered wind flags.

WINDOW SIGN: All signs located inside and affixed to, painted on or within three feet of windows of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. The term does not include merchandise located within three feet of the window.



(Example)

YARD SIGN (NONRIGID): Yard signs may be referred to as "lawn signs". Nonrigid yard/lawn signs, or otherwise known as "stake" signs or "wire stake" signs are not stable and typically are susceptible to being blown over by wind and oftentimes do not remain vertical. Common types of nonrigid yard/lawn signs are corrugated plastic, fold over cardboard, and poster type which are attached to a light metal stand with less than one-fourth inch thickness, or lattice type wood stakes, which are inserted into the ground.

The metal stands are usually an "H" or "I" type. The "H" type stand is shaped like an "H" and two (2) of the prongs insert into the sign, or the sign is attached to the two, and the other two prongs are inserted into the ground. The single or double crossbar between the two prongs adds minimal strength and makes the entire stand one single unit. The "I" type stand is essentially an "H" stand without a crossbar linking the prongs.



(Example)

YARD SIGN (RIGID): Yard signs may be referred to as "lawn signs". Rigid yard/lawn signs are stable and are not susceptible to being blown over by wind. Rigid yard/lawn signs are made of a solid metal frame with a metal thickness of one-fourth inch or more, or they are made of metal one-half inch by one-half inch angle iron, both of which include solid metal legs for insertion into the ground. The metal frame includes an attached metal or hard plastic sign face.

C. GENERAL REGULATIONS FOR ALL SIGNS:

1. The following shall apply to signs in all zoning districts:
 - a. **Message Substitution Allowed:** A noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. This provision applies to all signs allowed under this Title. Such substitution of message may be made without any additional approval, permitting, registration or notice to the City. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message or any other noncommercial message. This provision prevails over any more specific provision to the contrary.
 - b. **Permits Required:** No sign, unless specifically stated in this article, shall be erected, placed, attached, altered, displayed, or secured to the ground, any building, or any structure, until a permit for such sign, including and applicable electrical permits, and any other permit required by federal, state or local law has been issued by the City of Eagle. An application for a sign permit may be obtained from the City's Planning Department and/or Building Department. A permit will be issued if a proposed sign conforms to this Title. Incorrect information shall be grounds for revocation of a permit. Sign permits issued are site specific and building specific, and are not transferrable to another site or another building.
 - c. **Permit Expiration:** If the work authorized by a permit under this Title has not been commenced within 180-days after the date of issuance, the permit shall become null and void.
 - d. **Fees:** A sign permit fee, as established by resolution of the Council, shall be paid upon issuance of a sign permit.
 - e. **Undefined or Unclassified Signs:** To determine applicable regulations for any sign not specifically defined herein, the Administrator shall use the definition or classification within the Title which most closely defines or classifies any such sign.
 - f. **Architectural Compatibility:** The number, area, and height of signs as outlined in this Title are intended to be maximum standards which do not necessarily ensure architectural compatibility. Therefore, in addition to the enumerated maximum standards, the city shall give consideration to a sign's relationship to the overall appearance of the subject property as well as the surrounding area, through a design review process.

- g. **Materials and Appearance:** It is the intent of this article to encourage interesting, creative, readable, effective, uncluttered, and well-maintained signage. Sign materials and appearance shall be complementary to the building architecture and colors. Throughout the project an efficient palette of materials is to be employed in the signage elements and the structures into which the signage is integrated per the design guidelines as stated in this Chapter. Depending on location and feasibility, materials may be used in their natural state or be replicated in quality faux finishes.
- h. **Stricter Standards Prevail:** Nothing in this Title is intended, no shall be construed, to permit the erection, construction, enlargement, alteration, or maintenance of any sign at any place or in any manner unlawful under any other federal, state, or local law. When any part of this chapter conflicts with another provision of federal, state, or local law, the provision that establishes the stricter standard shall control.

D. PLACEMENT RESTRICTIONS:

1. No permanent signs shall project into or over the public right-of-way (existing or proposed), into any utility or access easement, or within any vision triangle, unless otherwise specifically stated in this Title.
2. The lowest portion of any sign which extends over an area intended for pedestrian use shall not be less than eight feet above finished grade.
3. Any sign placed on a sidewalk or other public right of way, where permitted by this Title, shall comply with this article and applicable provisions of the Americans with Disabilities Act (ADA).
4. Signs and their location shall not obstruct or interfere with traffic, sighting distance, signals and public signs.
5. Unless otherwise allowed in this article, no person shall post or cause to be posted, attached or maintained any sign upon any tree, light pole, or any utility pole or structure; any fence, railing or wall, unless otherwise specified in this article; or any sidewalk within the right-of-way or a sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.
6. No sign shall be erected as to block, partially block, or interfere in any way with a required means or exit from any building nor with any window. No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement, or a driveway required to access parking.
7. **Support and Attachment:** All signs shall be constructed and installed in accordance with the manufacturer's specifications, the registered design professional, or the sign contractor, whichever is applicable and the most stringent. Signs that project from the

face of a building and that require structural support shall be designed that the structural support is integral to the overall architecture of the sign and building.

8. **Change of Face, Copy and/or Logo on Signs:** For signs conforming to this article, excepting legal signs, a permit shall not be required for a change of face, copy and/or logo on any such sign, provided that the sign structure is not changed in any way and provided that the colors previously approved by the City are not changed. However, signs relocated to another site location or building will require new sign approvals and permits.
 9. **License Required:** No person shall install, erect, repair or maintain any sign that requires a permit for electrical or structure unless such person is a licensed contractor as required by the State of Idaho. Such person shall provide a contractor registration number to the building department prior to the issuance of a sign permit.
 10. **Traffic Control Signs:** Traffic control signs conforming to the Manual of Uniform Traffic Control Devices that are installed or approved by the highway department.
 11. **Nonconforming Signs:** All signs shall conform to this Title upon any structural change to the sign, sign base, or building to which it is attached, or upon any change in the face or copy of the sign for the business to which such sign pertains if the use associated with the business is changed, except as provided for within subsection, "Historic Signage", of this section.
- E. EXEMPT SIGNS:** The provisions and requirements of this Title shall not apply to the following signs and attention attracting devices, except that all signs or attention attracting devices shall still comply with the requirements of this Chapter, and no sign or attention attracting devices shall block ADA accessible sidewalk requirements or the sight vision area of an intersection as determined by Local Highway District.
1. **Address Numbers:** Numbers and letters for address identification.
 2. **Art:** Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification.
 3. **Balloons:** Latex and Mylar style balloons 24-inches or less in diameter.
 4. **Displays:** Display of items for sale located within any commercial or industrial district or on any legal nonresidential site within any residential district, but not within any landscape area or required parking area (except as part of a community event), and that no display of items for sale shall block ADA accessible sidewalk requirements or the sight vision area of an intersection as determined by Local Highway Department.
 5. **Directional Signs (On-Premise):** Shall not exceed six square feet in area.

6. Door Signs: Signs installed on a door of a noncommercial or commercial building providing identification and additional incidental information, provided such signs are no larger than two (2) square feet.
7. Emergency Service Signs: Signs for emergency services, such as; police services, emergency rooms, fire departments, hospitals, etc.
8. Flags (Official): As defined in this Title.
9. Flags (Commercial): As defined in this Title.
10. Historic Markers and Historical Signage: As defined in this Title.
11. Human Signs
12. Incidental Signs: As defined in this Title.
13. Interior Signs
14. Nonilluminated interior signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, excluding window signs, which signs are designed and located to be viewed exclusively by patrons of such use or uses.
15. Illuminated interior signs, excluding window signs, intended to be viewed from the public sidewalk, street, highway, alley, plaza, park, or other similar public space; provided, however, that the sign does not flash or employ an effect, and does not exceed 8-square-foot in display surface or 10-percent of the total window area of all windows facing public streets, whichever is larger, unless otherwise regulated within this Title.
16. Window Signs: (Nonilluminated): Nonilluminated window signs as long as the total area of the signs does not cover more than 25-percent of the window area where it is placed.
17. Window Signs (Neon): Neon window signs no larger than 4-square-foot or 10-percent of the window where it is placed, whichever is larger, but no more than 2 neon window signs per street frontage shall be allowed.
18. Memorial Signs: Memorial signs or tablets, names of buildings and dates of erection of a building or structure.
19. Murals: As defined in this Chapter.
20. Nameplates for residential uses.
21. Scoreboards: Scoreboards, except that scoreboard signs shall be erected within the limits of and face into the athletic field or stadium.
22. Seasonal Decorations or Signs: As defined in this Chapter.

23. Temporary or Portable Signs: Temporary or portable signs authorized for use within parks or on city owned property.
24. Traffic or Other Municipal Signs (signs required by law): Traffic signals, railroad crossing signs, legal notices, and such temporary emergency or non-advertising signs as may be authorized by Council.
25. Utility Company Signs: Signs of public utility companies indicating danger or which show the location of utility facilities.
26. Warning Signs: Nonilluminated or externally illuminated “No Trespassing”, “No Parking”, “No Dumping”, and other warning signs located on the lot to which the sign is appurtenant and not exceeding six square feet in area.
27. Wind Banner Flags: A non-rigid attention attracting device made of durable and lightweight fabric that flows easily in the wind, and is attached by one edge to a vertical pole in the ground without a permanent foundation. Such flag is usually oblong in shape. For the purposes of this Title, official flags such as Government Flags or State, are not considered wind flags.

F. PROHIBITED SIGNS: The following signs and attention attracting devices shall be prohibited, except as may otherwise be specifically stated within this subsection. The signs and other attention attracting devices prohibited herein are subject to removal by the City at the owner’s or user’s expense:

1. Abandoned or Obsolete Signs: Signs located on a property which becomes vacant or unoccupied for a period of 90-days or more, or any sign which pertains to a time, event, activity, or purpose that no longer applies.
2. Any sign in violation of local, state, or federal law over which the city exercises jurisdiction.
3. Any sign which blocks the Americans with Disabilities (ADA) minimum width required for handicap accessibility on a public sidewalk.
4. Any sign whose permit or approval has expired.
5. Automated signs shall be prohibited in all type of signs, except automated signs may be permitted as part of a monument sign, except in all foothills residential, as specifically stated within this Chapter.
6. Billboard signs.
7. Bubble Machines, except for non-commercial events and activities.
8. Cabinet signs (standard), except cabinet signs with non-translucent panels as may be incorporated into a monument sign which includes advertising for multiple tenants, and

as long as the cabinet portion of the multi-tenant monument sign is surrounded on all four sides by architectural elements of the sign structure.

9. Chasing lights, except as may be approved by the city as an integral part of a building or structure, and except non-commercial events and activities and seasonal events.
10. Display of items for sale, for “actual” display of merchandise, like a sidewalk or tent sale, within any landscape area or required parking area, except as part of a non-commercial event or activity or as otherwise stated specifically within this Chapter.
11. Hazardous or Unsafe Signs: Any sign that, in the opinion of the Building Official, Administrator, Engineer or Traffic Officer, city official, Local Highway Department, or other public agency, creates a hazard to vehicular or pedestrian traffic or a hazard to the public in general, including, but not limited to, the following reasons:
 - a. Design and construction.
 - b. Signs which because of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or radio equipment vehicle, or signs which obstruct the visibility of any traffic or street sign or signal device.
 - c. Signs purported to be, or which are, an imitation of, or resemble an official traffic sign or signal, or which bear the words, “Stop”, “Danger”, “Warning”, or similar words in a manner potentially causing confusion with such official signs or signals.
 - d. Signs, which by location create a vehicular or pedestrian hazard.
 - e. Any sign that omits any sound, odor or visible matter.
 - f. Any signs within the sight visibility triangle as specified within Local Highway Department’s “Policy Manual”.
 - g. Any sign not maintained in a safe condition.
 - h. Illegal Signs: Any sign that employs a structure, material, color, design, illumination, size, height, duration, or placement not specifically allowed under this Chapter, unless the sign is a lawfully established non-conforming sign.
 - i. Inflatable Balloons and Blimps: Polyurethane and polyvinyl chloride (PVC) style inflatable balloons and blimps larger than 24-inches in diameter, except for non-commercial events and activities.
 - j. Off premises signs, except as otherwise stated within this Chapter.

- k. Miscellaneous signs and posters which are visible from a public way and are tacked, pasted, taped or otherwise affixed in a similar manner to or upon the walls of buildings, trees, poles, posts, fences, hydrants, bridges, or other structures.
- l. Moving, revolving, intermittent, oscillating, animated, or flashing signs, except for non-commercial events, human sign board and activities.
- m. Pennants, propellers, pinwheels, streamers and similar objects, except as temporary displays authorized by the City for carnivals and open-air festivals and other community events.
- n. Pole signs.
- o. Roof signs.
- p. Searchlights, beacons, strobe lights, scintillating lights, and similar lights, except for noncommercial events and activities.
- q. Temporary Signs In lieu of Permanent Signage, except for otherwise specifically stated within this Chapter.
- r. Unsightly Signs: Any sign which is in whole or in part week, unsafe or constructed of broken, unsightly, inferior or old, worn or faded material.
- s. Wall signs that extend above the parapet wall.
- t. Yard Signs (nonrigid): except for signs that are placed completely on private property in accordance with this Chapter.

G. SIGNS ON CITY OWNED PROPERTY:

1. No person shall erect a sign upon any property owned or controlled by the City without first having procured prior written permission from the City. Before any permit shall be granted for the erection and maintenance of a sign upon property of the City, a sign approval application shall be required with any additional information which the Administrator shall deem necessary to carry out the purposes and intent of this Title. In the event the permit does not specify a term, the permit shall expire 12-months from the date of issuance.
2. In the event that any sign is erected or maintained in violation of the provisions of this subsection, the City may direct the removal of such sign. In the event the permittee deems such removal to be without cause, they may, within 30-days after such removal, make written appeal to Council. The findings of Council, after notice to the permittee and due hearing, shall be final.

H. CITY ENTRY STATEMENT AND COOPERATIVE SIGN PLAN:

The City may develop a City entry statement and cooperative sign plan which includes the City entry signs and streetlight signage and which specifies the design criteria, aesthetics, locations and funding methods for future public, private or public/private partnership construction of cooperative business identification and directional signage.

11B-3-20-1. APPLICATION AND PERMIT REQUIREMENTS:

- A. **Applicability:** Except as otherwise provided in this Chapter it shall be unlawful for any person to erect, move, construct, alter, or enlarge any sign without first obtaining the appropriate permits and approvals.
- B. **Required Reviews and Approvals:** Except as otherwise provided in this Chapter, all signs shall be subject to design review, either administrative staff level or board level review in accordance with this Title.
- C. **Structural Design Criteria:** All monument signs shall be designed to resist the minimum wind load as specified in the current City adopted International Codes.
- D. **Validity and Transferability:** If work authorized under a permit has not been commenced within 180-days after the date of issuance, said permit shall become null and void. Permits are nontransferable.
- E. **Master Sign Plans:** A “master sign plan”, as defined by this Chapter, shall be required to be submitted to the city for review and approval for the following:
 - 1. Building complexes and business parks.
 - 2. Multi-tenant building and/or structures.
 - 3. Shopping Centers and mini-malls.
 - 4. Multiple buildings on a single site or development.
 - 5. Any arrangement of buildings or shops which constitute a visual entity.
- F. The purpose of the master sign plan is to coordinate signs, and create a plan that establishes a building or site’s overall sign design. The master sign plan shall show sign colors, styles and locations of buildings, maximum size, illumination, and materials to be used.
- G. The master sign plan may be approved by the city with elements that require suspension or relaxation of the height, area, number of signs, or locations of signs specified within this Title if the City Design Review Board finds that extraordinary conditions exist which allow suspension or relaxation, but that any suspension or relaxation will still meet the intent of this article and:

1. The development site contains unique or unusual physical conditions such as topography, proportion, size or relation to a public street that would limit or restrict normal sign visibility.
2. The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest or other distinguishing features that justify variation from conventional development.
3. The proposed signage incorporates special design features such as logos, emblems, murals, statuary or similar architectural elements that are designed in a manner determined by the city to be architecturally compatible to the sign and area.

H. Concurrent:

1. All sign applications made pursuant to this Chapter are required to be submitted for review at the time the respective building design review application is made, unless otherwise specified in this Chapter. For commercial plats, a master sign plan is required to be submitted with the plat for preliminary approval. This section is not intended to apply to sign applications made for the advertisement of businesses in existing buildings where no changes are proposed to the building at the time of the application.
2. Application for Permanent Sign Permits: Application for a sign permit shall be made upon forms furnished by the Administrator and shall be accompanied by such information as may be required to ensure compliance with this Title Sign applications shall be accompanied by the following:
 - a. A site plan (to scale and fully dimensioned) showing the location of the site, all property lines, easements, setbacks, landscaping areas, and indicating the location of all signs.
 - b. An elevation drawing, footing design, connection details and specifications for all monument signs. All drawings and details shall be to scale and fully dimensioned.
 - c. A master sign plan is required to be submitted for any cluster of buildings intended for business occupancy, or any single building containing more than one business or any arrangement of business buildings or shops which constitute a visual entity. These include developments such as shopping centers, mini-malls, business parks, and multi-tenant commercial, office or industrial buildings housing four or more businesses. Additionally, a master sign plan may be submitted for a single business if the owner chooses to submit an application for a master sign plan for said business.
 - d. Structural engineering calculations for monument signs that are over 15-feet in height.
 - e. An elevation, connection details and specifications for all attached wall signs. All drawings and details shall be to scale and fully dimensioned.

I. Application for Temporary Sign Permits:

1. Application for temporary signs as required in this Chapter shall be made upon forms furnished by the Administrator and shall be accompanied by such information as may be required to ensure compliance with this Title. Sign applications shall be accompanied by the following:
 - a. A site plan (fully dimensioned) showing the location of the site, all property lines, easements, setbacks, landscaping areas, and indicating the location of all signs.
 - b. An elevation drawing depicting the size, message or advertisement, connection method, and design color scheme.
 - c. Fees: Sign permit applications shall be accompanied by fees as established by Council resolution.

J. Activities Exempt from Permit Requirements: The following activities do not require a sign permit.

1. For signs conforming to this Chapter, a permit shall not be required for a change of face, copy and/or logo on any such sign, cleaning, and normal maintenance and repair of a sign, provided that the sign structure is not changed in any way and provided that the colors previously approved are not changed.

11B 3-20-2: SIGN INSPECTIONS; REINSPECTIONS

- A. The Administrator and/or Building Official and their duly authorized representatives are authorized and reserve the right to perform inspections of all signs regulated by this Chapter. The purpose of the inspection is to ascertain whether the same is unsafe or insecure, is dilapidated or deteriorated, and to ensure that the sign has been constructed in accordance with the standards contained herein, any other applicable ordinances, and the applicable permits. The method and time of such inspections shall be determined by the Administrator and/or Building Official.
- B. A footing inspection may be required prior to the pouring of any concrete or covering of any footing. All requests for such footing inspection shall be made directly to the building department.
- C. It is the responsibility of the sign contractor and/or sign permit applicant to ensure that full compliance is met with all requirements of this Chapter. Failure to comply may result in the removal, replacement and/or alteration of the noncompliant sign at the sole expense of the contractor and/or sign permit applicant.
- D. Upon presentation of proper credentials, enforcement officers may enter at reasonable times any building, structure or premises in the city to make inspection of a sign, its structural and electrical connections and to ensure compliance with any of the provisions of this Chapter,

including repair or structural alteration for safety of signs which present a hazard to the public.

11B 3-20-3: SIGN SUPPORTS

- A. Unless approval to place a sign in the right of way has been obtained from the Local Highway Department, sign supports shall be located on private property, to include footing, foundations and projections.

11B 3-20-3: GENERAL ILLUMINATION STANDARDS

- A. The city must find that any illuminated sign permitted under the specific regulations within this Chapter are designed such that brightness levels are controlled to assure a soft, subtle effective light in accordance with the sign matrix shown in Section 11B-3-20; see Table 3.1.

11B 3-20-4: SIGN MAINTENANCE

- A. Maintenance of legal signs is allowed and maintenance of the same shall not require a permit. Sign maintenance is the replacement or repair of a part or portion of a sign required by ordinary wear, tear, or damage, with like material, color, and design. Maintenance of legal signs does not include changing the color, size, design, or styles of signs. Any sign or component of a sign which is in a damaged or deteriorated condition and constitutes a danger or hazard to public safety shall be promptly repaired or replaced. Surface materials and components shall be kept free of chipping, peeling, fading, cracks, holes, buckles, warps, splinters, or rusting visible from an adjacent property or street. Illuminated signs shall be maintained in good operating condition including prompt removal and replacement of all defective bulbs, light emitting diodes, fluorescent tubes, neon or other inert gas light segments, damaged or deteriorated electrical wiring, and malfunctioning control devices and related circuitry.
- B. Graffiti on a sign shall be removed within five days of notice of its placement on such sign. Graffiti remaining on a sign for longer shall be considered a nuisance.
- C. All parts, portions, units and materials composing a sign, together with the frame, background surface, support or enclosure therefor shall be maintained in a safe condition, painted, and adequately protected from weathering with all braces, bolts, and structural parts and supporting frames and fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute an attractive nuisance.
- D. Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, faded, or in another dilapidated condition shall be promptly repaired, to the satisfaction of the city, or removed.
- E. All ground area surrounding signs shall be kept free of rubbish and weeds.

F. Landscaping needs to be maintained too.

11B 3-20-4: PERMANENT SIGN ALLOWANCES AND REQUIREMENTS

A. It is unlawful for any person to erect or install a sign having a type, size, quantity or height greater than allowed within the following section.

B. An abandoned or obsolete sign, as defined under prohibited signs above, shall be removed by the owner of the sign or owner of the premises within 30-days of being declared an abandoned sign.

C. Drive-Thru Signs:

1. No more than two drive-thru lane signs are allowed for each drive-thru lane serving a business establishment.
2. The signs may be either a ground mounted or wall mounted sign.
3. The signs shall not exceed 7-feet in height and the sign area shall not exceed 35-square feet.
4. Internal illumination may be permitted if the city determines the following:
 - a. The lighting shall be harmonious with and in accordance with the general objectives, or with any specific objective of this Chapter.
 - b. The lighting shall be installed, operated, and maintained to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and will not change the essential character of the same area.
 - c. The lighting will not be disturbing to existing or future neighboring uses.

D. Free hanging Signboards:

1. Free hanging signboards shall not exceed eight square feet nor shall any such sign extend beyond the porch or canopy to which it is attached.
2. A minimum distance of eight feet shall be required between a pedestrian walkway and the bottom of a free hanging signboard.

E. Fuel Island Signs:

1. Fuel island canopies shall be permitted to have a maximum of three signs.
2. The signs shall be attached to, or painted on, the canopy face.

3. The height and width of the sign shall be reviewed with regard to its proportional relationship to the height and width of the canopy face to which it is attached or painted. The sign area shall be a maximum of 20-square-feet but in no case, shall the sign cover more than 1/3 of the area of the face of the canopy to which it is attached or painted.
4. If more than one sign is proposed, each sign shall be located on a different side of the canopy and should be oriented to face oncoming traffic.
5. A one square foot sign may be permitted for the fuel logo or fuel brand only on each side of each fuel dispenser or spandrel attached thereto.

F. Interstate and Highway Signs:

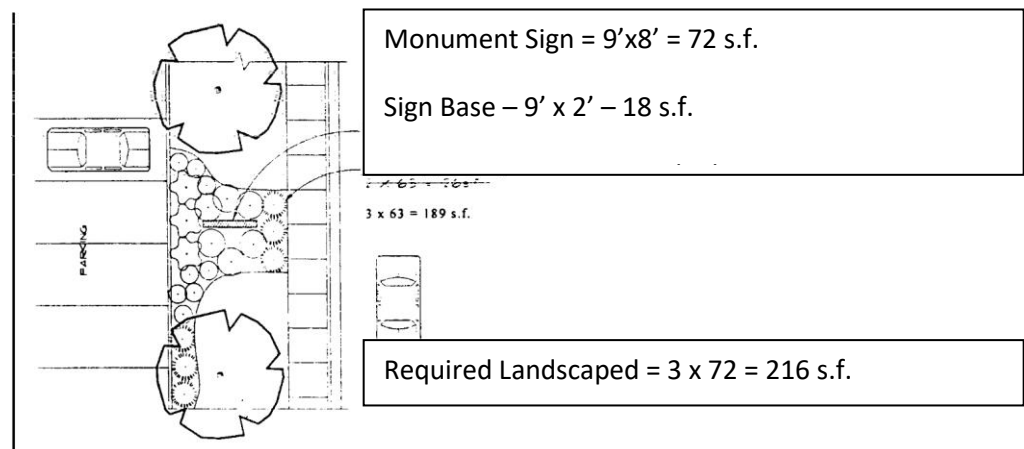
1. Signs along interstate and primary highways shall conform to federal and state transportation department regulations as well as this Title. Notwithstanding, applicants are responsible for ensuring their compliance with any federal or state regulations as the city will not evaluate signs in accordance with those entities' rules.

G. Monument Signs:

1. For single-tenant buildings which are not within the HMU or MU sub-use district or within a "shopping center", monument signs shall not exceed 8-feet in height and the sign area shall not exceed 60-square-feet per side.
2. For multi-tenant buildings which are not within the HMU or MU sub-use district or within a "shopping center", monument signs shall not exceed 15-feet in height and the sign area shall not exceed 140-square-feet per side.
3. For single-tenant buildings which are within the HMU or MU sub-use district, monument signs shall not exceed 6-feet in height and the sign area shall not exceed 40-square-feet per side.
4. For multi-tenant buildings which are within the HMU or MU sub-use district, monument signs shall not exceed 8-feet in height and the sign area shall not exceed 60-square-feet per side.
5. For any single-tenant building or multi-tenant building which is not located in a shopping center, one monument sign per abutting street shall be permitted.
6. A "shopping center", as defined in Definitions of this Title shall be allowed one monument sign per street that it abuts for any site less than 20-acres in size and 2 signs for any site 20-acres in size or larger. The height of any such sign shall not exceed 15-feet adjacent to a roadway that is not designated as a state highway and 25-feet adjacent to any state highway. The sign area shall not exceed 140-square-feet per side adjacent to a roadway that is not designated as a state highway and 200-square-feet per side adjacent to any

state highway. If the shopping center has a single address, the address shall be located on the monument sign and shall be a size that is readable from the street.

7. In addition to any shopping center monument signs, any single-tenant building within a shopping center, and adjacent to a roadway, shall be permitted one monument sign. The height of any such sign shall not exceed 6-feet adjacent to a roadway that is not designated as a state highway and 8-feet adjacent to any state highway. The sign area shall not exceed 40-square-feet per side adjacent to a roadway that is not designated as a state highway and 60-square-feet per side adjacent to any state highway.
8. The minimum distance between monument signs on a single parcel, shall be 100-feet.
9. No monument sign shall be any closer than 50-feet from a monument sign, or other freestanding sign, on an adjacent property.
10. Monument signs are permitted to be double faced.
11. Landscaping shall be provided at the base of all monument signs. Landscape plans shall be prepared by or under the responsible control of a licensed landscape architect with said plans to be duly stamped to clearly identify the preparer. The amount required shall be three times the size of the largest sign area. An example is shown as follows:



12. Automated signs may be permitted as part of a monument sign, if the City determines the following, except that automated signs shall be prohibited in all residential districts.
13. The lighting shall be harmonious with and in accordance with the general objectives, or with any specific objective of this Title.
14. The lighting shall be installed, operated, and maintained to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and will not change the essential character of the same area. The lighting will not be disturbing to existing or future neighboring uses.

15. All automated signs that utilize light to create change may change frame content through dissolve, fade or scroll features only. No sign shall be operated in a manner which the sign, sign structure, design or pictorial segment of the sign shows full animation, growing, flashing, rotating content, or otherwise creating an illusion of movement, except for single color text only message displays scrolling or traveling across the sign area. The signs shall only change frame content not more than once every eight seconds. The change of content must change immediately within a period of less than one second.
16. Based on brightness measured in nit (an illuminative brightness measurement equivalent to 1 candle per square meter measured perpendicular to the rays of the source); automated signs that utilize light to change frames shall contain an automatic dimmer allowing for no more than 5,200-nit illumination between sunrise and sunset and up to 300-nit illumination between sunset and sunrise.
17. The automated sign portion of any sign should be constructed into the sign in a manner in which it is subordinate to the overall design of the sign. The automated sign portion of any sign shall not exceed 20-percent of the face of any sign.
18. Where more than one sign is allowed only one sign may contain an automated sign.
19. The addition of an automated sign to any nonconforming sign is prohibited.
20. Any conforming existing sign or portion of a conforming existing sign that is refaced with an automated sign shall require a design review approval.
21. Reader boards shall be approved as part of a monument sign, provided the reader board portion does not exceed 20-square-feet, or 10-percent of the monument sign, whichever is less.

H. Subdivision Monument Signs:

1. One subdivision sign on each side of the street may be permitted at the principal entry or entries into residential subdivisions, or within the landscape median at the entry road if approved by the Local Highway Department, and at the intersection of any collector and/or arterial streets abutting the subdivision.
2. Subdivision signs shall not exceed 8-feet in height, unless located along HWY 55 which would allow for a maximum height of 20-feet, and the sign area shall not exceed 60-square-feet per side.
3. Subdivision entry signage requires design review approval.

I. Wall Signs (Flat and Perpendicular):

1. A single-tenant building shall be allowed a maximum of three wall signs, provided that each sign is placed on a different side of the building.

2. Each business within a multi-tenant building shall be allowed a maximum of three wall signs provided that each sign is placed on a different side of the building.
3. For a single-tenant building the total sign area of any wall sign shall not exceed 10-percent of the area of the building face to which it is attached, except that any wall sign that has a building wall facing a state highway shall be permitted a maximum of 20-percent of the area of the building face to which it is attached.
4. For a multi-tenant building the total sign area of all wall signs shall not exceed 10-percent of the area of the building face to which they are attached, except that the total sign area for wall signs that has a building wall facing a state highway shall be a maximum of 20-percent of the area of the building face to which they are attached.
5. The sign area, per side, of any perpendicular wall sign shall not exceed 10-percent of the area of the building face to which it is attached.
6. Wall signs shall not extend above the top of the wall to which it is attached.
7. Flat wall signs shall be attached parallel to the plane of the wall, and not extend over 12-inches from the wall of the building or structure.
8. Perpendicular wall signs shall have a minimum vertical clearance of eight feet from the bottom of the sign to the sidewalk, and a maximum projection from the wall of four feet.

J. Wayfinding Signs:

1. Wayfinding signs are permitted to be established or posted within the right-of-way by or at the direction or authorization of the Administrator. Such signs must not advertise a specific business and must serve the intent as defined within this article. Such signs may advertise a point of interest, such as a farmers' market, post office, golf course, or other public or private related destination.
2. Requests for wayfinding signage shall be submitted in writing to the Administrator, along with a site plan showing the location of such requested signage. All wayfinding signs installed will be in accordance with an established size, height, type, location and architectural design as adopted by this Title. Approval for signage will be subject to the approval of the Administrator, Local Highway Department, the City Engineer, the Building Official, and any other pertinent agency.

11B 3-20-5: TEMPORARY AND PORTABLE SIGN ALLOWANCES

- A. District Temporary and Portable Sign Provisions: It is unlawful for any person to erect or install a sign having a size or height greater than that allowed by the following table 3.1 located in section 11B 3-20-7 B located on the site or in a zoning use district in violation of the controls specified in this section/tables.

- B. Applicability: The objective for restricting and limiting the size, height, type, location, and time frame of temporary and portable signs is to assist in the elimination of visual clutter and to allow the City to the flexibility in regulations in order to partially achieve the objective without having to take a comprehensive approach to achieving the aesthetic objective.
- C. Certain Temporary and Portable Signs Prohibited: If a sign type is desired in a zone but is not recognized/listed in the tables (e.g. roof sign) then it is not, and shall not, be allowed.
- D. Standards Supplemental: The standard in these tables and those expressed below are supplemental to those found in the remainder of this article (e.g., specific sign type requirements).
- E. Temporary and Portable Signs, General Standards: All temporary and portable signs shall adhere to the size, height, and placement locations as listed within this Title.
- F. Number: A maximum of 1-temporary or portable sign shall be displayed or business at any given time, except as noted herein or in the tables within this section. If a business abuts more than 1-street, it shall be permitted one-temporary or portable sign per street that it abuts as long as the signs are a minimum of 50-feet apart.
- G. Construction and Maintenance: All temporary and portable signs must be professionally made, be weatherproofed and kept in a state of good condition, appearance, safety and repair. No broken, unsightly, inferior, faded, ripped, or worn materials may be utilized. The intent by which is to guard against decay, unsafe, and poorly maintained signs.
- H. Support: Temporary and portable signs shall be self-supporting so as to remain in an upright position.
- I. Location: All temporary and portable signs shall be located on private property unless otherwise specifically stated within this section; and no signs shall be placed within any landscaping strips, unless otherwise specifically stated herein.
- J. Temporary and portable signs shall not be attached to trees, shrubbery, utility poles, or like items and shall not obstruct or obscure permanent signs on adjacent premises.
- K. No temporary or portable sign shall be erected or maintained which, because of its size, location, or construction constitutes a hazard to the public by impeding the vision of pedestrian or vehicular traffic, placed in/on the streets, placed within the public rights of way, or placed within the vision clearance area.
- L. Banners: Wall banners shall be securely fastened on all four corners and at midway points along the top and bottom of the banner for the entire length.
- M. Spacing: All temporary and portable signs shall be spaced a minimum of 15-feet away from any other temporary, portable, or permanent sign.

N. Illumination: All temporary and portable signs are prohibited from internal or external illumination.

O. Compliance Time Line: All temporary and portable signs must be in compliance with this Title within 90-days of the effective date hereof.

11B 3-20-6: NONCONFORMING SIGNS

A. All permanent signs hereof shall conform to this Title upon any structural change to the sign, sign base, or building to which it is attached, or upon any change in the face or copy of the sign for the business, subdivision, and/or property to which such sign pertains if the use associated with the business, subdivision, and/or property is changed, except as provided within 11B-3-20 E (10), "Historic Signage", of this Section.

11B 3-20-7: ENFORCEMENT, VIOLATION AND PENALTIES FOR NONCOMPLYING SIGNS

A. If any sign is erected or maintained in violation of the provisions of this article, the City of Eagle or their representative shall give written notice to obtain permits, repair, remove or replace said sign to the person or persons responsible for such sign or property owner on which sign is located. If the responsible person and/or owner fails to obtain permits, repair, remove or replace the sign within 30-days after such notice or to make written appeal to the Council, the Administrator is hereby authorized to cause the removal of such sign. Nothing contained herein shall prohibit the immediate removal, without notice, of any sign or portion of a sign which is determined by the Building Official to be an immediate threat or danger to the public health, safety, or welfare. Any expense incident to the removal of a sign pursuant to this paragraph shall be paid by the responsible party and/or owner of the site on which the sign is located. The removal of the sign or portion of the sign shall be limited to the extent necessary to eliminate the threat to the public health, safety and welfare.

In addition to or in lieu of removal on noncomplying signs by the City as permitted by this article, the City of Eagle or their representative sworn as a limited purpose deputy, may issue to the known owner of such sign an infraction citation which shall be an infraction. Such citation shall impose upon the owner a fine of \$25.00 for the first violation, \$50.00 for the second violation, and \$100.00 for the third and subsequent violations. Each day a sign continues in violation of this article shall be deemed a separate offense.

The City is authorized to file a lien against any property which is not otherwise exempt to recover expenses incurred by the City for the removal of a sign or portion of a sign from the property.

B. Community Sign Gallery and Matrix: The below matrix and designs are conceptual and indicative of the design that is desired.

Use	Sign Type	Orientation	Size Parameters	Aggregate Size Limits	Illumination	Materials
Hotel and Motel Building	Wall-mounted	<ul style="list-style-type: none"> •Orientation for visibility to Hwy 55. No orientation toward residential areas •Signs are allowed on all public street frontages as long as illuminated signage is not orientated toward residential neighborhoods 	<ul style="list-style-type: none"> •2 sq. ft. per 1 linear foot up to 80% of building frontage 	Single tenant application - 500 sq. ft. maximum aggregate. However, applications must meet indicated Size Parameters as noted.	<ul style="list-style-type: none"> •Internally-illuminated letters in sign cabinets •Individually halo illuminated letters 	<ul style="list-style-type: none"> •Neon not allowed. •External, visible raceways not allowed. •Individual pan channel letters or graphics with tenant brand Plex color faces. Trim caps to match letter face. Returns painted to match building surface. •Custom background cabinets will be allowed only if such is required by national brand standards of tenant. •Letters/graphics to be mounted on building façade with repairable building surface (i.e. - EFIS, stucco).
Hotel and Motel Building	Free-standing ground monument	Located at roadway in front of and adjacent to the hotel main vehicular public entry point	Freestanding ground monument with a maximum height of 6 ft. and maximum size of 48 sq. ft.	One monument per hotel building/tenant	<ul style="list-style-type: none"> •Internally-illuminated letters in sign cabinets •Individually halo illuminated letters 	<ul style="list-style-type: none"> •Neon not allowed. •External, visible raceways not allowed. •Allowances for tenant design standards will be considered; however, cabinets with either routed, Plex-backed letters/graphics or cabinets with applied halo illuminated letters/graphics are encouraged. •Monument materials are to be in keeping with overall project design guidelines.
Multi-Tenant Retail Shops	Wall-mounted	Oriented to the street immediately adjacent to storefront	<ul style="list-style-type: none"> •For primary street frontage, 1 sq. ft. per 1 linear foot up to 80% of store frontage •For other elevations where signs are applied, 1/2 sq. ft. per 1 linear foot of the primary frontage will be allowed •Sign to occur within architecturally designed sign band area on main store frontage 	Per tenant application - 200 sq. ft. maximum aggregate. However, applications must meet indicated Size Parameters as noted.	<ul style="list-style-type: none"> •Internally-illuminated letters in sign cabinets •Individually halo illuminated letters 	<ul style="list-style-type: none"> •Neon not allowed. •External, visible raceways not allowed. •Individual pan channel letters or graphics with tenant brand Plex color faces. Trim caps to match letter face. Returns painted to match building surface. •Custom background cabinets will be allowed only if such is required by national brand standards of tenant. •Letters/graphics to be mounted on building façade with repairable building surface (i.e. - EFIS, stucco).
Multi-Tenant Retail Shops	Window Signage	Oriented to the street immediately adjacent to storefront	<ul style="list-style-type: none"> •No more than 25% of each individual window area may have signage or graphics applied to, or within three feet (3') behind the window area. Storefront graphics aggregate allowances include all temporary signage applications and/or any permanent 	Not included in overall aggregate sign allowance as long as sign(s) do not exceed the maximum 25% allowance	<ul style="list-style-type: none"> •Non-illuminated •Vinyl applied to store window 	<ul style="list-style-type: none"> •White Vinyl (or visible color TBD by owner) applied to store window •No printed, hand lettered, window painted sales promotions will be allowed. •No illuminated signage will be permitted.

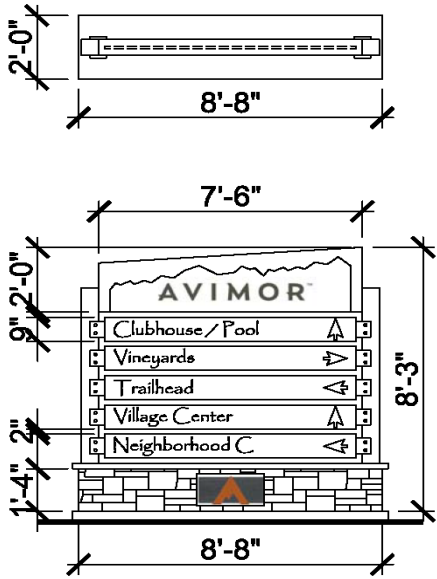
			identification signage.			
Single Tenant Pad Buildings	Wall-mounted	<ul style="list-style-type: none"> •Signs are allowed on all public street frontages as long as illuminated signage is not orientated toward residential neighborhoods 	<ul style="list-style-type: none"> •For primary street frontage, 1 sq. ft. per 1 linear foot up to 80% of store frontage •For other elevations where signs are applied, 1/2 sq. ft. per 1 linear foot of the primary frontage will be allowed. •Sign to occur within architecturally designed sign band area on building frontage(s) 	Per tenant application - 350 sq. ft. maximum aggregate. However, applications must meet indicated Size Parameters as noted.	<ul style="list-style-type: none"> •Internally-illuminated letters in sign cabinets •Individually halo illuminated letters 	<ul style="list-style-type: none"> •Neon not allowed. •External, visible raceways not allowed. •Individual pan channel letters or graphics with tenant brand Plex color faces. Trim caps to match letter face. Returns painted to match building surface. •Custom background cabinets will be allowed only if such is required by national brand standards of tenant. •Letters/graphics to be mounted on building façade with repairable building surface (i.e. - EFIS, stucco) Application details to be reviewed and approved by owner.
Single Tenant Pad Buildings	Free-standing ground monument	Located at roadway in front of and adjacent to the business main vehicular public entry point	Freestanding ground monument with a maximum height of 6 ft. and maximum size of 48 sq. ft.	One monument per single pad tenant building	<ul style="list-style-type: none"> •Internally-illuminated letters in sign cabinets •Individually halo illuminated letters 	<ul style="list-style-type: none"> •Neon not allowed. •External, visible raceways not allowed. •Allowances for tenant design standards will be considered; however, cabinets with either routed, Plex-backed letters/graphics or cabinets with applied halo illuminated letters/graphics are encouraged. •Monument materials are to be in keeping with overall project design guidelines.
Multi-Tenant Buildings	Free-standing ground monument	Located at roadway in front of and adjacent to the building's main vehicular entry point and/or pedestrian walkway entry point	Freestanding ground monument with a maximum height of 6 ft. and maximum size of 48 sq. ft.	Monuments to be placed in most cases at vehicular parking entries, but could be repeated at major pedestrian walkway entries	<ul style="list-style-type: none"> •Internally-illuminated letters in sign cabinets •Individually halo illuminated letters 	<ul style="list-style-type: none"> •Neon not allowed. •External, visible raceways not allowed. •Allowances for tenant design standards will be considered; however, cabinets with either routed, Plex-backed letters/graphics or cabinets with applied halo illuminated letters/graphics are encouraged. •Monument materials are to be in keeping with overall project design guidelines.

AVIMOR SIGN MATRIX							
Use	Sign Type	Function	Orientation	Size Parameters	Aggregate Size Limits	Illumination	Materials
Single Tenant Pad Buildings	Window Signage	<ul style="list-style-type: none"> •Tenant ID •Hours of operation 	Oriented to the street immediately adjacent to storefront	<ul style="list-style-type: none"> •No more than 25% of each individual window area may have signage or graphics applied to, or within three feet (3') behind the window area. Storefront graphics aggregate allowances include all temporary signage applications and/or any permanent identify signage. 	Not included in overall aggregate sign allowance as long as sign(s) do not exceed the maximum 25% allowance	<ul style="list-style-type: none"> •Non-illuminated •Vinyl applied to store window 	<ul style="list-style-type: none"> •White Vinyl (or visible color TBD by owner) applied to store window •No printed, hand lettered, window painted sales promotions will be allowed. •No illuminated signage will be permitted.
Multi-Tenant Office	Wall-mounted	Tenant ID	Oriented to the street immediately adjacent to storefront <ul style="list-style-type: none"> • Signage may be applied to building exterior not necessarily adjacent to actual interior tenant space. 	<ul style="list-style-type: none"> •1 sq. ft. per 1 linear foot up to 75% of building frontage •Signs are allowed on all public street frontages as long as illuminated signage is not orientated toward residential neighborhoods 	Per tenant application - 100 sq. ft. maximum aggregate. However, applications must meet indicated Size Parameters as noted.	Non-illuminated dimensional letters	<ul style="list-style-type: none"> •Individual reverse pan channel letters or graphics with tenant brand Plex color faces. Trim caps to match letter face. Returns painted to match building surface. •Custom background cabinets will be allowed only if such is required by national brand standards of tenant. •Letters/graphics to be mounted on building façade with repairable building surface (i.e. - EFIS, stucco). Application details to be reviewed and approved by owner.
Multi-Tenant Office	Free-standing Pedestrian Directory - Multi-Office Tenant panels	Tenant ID	Located on street level immediately adjacent to office building entry or entrance to upper-level office tenants	<ul style="list-style-type: none"> •All Office Tenants will be identified on separate tenant name panels •Freestanding ground monument with a maximum height of 6 ft. and maximum overall size of 48 sq. ft. 	One panel per tenant. Not included in overall aggregate sign allowance	<ul style="list-style-type: none"> •Internally-illuminated letters in sign cabinets •Individually halo illuminated letters 	<ul style="list-style-type: none"> •Neon not allowed. •External, visible raceways not allowed. •Allowances for tenant design standards will be considered; however, cabinets with either routed, Plex-backed letters/graphics or cabinets with applied halo illuminated letters/graphics are encouraged. •Monument materials are to be in keeping with overall project design guidelines.
Live/Work (non-residential space)	Wall-mounted wing sign	•Pedestrian scale Tenant ID	Mounted to wall immediately adjacent to store/office entry	•Sign configuration TBD, however total allowable is 8 sq. ft. of sign panel area.	One wing sign is allowed per Live/Work tenant.	Non-illuminated hanging sign panel mounted to standard project mounting bracket/assembly.	Painted, cut out, layered, or applied vinyl signage assemblies suspended from standard wing sign bracket
Live/Work (non-residential space)	Window Signage	<ul style="list-style-type: none"> •Tenant ID •Hours of operation 	Signs are allowed on all public street frontages as long as illuminated	<ul style="list-style-type: none"> •No more than 25% of each individual window area may have signage or graphics applied to, or within three feet (3') 	This signage in addition to a wall mounted wing sign constitutes the total signage	<ul style="list-style-type: none"> •Non-illuminated •Vinyl applied to store window 	<ul style="list-style-type: none"> •White Vinyl (or visible color TBD by owner) applied to store window •No printed, hand lettered, window painted sales promotions will be allowed.

			signage is not orientated toward residential neighborhoods	behind the window area.	entitlement for Live/Work tenants.		•No illuminated signage will be permitted.
Multi-tenant / Project ID Highway Monument (quantity 10)	Free-standing Highway Monument - 4-7 tenant name cabinets	Project and Tenant ID	Located on Hwy 55 adjacent to Avimor (east and west side of hwy) at future off-ramp locations	<ul style="list-style-type: none"> •Major and Minor retail tenants will be identified on separate tenant name cabinets (4 to 7) •Major cabinet is approx. 36 sq. ft. (dbl sided) •Each Minor tenant cabinet is approx. 20 sq. ft. (dbl. Sided) or 10 if split into two tenant panels 	One Major panel. Not included in overall aggregate sign allowance	<ul style="list-style-type: none"> •Internally-illuminated letters in sign cabinets •Individually halo illuminated letters 	<ul style="list-style-type: none"> •Neon not allowed. •External, visible raceways not allowed. •Only logos/logotype font may be internally illuminated in sign cabinets and must be Plex-backed on double sided faces. •Tenant logos/logotype may be used, however all Plex is white •Project ID is reverse pan letters/graphic and halo illuminated •Neon not allowed. •External, visible raceways not allowed. •Cabinets with applied halo illuminated letters/graphics. •Monument materials are to be in keeping with overall project design guidelines.
Trail	Free-standing ground monument	Trail ID	Located at Trail Heads and Trail Intersections for Trail ID	<ul style="list-style-type: none"> •Regional Sign ID not to exceed 30 sq. ft. •Trail ID not to exceed 6 sq. ft. each side 	NA	<ul style="list-style-type: none"> •Ground mounted flood lights on monument only •No overcasting or toward residential neighborhoods 	<ul style="list-style-type: none"> •Monument materials are to be in keeping with overall project design guidelines.
Entry	Free-standing ground monument	Project ID	Located at roadway in front of and adjacent to the main vehicular public entry point	Sign area to be 80 ft. maximum	NA	<ul style="list-style-type: none"> •Internally-illuminated letters in sign cabinets •Individually halo illuminated letters •Ground mounted flood lights on monument only •no overcasting or toward residential neighborhoods 	<ul style="list-style-type: none"> •Neon not allowed. •External, visible raceways not allowed. •Allowances for tenant design standards will be considered; however, cabinets with either routed, Plex-backed letters/graphics or cabinets with applied halo illuminated letters/graphics are encouraged. •Monument materials are to be in keeping with overall project design guidelines.
Marketing	Free-standing ground monument	Community Event Info and Project ID	Signs are allowed on all public street frontages	Freestanding ground monument with a maximum height of 9 ft. and maximum overall size of 78 sq.ft.	NA	<ul style="list-style-type: none"> •Ground mounted flood lights on monument only •no overcasting or toward residential neighborhoods 	<ul style="list-style-type: none"> •Materials are to be in keeping with overall project design guidelines.
Place card	Free-standing ground monument	Project ID	Located at roadway in front of and adjacent to the main vehicular public entry point	Freestanding ground monument with a maximum height of 8 ft. and maximum overall size of 78 sq. ft.	NA	<ul style="list-style-type: none"> •Internally-illuminated letters in sign cabinets •Individually halo illuminated letters •Ground mounted flood lights on monument only 	<ul style="list-style-type: none"> •Neon not allowed. •External, visible raceways not allowed. •Allowances for tenant design standards will be considered; however, cabinets with either routed, Plex-backed letters/graphics or cabinets with applied halo

						<ul style="list-style-type: none"> •no overcasting or toward residential neighborhoods 	<p>illuminated letters/graphics are encouraged.</p> <ul style="list-style-type: none"> •Monument materials are to be in keeping with overall project design guidelines.
Banner	Free Standing poles	Community Event Info and Project ID	Signs are allowed on all public street frontages as long as illuminated signage is not orientated toward residential neighborhoods	Maximum height of 14' and maximum overall size of 32 sq. ft.	NA	<ul style="list-style-type: none"> •Non-illuminated 	<ul style="list-style-type: none"> •Materials are to be in keeping with overall project design guidelines.
Directional /wayfinding	Free-standing ground monument	Community Event Info and Project ID	Oriented perpendicular to the street immediately adjacent	Freestanding ground monument with a maximum height of 9 ft. and maximum overall size of 78 sq. ft	NA	<ul style="list-style-type: none"> •Non-illuminated 	<ul style="list-style-type: none"> •Materials are to be in keeping with overall project design guidelines.

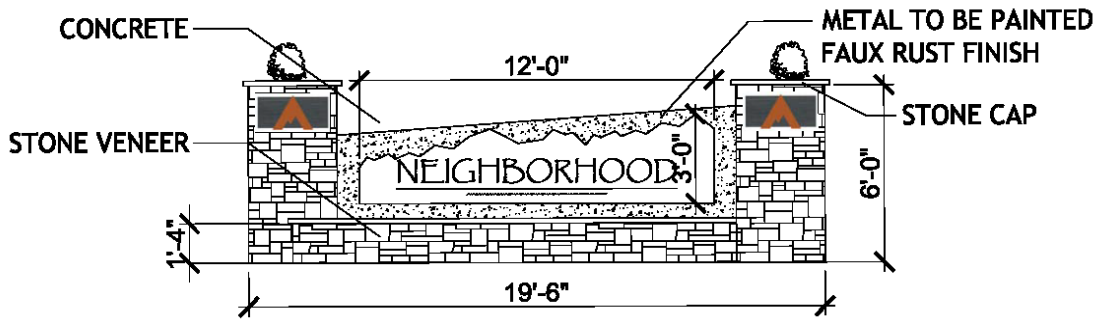
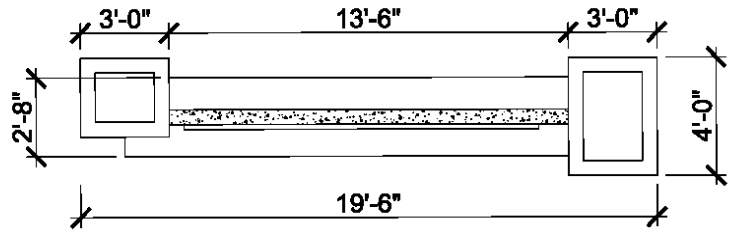
Community Directional – Exhibit 3.12



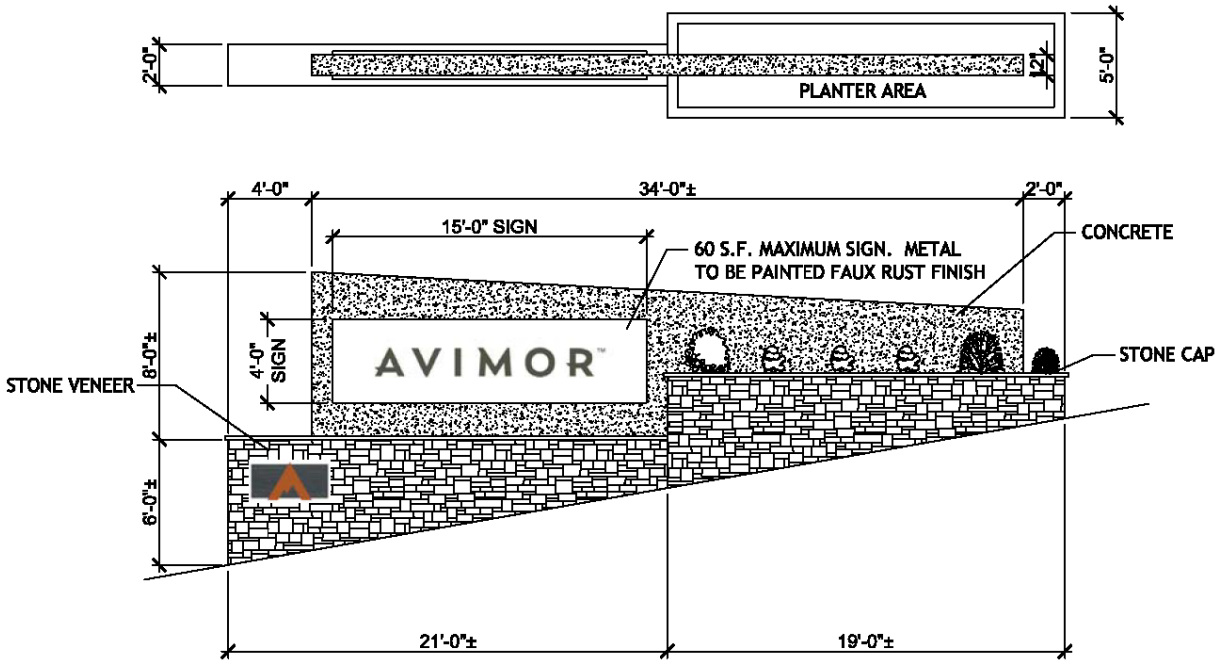
Community Monument Signage – Exhibit 3.13



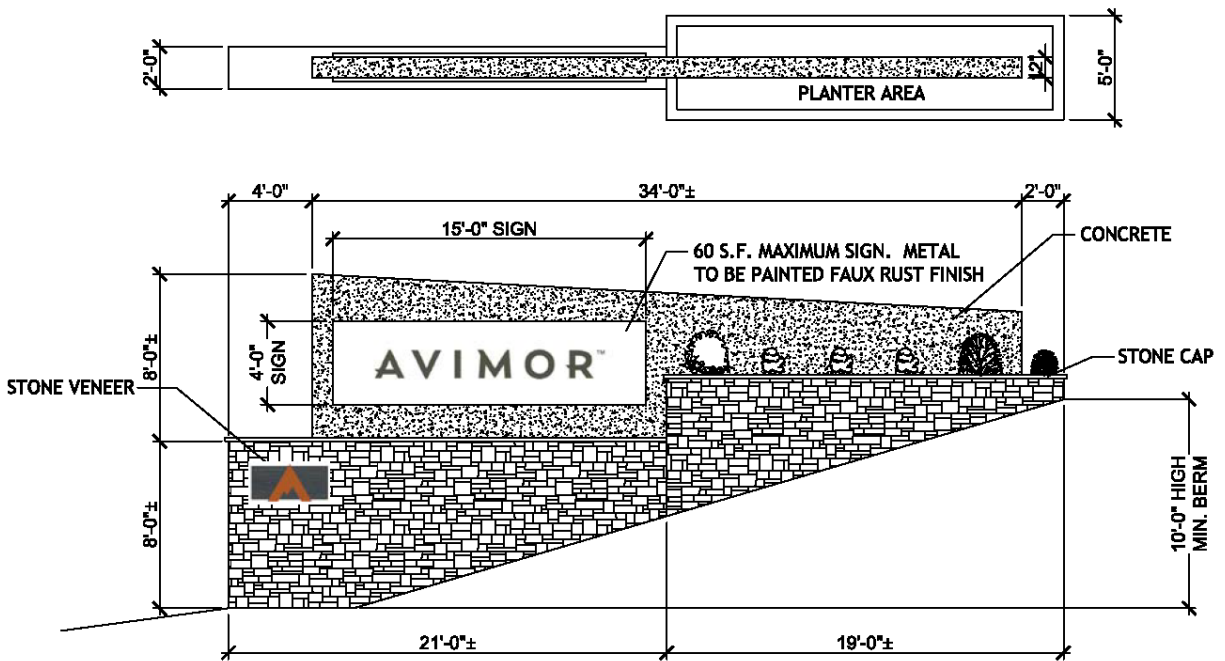
ELEVATION – Project Entry "Lantern" Identification
Scale: 3/16" = 1' 0"



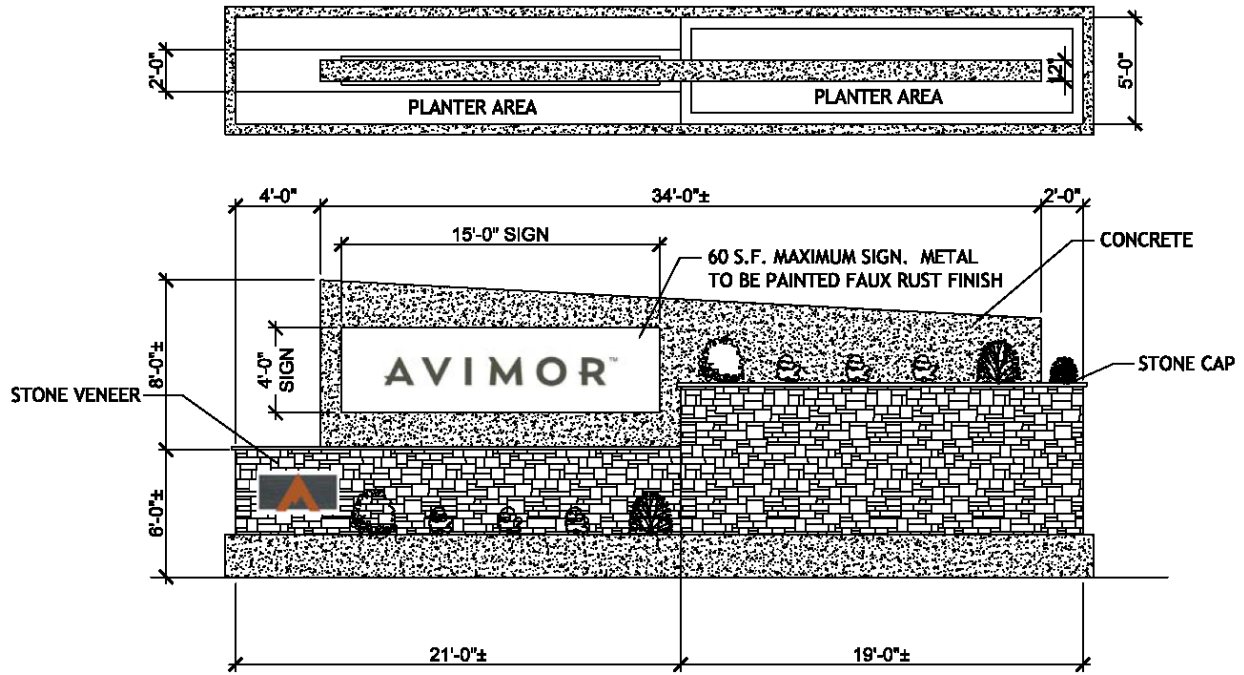
Community Entry Sign – Grade Adaptive – Exhibit 3.15



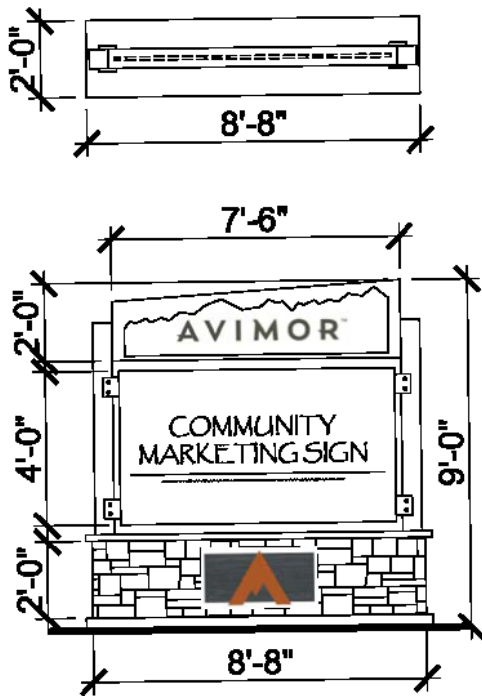
Community Entry Sign with Berm – Exhibit 3.16

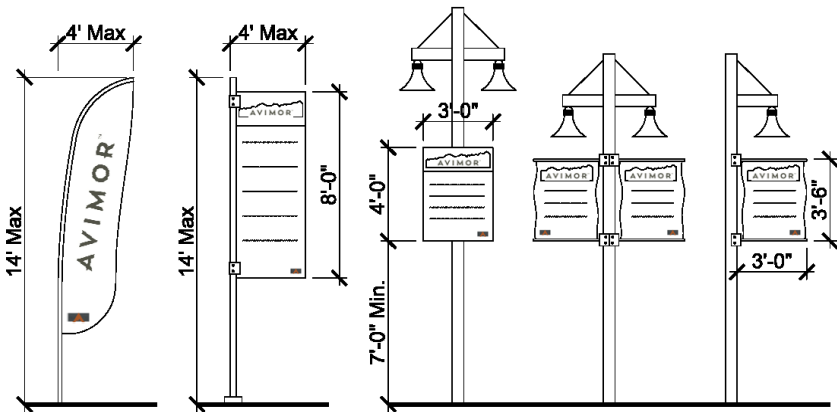
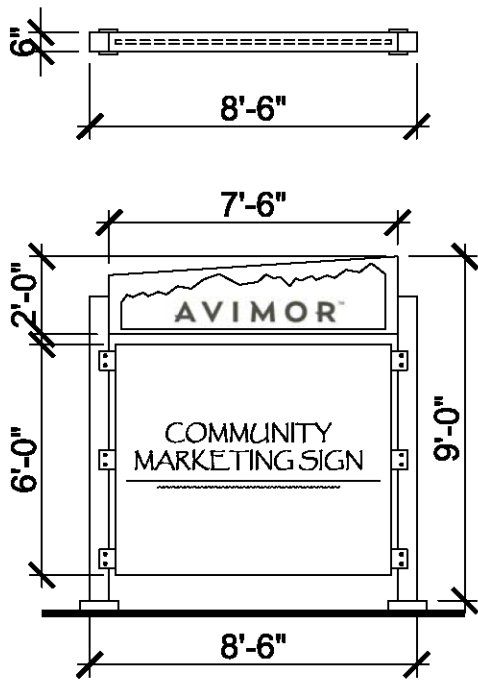


Community Entry Sign with Wall – Exhibit 3.17

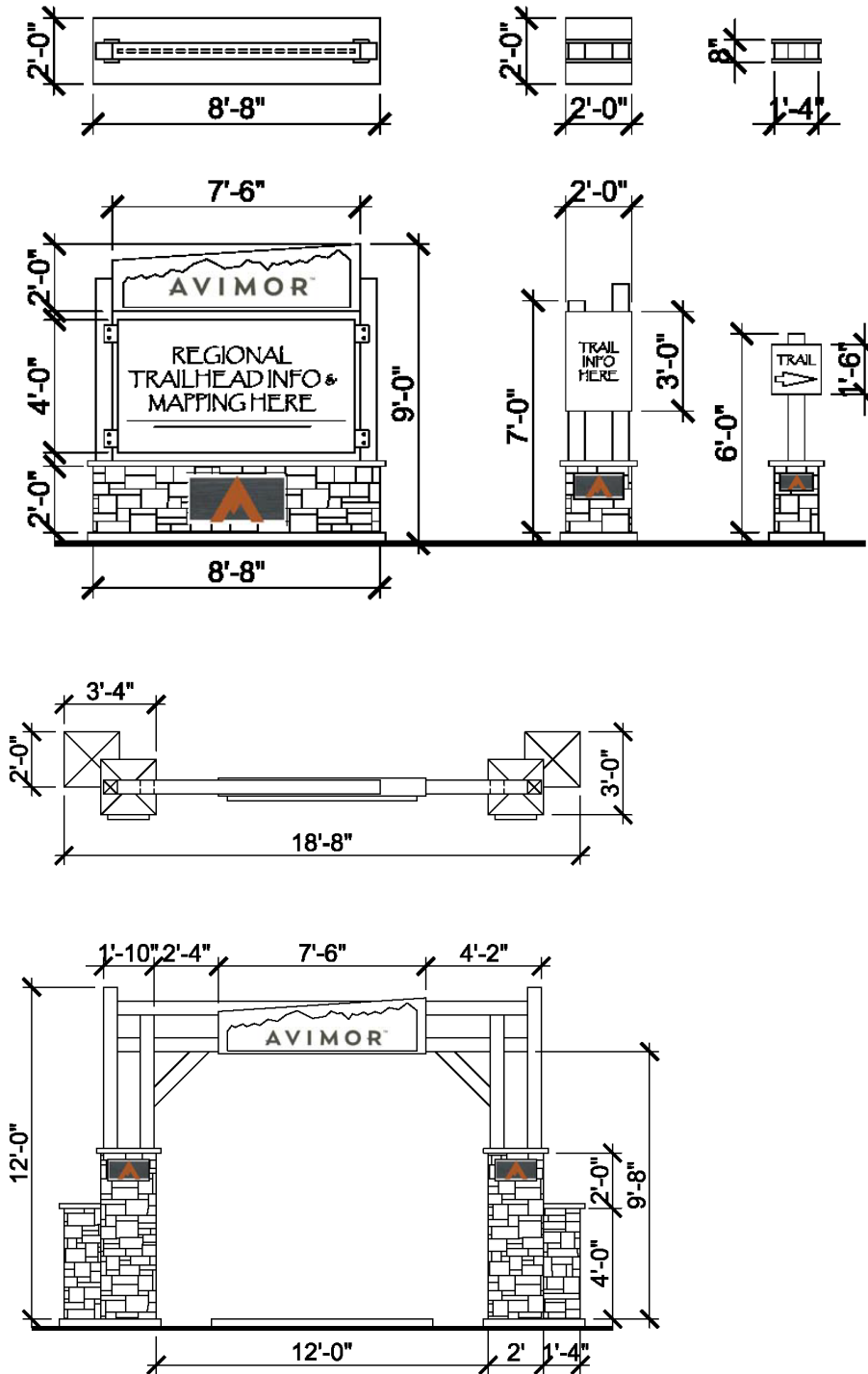


Community Entry Signs – Exhibit 3.18

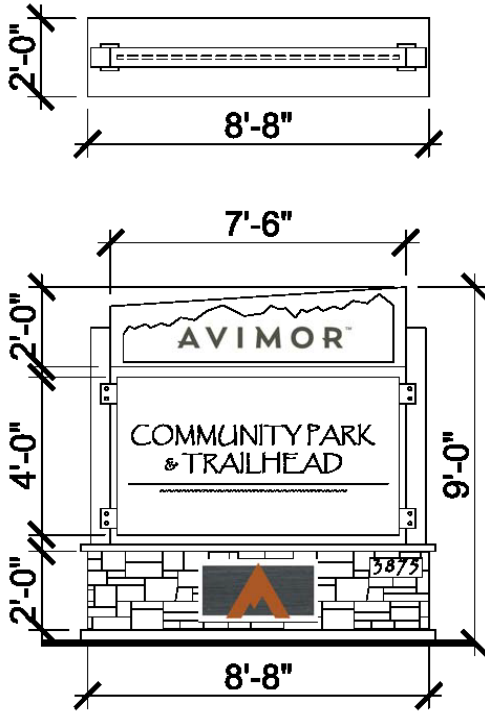




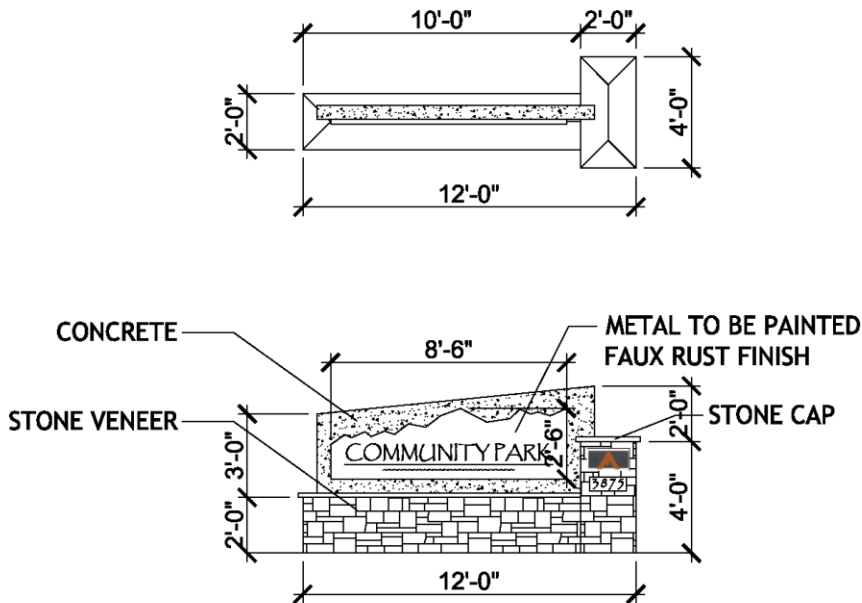
Community Trail Signs – Exhibit 3.20

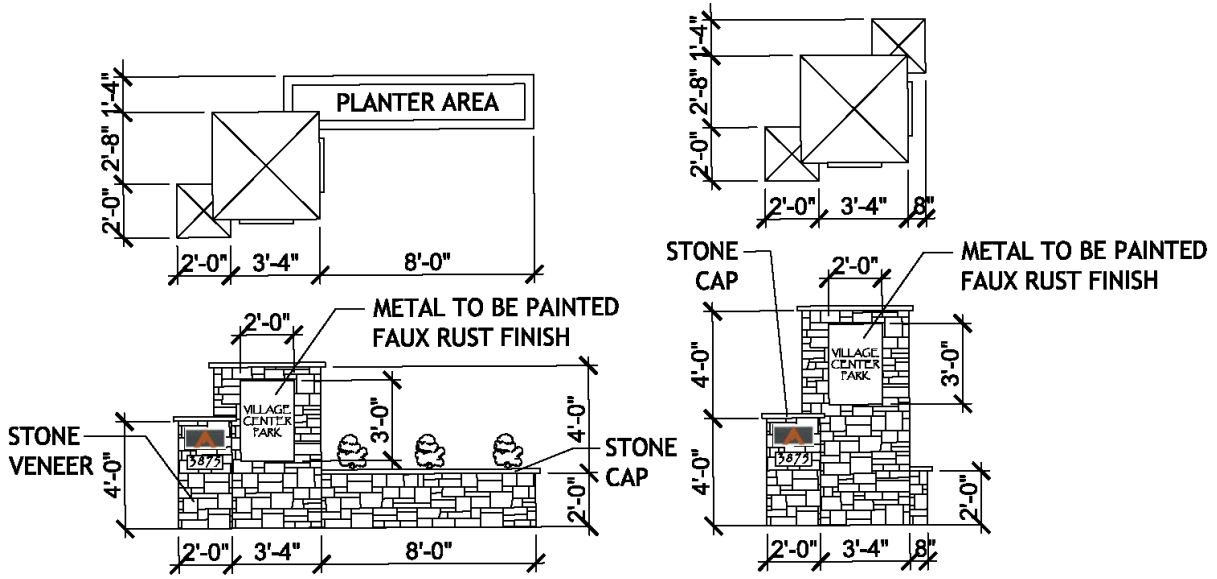


Facility or Amenity Freestanding – Exhibit 3.21

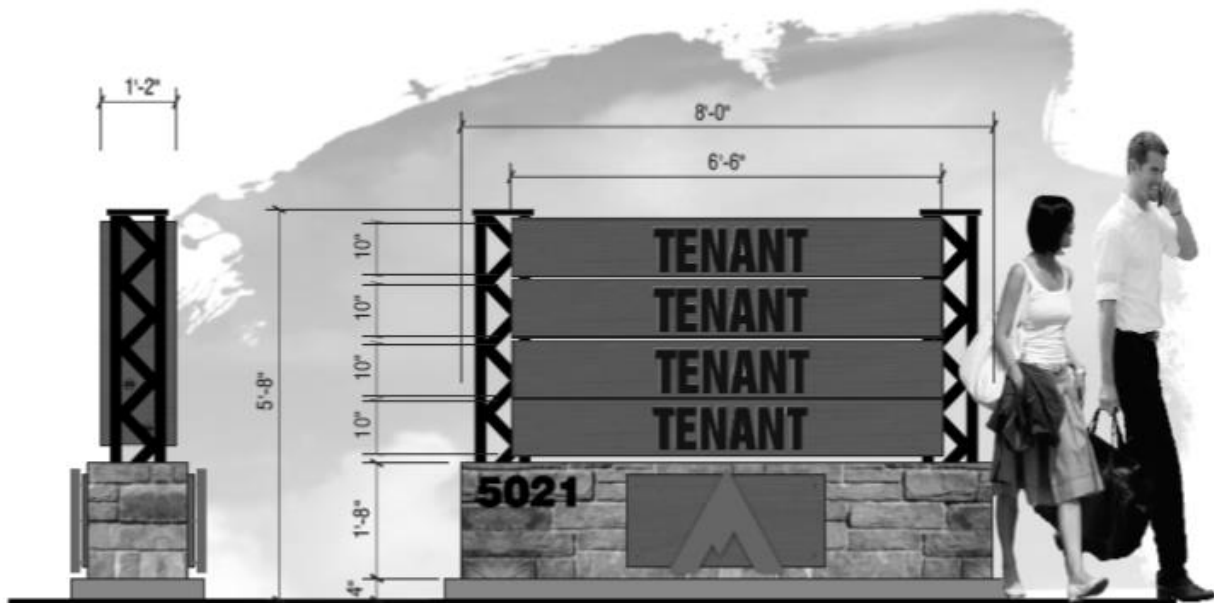


Facility or Amenity Place Card - Exhibit 3.22



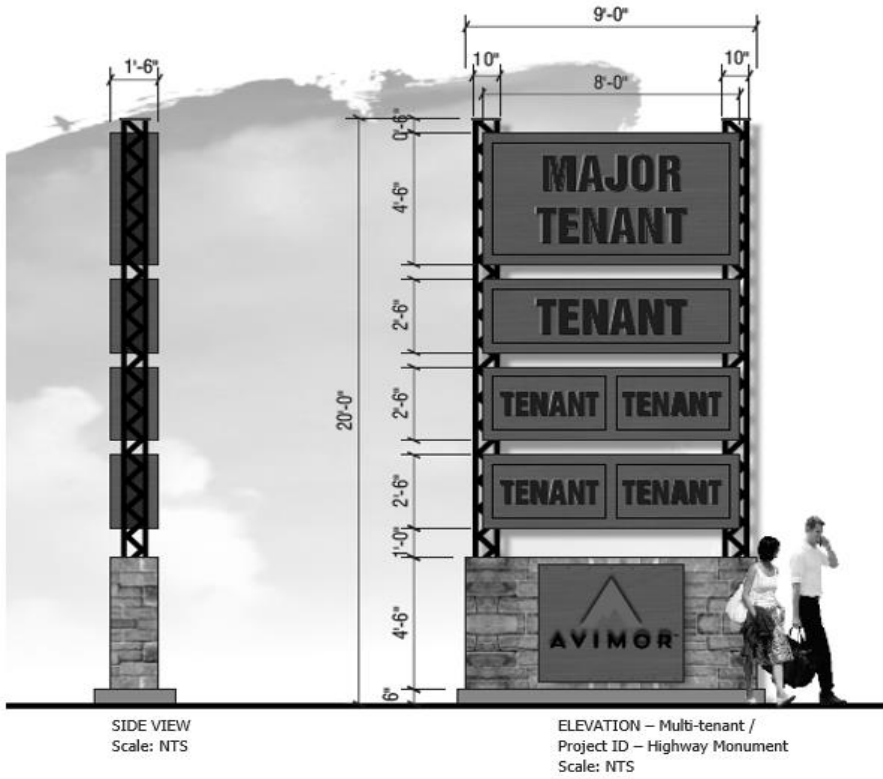


Freestanding Multi-Tenant – Exhibit 3.23

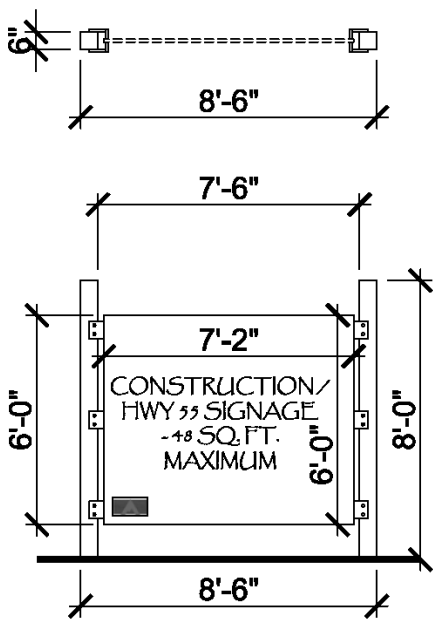


ELEVATION – Freestanding Single Tenant Monument
Scale: 1/2" = 1' 0"

Highway Monument – Exhibit 3.24



Construction Signage for Highway – Exhibit 3.25



Office Multi- Tenant – Exhibit 3.26



ELEVATION –Freestanding Multi-Tenant Monument
Scale: 1/2" = 1' 0"

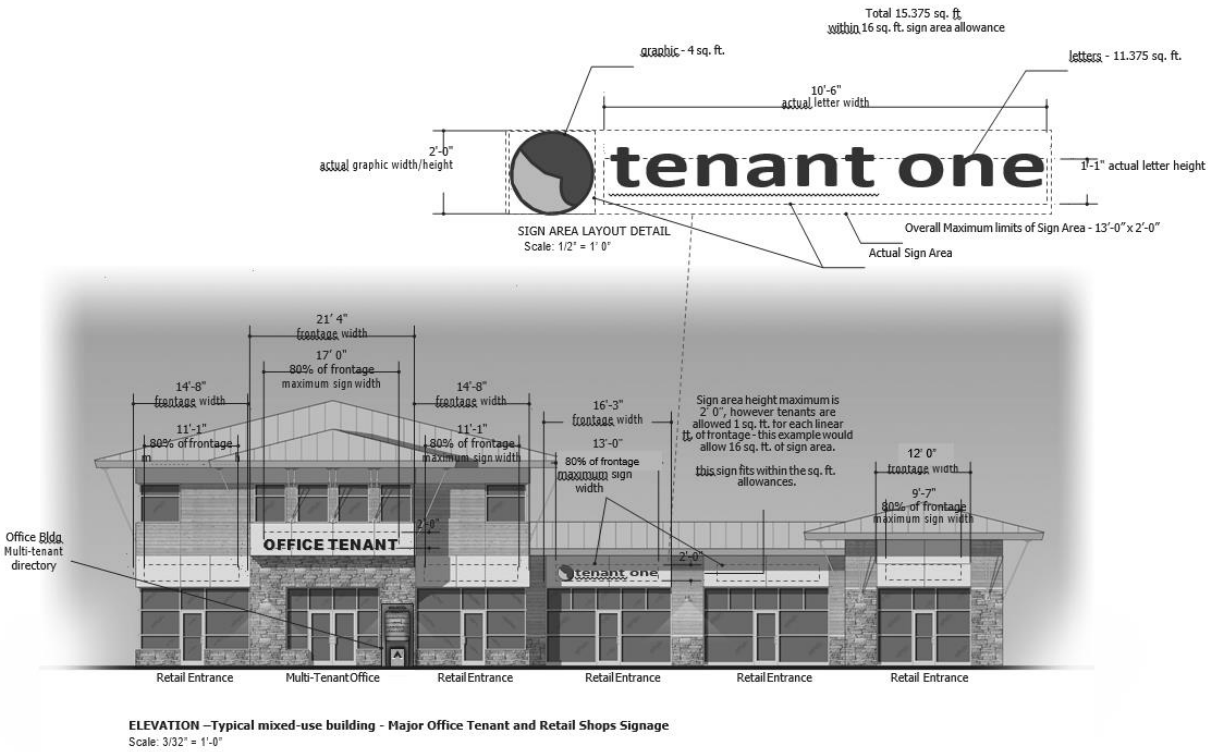
SIDE VIEW
Scale: 1/2" = 1' 0"

Office Single Tenant Signage – Exhibit 3.27

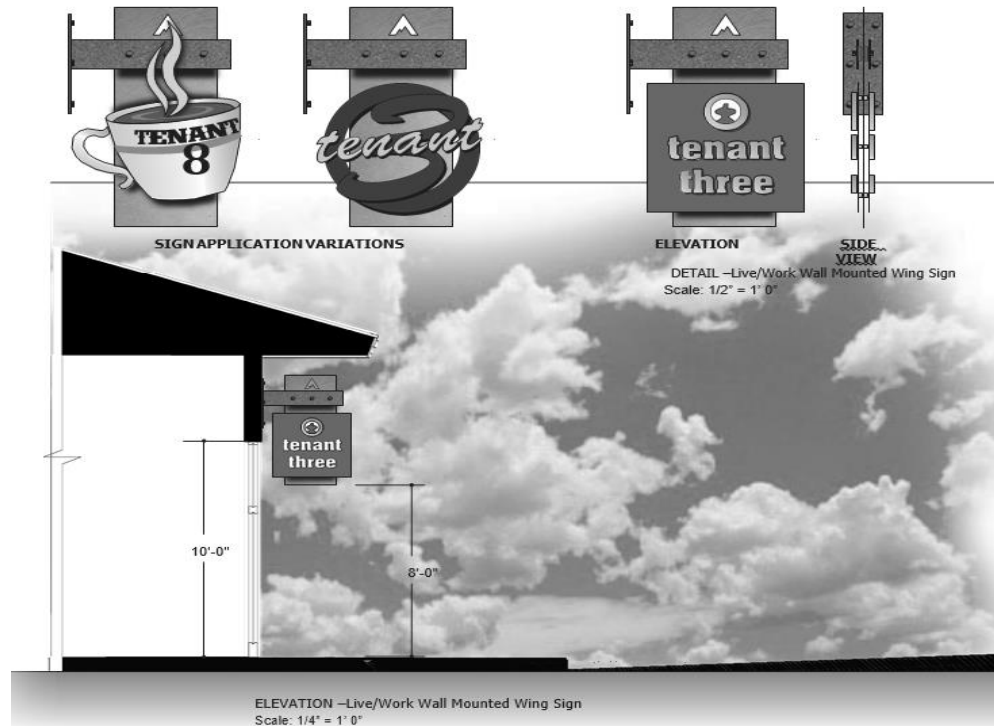


ELEVATION –Freestanding Single Tenant Monument
Scale: NTS

Retail Shop Signage – Exhibit 3.28



Live/Work Free Hanging – Exhibit 3.29



CHAPTER 4
SPECIFIC USE STANDARDS

11B-4-1: PURPOSE

The purpose of Specific Use Standards is to set specific conditions for various uses where problems are frequently encountered.

11B-4-2: SUPPLEMENTAL GENERAL PROVISIONS

In addition to all other regulations as specified in this Title, the following provisions shall be adhered to:

- A. Conversion Of Dwellings To More Units: A residence may not be converted to accommodate an increased number of dwelling units unless:
 - 1. The lot area per family equals the lot area requirements for new structures in that district and the number of dwelling units per acre is less than or equal to the requirement in that district.
 - 2. The conversion does not exceed the total number of units allowed in Avimor; see Chapter 2 of this Title.
- B. Temporary Buildings: Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only shall be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Administrator.

Parking And Storing Of Certain Vehicles: Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in a completely enclosed building or carport. Further, no boats, motor homes or other recreational vehicles shall be parked more than seventy-two (72) consecutive hours in front of any residentially zoned property. One boat and one recreational vehicle may be stored in the side or rear yard.

11B-4-3: COMMERCIAL AND INDUSTRIAL USES RESTRICTED

- A. Performance Requirements: No land or building in any land use district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises; except, that any case permitted by this Title may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:
1. Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the uniform fire code and the national safety foundation publications.
 2. Radioactivity Or Electrical Disturbance: No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
 3. Noise: Objectionable noise, as determined by the Administrator, which is due to volume, frequency or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
 4. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
 5. Air Pollution: Air pollution shall be subject to the requirements and regulations established by the health authority.
 6. Glare: No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.
 7. Erosion: No erosion by man, wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
 8. Water Pollution: Water pollution shall be subject to the requirements and regulations established by the health authority.
- B. Measurement Procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American standards institute, New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States bureau of mines and the health authority.

- C. Enforcement: The Administrator, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

11B-4-4: SPECIFIC LAND USE STANDARDS

Certain land uses may pose special circumstances that may have detrimental effects on surrounding land uses and require specific conditions. In addition to the other requirements of these standards, the following standards apply to the uses listed in this Chapter. If the proposed use does not meet the standards contained herein, and is otherwise not subject to a conditional use permit, then a conditional use permit shall be required.

A. Aggregate Processing, Asphalt, and Concrete Batch Plants:

Any new aggregate processing, asphalt, and concrete batch plant is permitted with a conditional use permit subject to the following conditions:

1. The operator shall obtain all required permits and comply with all applicable local, state and federal regulations.
2. The plant shall be erected as a temporary use for the sole purpose of providing asphalt or concrete to support development within Avimor or use on any projects that are placed as a condition of approval on the Avimor development. The plant and all associated structures shall be removed from Avimor following cessation of operations.
3. The plant operator shall treat all haul routes and parking areas with an effective dust inhibiting surface.
4. Plant operations may be conducted employing portable equipment which contain and utilize state-of-the-art pollution control features. A 70-foot-high silo will be the maximum allowable height for these operations. All other activities shall be maintained within 35 feet or less in height. The operator shall shield such activities by using measures to reduce noise, visual impact, and dust on existing and future commercial and residential developments within Avimor. Concrete operations shall incorporate an automatic shut-off valve for the cement and fly ash fill tubes. The shut-off valve will prohibit bulkers from over filling silos and adding particulate matter to the atmosphere.
5. The operator shall take such steps as are necessary to mitigate the visual, noise, dust, and any other impacts on nearby residential and/or commercial development from operation of the plant. The operator shall comply with the following:
 - a. Prior to start-up, all plant facilities shall be shielded, both visually and audibly from the existing and future residential and commercial development. The maximum noise level at the property line shall be 70 dB. See also the buffer area and screening requirements in Chapter 3 of this Title.

- b. The operator shall treat all access roads, haul roads and parking areas with an effective dust inhibiting surfacing. The operator shall submit a plan to the City showing planned treatment of all access roads, haul roads, and parking areas as part of the permitting process.
 - c. The operator shall clean the access road(s) at a frequency that effectively controls material buildup and associated dust or other hazards.
 - d. The operator shall at all times keep the plant sites and excavation sites free from the accumulation of waste materials, rubbish, debris and toxic or hazardous materials caused by his/her operations and operations of any subcontractors.
 - e. Ready-mixed concrete and asphaltic concrete batch plants shall be portable facilities employing state-of-the-art production and pollution control features.
 - f. The operator shall install and utilize an effective system to control spillage of diesel fuel and other materials used to clean or coat trucks used to transport asphaltic concrete.
 - g. The operator shall comply with fire department regulations for all tanks containing fuel or hazardous materials.
 - h. The operator shall take steps necessary to eliminate dust, sand and other materials from being blown from trucks leaving the plant sites and excavation sites. These steps may include wetting of material after loaded onto trucks and truck covers.
 - i. The primary processing plant shall be located and operated in those locations where it does not have a sustained noticeable impact on residential and/or commercial developments. It is anticipated that the impact from the primary plant will be dependent on its distance from residential/commercial development, combined with the length of time the plant shall be located at the specific plant site. At a minimum, the plant shall be located five hundred (500) feet from any residential property.
 - j. Trucks shall not use compression brakes within Eagle City limits.
 - k. All lights, except those on mobile equipment, shall be directed downward and shielded to the extent possible so as not to shine towards any occupied residences within one-half mile.
 - l. Location of the plant equipment and hours of operation shall be submitted to the City for administrative approval. Normal operations are 6:00 a.m. to 8:00 p.m. Monday through Saturday from June through September and 7:00 a.m. to 8:00 p.m. Monday through Saturday during other months.
6. New plants shall require site plan review and conditional use permit approval by the City.

7. The operator shall submit a demobilization and site clean-up plan with the conditional use permit application. The plan shall include the requirement for the operator to engage a licensed engineer to perform a Phase 1 Environmental Site Assessment (ESA) upon demobilization of the plants, and, if recommended by the Phase 1 ESA, the operator shall perform a Phase 2 ESA and perform all required clean-up operations. The conditional use permit shall set forth the duration of the use.
8. A change in location, expansion, or an extension of time period for use shall require a new conditional use permit.

B. Animal Daycare:

1. See “Kennel and Pet Shop” for the specific land use standards that apply to the Animal Daycare use.

C. Agriculture:

1. The feeding or sheltering of livestock or poultry in penned enclosures shall not occur within fifty (50) feet of any existing residential property other than on the property for which the livestock is being fed or sheltered.

D. Auto Body Shop:

1. The use shall be buffered from the residential property and landscaped pursuant to the buffer area and screening requirements in Chapter 3 of this Title.
2. No used or discarded automotive parts or equipment may be located in any open area outside of an enclosed building.
3. All disabled or wrecked vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets pursuant to the requirements for Outdoor Storage in this Chapter. Such vehicles shall not be stored on the property longer than twenty-one (21) days.
4. All repair work shall be performed within an enclosed building.
5. No equipment or process shall be conducted adjacent to a residential use which creates noise, glare, vibration, fumes, odor or electrical interference detectable to the normal senses from off of the lot.

E. Auto Gas Station:

1. The use shall be buffered from the residential property and landscaped pursuant to the buffer area and screening requirements in Chapter 3 of this Title.

2. Uses permissible at auto gas stations do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found at an automotive gas station. An auto gas station is not an auto repair and service shop and is not an auto body shop.
3. The following services may be provided:
 - a. Sales and service of spark plugs, batteries and distributors' parts
 - b. Tire servicing and repair, but not recapping or re-grooving
 - c. Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like
 - d. Radiator cleaning and flushing
 - e. Washing, polishing and sale of washing and polishing materials
 - f. Greasing and lubrication
 - g. Replacing and repairing fuel pumps, oil pumps, and lines
 - h. Minor servicing and repair of carburetors
 - i. Adjusting and repairing brakes
 - j. Minor motor adjustment not involving removal of the head or crankcase or racing the motor
 - k. Sales of beverages, packaged food, tobacco and similar convenience goods for service station customers, as an accessory use incidental to principal operations
 - l. Sales of alternative fuels such as natural gas and ethanol
 - m. Provisions of road maps and other informational materials to customers and provision of restroom facilities
 - n. Warranty maintenance and safety inspections
 - o. Emissions testing
 - p. Car washing that meet the requirements for Car Wash in this Chapter
4. Such uses shall be buffered from a residential property pursuant to in Chapter 3 of this Title.

5. No equipment or process shall be conducted adjacent to a residential use which creates noise, glare, vibration, fumes, odor or electrical interference detectable to the normal senses from off of the lot.
6. Sales of alcoholic beverages shall conform to the provisions of Idaho and City Code. The sale of packaged liquor, beer, wine and coolers is subject to approval of a conditional use permit by the City and will be considered an assessor to the approved use.

F. Auto Repair and Service Shop, Major (including tow service):

1. The use shall be buffered from the residential property and landscaped pursuant to in Chapter 3 of this Title.
2. The operating hours shall be limited to between 7:00 a.m. and 8:00 p.m.
3. The use shall be located on a site with other commercial development with an overall minimum size of 5 acres.
4. All repair and service work shall be done within a completely enclosed building.
5. Storage of stock, equipment or used or discarded auto parts located in any open area outside of an enclosed building shall be screened from view pursuant to the requirements for Outdoor Storage in this Chapter.
6. All disabled vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets pursuant to the requirements for Outdoor Storage in this Chapter.
7. No equipment or process shall be conducted adjacent to a residential use which creates noise, glare, vibration, fumes, odor or electrical interference detectable to the normal senses from off of the lot.

G. Auto Repair and Service Shop, Minor:

1. The use shall be located a minimum of two hundred (200) feet from any single-family residential property and a minimum of one hundred (100) feet from any multi-family property as measured from building to the residential property line in a straight line. In addition, the uses shall be buffered from the residential property pursuant to Chapter 3 of this Title.
2. The use shall be located on a site with other commercial development with an overall minimum size of three (3) acres.
3. All repair and service work shall be done within an enclosed building or otherwise screened from adjacent properties.

4. Storage of stock, equipment, or used or discarded automotive parts located in any open area outside of an enclosed building shall be screened from view pursuant to the requirements for Outdoor Storage in this Chapter.
5. All disabled vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets pursuant to the requirements for Outdoor Storage in this Chapter.
6. Permitted minor auto mechanical repair and service facilities shall be limited to the following kinds of activities:
 - a. Electronic tune ups
 - b. Brake repairs (including drum turning)
 - c. Air conditioning repairs
 - d. Generator and starter repairs
 - e. Tire installation and repairs
 - f. Front end alignments
 - g. Battery recharging
 - h. Emissions testing
 - i. Lubrications
 - j. Selling/installing minor parts and accessories
 - k. Repairing and installing other minor elements of an automobile such as windshield wipers, hoses and windows, but excluding engine, transmission and differential repair or installation.
7. No equipment or process shall be conducted adjacent to a residential use which creates noise, glare, vibration, fumes, odor or electrical interference detectable to the normal senses from off of the lot.

H. Auto Rental Agencies:

1. The installation and use of an outside public address or bell system is prohibited.
2. Any used or discarded automotive parts or equipment located in any open area outside an enclosed building must be located behind the building and screened from view pursuant to the requirements for Outdoor Storage in this Chapter.

3. Such uses shall be buffered from any residential property pursuant to the buffer area and screening requirements in Chapter 3 of this Title.
4. All exterior lighting shall be in compliance with dark sky principles.

I. Auto and Recreational Vehicle Sales:

1. Major and minor auto repair and service shops are permitted as part of the facility.
2. No equipment or process shall be conducted adjacent to a residential use which creates noise, glare, vibration, fumes, odor or electrical interference detectable to the normal senses from off of the lot.
3. Any used or discarded parts or equipment located in any open area outside an enclosed building shall be screened from view pursuant to the requirements for Outdoor Storage in this Chapter.
4. Such uses shall be buffered from any residential property pursuant to in Chapter 3 of this Title.
5. The installation and use of an outside public address or bell system is prohibited.
6. All exterior lighting shall be in compliance with dark sky principles.
7. No commercial activities, other than those included in and incidental to the operation of the facility, shall be conducted on site.

J. Bar / Pub / Nightclub and Club or Lodge:

1. Any establishment serving alcohol shall comply with City Code and shall obtain a permit from the City. Such uses shall also comply with Idaho Code.
2. Such uses shall be buffered from any residential property per Chapter 3 of this Title.

K. Bed and Breakfast Facilities:

1. The facility shall have no more than 10 guestrooms and 12 guests at one time.
2. No cooking shall be allowed in guestrooms. The only meal to be provided guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
3. Bath facilities shall be shared by no more than two (2) guestrooms.
4. Off-street parking space shall comply with Table 5.3 in Chapter 5 of this Title.
5. All signage shall comply with the sign guidelines per Chapter 3 of this Title.

L. Car Wash:

1. All businesses providing self-service or drive-thru car wash facilities shall identify the stacking lane and wash location on the site plan.
2. If within the NC district, a car wash facility shall be allowed only as an accessory use to a gasoline or diesel fuel sales facility. The car wash facility shall be limited in capacity to a single vehicle.
3. A one hundred (100) foot separation shall be maintained between a car wash facility (which includes, without limitation, buildings and vacuum islands) and any residential property line. In addition, such facility shall be buffered from any residential property pursuant to Chapter 3 of this Title.
4. Drive aisles along any property lines shall be screened pursuant to Chapter 3 of this Title.
5. Vehicle stacking lanes shall be available on the property but outside the car wash facility entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way by patrons. Such stacking lanes shall be separate from areas required for access and parking.
6. The installation and use of an outside public address or bell system is prohibited.

M. Childcare Facility:

1. There shall be a minimum of 35 square feet of net floor area indoors per child. This space shall be measured wall to wall in rooms that are regularly used by the children, exclusive of halls, bathrooms, and kitchen.
2. On-site vehicle pick-up and turnaround areas shall be provided to ensure safe discharge and pick-up of children.
3. No portion of the facility shall be within 300 feet of hazardous material storage, flammable substance storage, gasoline or diesel fuel sales facility, brewery, bar, adult business, or winery.
4. An outdoor play area shall be provided that is sized to provide 100 square feet per child for the number of children using the play area at any one time. This requirement may be waived if the facility is within 300 feet of a park or open space lot or a pathway connecting to a park or open space lot that can be used by the children.

N. Circus and Carnival:

1. All structures or outdoor use areas shall maintain a minimum setback of two hundred (200) feet from all abutting residential districts.

2. Such uses shall require a temporary use permit and a vendor permit from the City and shall be permitted for not more than seven (7) days.

O. Colleges and Universities:

1. Colleges and Universities located prior to or in conjunction with a preliminary plat shall be a permitted use. Schools located subsequent to a preliminary plat shall be a conditional use.

P. Community Information Center:

1. A community or residential sales office use is allowed within the center until project build-out.
2. Community Information Centers will need a zoning permit from the City.

Q. Construction Office, Temporary:

1. A Construction Office requires a zoning permit from the City.
2. A Construction Office requires a site plan review and approval by the Administrator.
3. The applicant shall provide a specific timeline for the duration of the use.
4. Parking shall be provided pursuant to Chapter 4 of this Title.
5. A Construction Office is allowed during the construction of the associated project and shall be removed from the site prior to the issuance of an occupancy permit for the last home/structure within the project.

R. Construction Yard, Temporary:

1. A Construction Office requires a zoning permit from the City.
2. A Construction Office is allowed during the construction of the associated project and shall be removed from the site prior to the issuance of an occupancy permit for the last home/structure within the project.
3. When located within or adjacent to a developed and occupied area and the duration of use exceeds eighteen (18) months the yard shall be screened from view.
4. Temporary Construction yards may use chain link fencing for the perimeter for the security of the items.

S. Convenience Store:

1. A convenience store that includes fuel sales shall be buffered from a residential property pursuant to Chapter 3 of this Title.
2. A convenience store that sells alcoholic beverages shall conform to the following:
 - a. Approval of an conditional use permit by the City.
 - b. Provisions of Idaho and City Code.
3. A convenience store that includes fuel sales shall be regulated as an auto gas station.
4. Any convenience store (with or without fuel sales) wishing to operate before 6:00 a.m. or after 11 p.m. will require a conditional use permit, except for stores located within the HMU zone, which may operate 24-hours with an approved conditional use permit.

T. Dwelling, Accessory:

1. No more than one accessory dwelling unit shall be permitted on a lot less than 1 acre in size.
2. The minimum lot size that will support an accessory dwelling unit is 6,000 square feet.
3. The maximum size of an accessory dwelling unit shall be as follows:
 - a. 500 sq. feet on lots 6,000 – 7,500 sq. ft.
 - b. 640 sq. ft. on lots 7,501 – 10,000 sq. ft.
 - c. 800 sq. ft. on lots over 10,000 sq. ft.
4. An accessory dwelling unit shall meet the setback requirements for the principal dwelling and:
 - a. Shall be limited to 1 bedroom.
 - b. Shall be no taller than the principal dwelling.
 - c. Shall be architecturally compatible with the principal dwelling and shall be similar in appearance, materials and color as the principal dwelling.
 - d. If located in the front of the principal dwelling, shall not dominate the façade of, nor obstruct the view of the main entrance to the principal dwelling when viewed from the street.

- e. Shall not have direct access from the street on which the principal dwelling fronts. Shall have a minimum separation of 6 feet from the principal dwelling if detached from the principal dwelling.
 - f. Shall not exceed 35% coverage of the rear or side yard area.
5. If the accessory dwelling unit is above the ground floor and access thereto is by a stairwell, then the stairwell shall be enclosed within the structure or have a solid guardrail that extends to the ground and shall not be perpendicular to an adjacent street, alley or residence.
 6. Parking for an accessory dwelling unit shall be in addition to the required parking for the principal dwelling. Parking may be provided in tandem on a driveway with the principal dwelling.
 7. The principal dwelling shall be owner-occupied.
 8. An accessory dwelling unit shall not be sold separately from the principal dwelling.
 9. Accessory dwelling units will need a zoning permit if not approved with the principal structure.
 10. No home occupation shall be allowed in an accessory dwelling unit.

U. Electric Sub-Stations:

1. A sub-station located subsequent to a preliminary or final plat shall need a conditional use permit.
2. Such use shall be buffered from adjacent uses pursuant to Chapter 3 of this Title.

V. Entertainment Facility:

1. Golf Driving Ranges, Moto Cross, Shooting Ranges, accessory sales and rental of golf equipment shall be allowed.
2. Golf Driving Ranges shall be designed to protect abutting property and roadways from golf balls.
3. An illuminated golf driving range shall be located a minimum of 300 feet from a residential property as measured from any light standard to the residential property line in a straight line. The distance shall be measured from the edge of the driving range to the residential property in a straight line. Such lighting shall comply with the dark sky principles as shown in section 11B 3-12-5 of this Title and shall be turned off by 10:00 p.m.

W. Equestrian Center:

1. An equestrian center in the RR and ER districts that is for personal use shall be a permitted use. An equestrian center in the RR and ER districts that is open to the public and is approved prior to or in conjunction with a preliminary plat shall be a permitted use. An equestrian center approved subsequent to a preliminary plat shall be a conditional use.
2. Stables and loafing sheds shall have a minimum separation of three hundred (300) feet from any residence, except for an owner's residence. In addition, all facilities shall be set back a minimum distance of thirty (30) feet from any property line.
3. Equestrian centers shall be designed and located with full consideration given to their proximity to adjacent uses and their effect on adjacent and surrounding properties as to the storage of horse trailers and the factors of noise and odor.
4. The owner or operator of such use shall have a continuous obligation to maintain adequate housekeeping practices and to prevent the creation of a nuisance.
5. Equestrian Centers must obtain a zoning permit from the City.

X. Equestrian Lots:

1. Horses may be kept on residential lots only in the RR districts and are restricted to lots that are a minimum of one (1) acre. One horse is allowed on a one (1)-acre lot and one (1) additional horse is allowed for each additional one-half (1/2) acre. Acres shall be rounded to the nearest whole half-acre to determine total horses per lot.
2. Accessory structures such as barns and stables, indoor and outdoor riding facilities, storage buildings and similar structures shall meet the setback requirements of the applicable residential district.
3. Barns and stables, covered or indoor riding facilities, storage buildings and similar structures shall not exceed 40% of the max lot coverage in Table 2.2.
4. Private Equestrian Centers that are providing boarding for a fee must obtain a home occupation permit.

Y. Farmers' Markets:

1. Farmers' markets shall require a conditional use permit if not approved with the preliminary plat for the area. A vendor permit from the City is also required.
2. A parking plan will be required as part of the conditional use permit application through the City.

Z. Fire/Police Station:

1. A fire or police station located prior to or in conjunction with a preliminary plat shall be a permitted use. A station located subsequent to a preliminary plat shall be a conditional use.

AA. Flex Space:

1. The gross floor area of each building used as flex space shall be a maximum of 30,000 square feet.
2. Loading docks, if present, shall comply with this Title.
3. Hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m.

BB. Seasonal Sale:

1. All seasonal sales require a zoning permit and a vendor license for the City.
2. All seasonal sale requires a site plan review and approval by the Administrator.
3. Parking shall be provided pursuant to Chapter 5 of this Title.
4. Seasonal sales are allowed for up to thirty (30) days. All zoning permits shall establish a sunset date for the use.

CC. Home Occupation:

1. Used for gainful employment or commercial purposes solely by the resident(s) of the dwelling unit where the Home Occupation is located.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of such occupation.
3. There shall be no change in the outside appearance of the dwelling unit or other visible evidence of the conduct of such home occupation.
4. No significant traffic shall be generated by such home occupation and any need for parking generated by its conduct shall meet the off-street parking requirements as specified in Chapter 5 of this Title.
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit, if conducted in other than a single-family residence.

6. No outdoor storage of materials or supplies shall be allowed.
7. A home occupation shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.

DD. Hotel and Motel:

1. Hotels and motels shall be designed and developed to fit into the unique and special vision of Avimor and shall be subject to the setback standards of the land use district within which the use is located.
2. Maximum height allowed in the CC district as shown in Table 2.4.

EE. Kennel and Pet Shop:

1. All animals shall be confined within an enclosed area or on a leash at all times.
2. Kennels and pet shops shall comply with all State and local regulations relative to such an operation and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce the factors of noise and odor to a minimum.
3. Pet boarding kennels shall be operated with an attendant present on the premises twenty-four (24) hours a day.
4. Outside runs shall have a minimum three hundred foot (300') separation between any dwelling, except the owner's dwelling, as measured from the run to the dwelling in a straight line. The Administrator may modify this requirement if the animals are completely housed in soundproof structures that completely screen them from view from the abutting residential property.
5. Adequate fencing shall be provided for outdoor runs to restrain animals from running at large. At a minimum, the animals shall be enclosed with a 6-foot fence or wall. Electronic fences shall not be used as the sole method of restraining animals.
6. In residential districts, pet boarding kennels will only be allowed in ER or RR districts as an accessory use and will require a conditional use permit. In addition, the use shall be buffered from other residential properties pursuant to Chapter 3 of this Title.

FF. Library:

1. A library approved prior to or in conjunction with a preliminary plat shall be a permitted use. A library approved subsequent to a preliminary plat shall be a conditional use.

GG. Liquor Store:

1. All businesses which sell alcoholic beverages shall conform to the provisions of the Idaho and City Code. The sale of packaged liquor, beer, wine and coolers is subject to approval of a Conditional Use Permit by the City.

HH. Living Quarters, Accessory:

1. No more than one accessory living quarter structure shall be permitted on a lot and must comply with Chapter 3 of this Title.
2. The principal dwelling unit shall be owner-occupied.
3. Accessory living quarters shall not be sold separately from the principal dwelling unit.

II. Manufacturing, Light:

1. Light manufacturing operations are permitted to produce products for retail sale and wholesale distribution. It is intended that such uses shall not generate conditions which are typical of many manufacturing and industrial operations, such as noise, smoke, objectionable odors, dust, noxious gases and other industrial wastes, vibrations, glare, heat and fire hazards.
2. All exterior storage of material shall be in sturdy containers or enclosures which screen such material from surrounding properties and abutting streets and comply with the requirements for Outdoor Storage requirements in this Chapter. Storage of flammable materials shall be constructed of nonflammable material and shall meet the requirements of the Uniform Fire Code.
3. No dust fumes, smoke, or vibrations above ambient levels (levels of the surrounding environment) shall be detectable from adjacent parcels.
4. Such use shall be buffered from any residential property pursuant to Chapter 3 of this Title.

JJ. Mortuary/Funeral Home:

1. All phases of the operation of a mortuary/funeral home, other than those related to transport and servicing, shall be within a completely enclosed building.
2. Mortuary/Funeral Homes shall have a minimum separation of 500 feet from any residential areas.
3. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

KK. Motion Picture/Radio/Television Production Facility:

1. Outdoor facilities shall be buffered from residential properties pursuant to Chapter 3 of this Title.

LL. Outdoor Storage:

1. Outdoor storage areas shall be screened by a minimum 6-foot-high solid wall or fence along any property line that adjoins a residential lot and the use shall be buffered from a residential lot pursuant to the buffer area and screening requirements in Chapter 3 of this Title.
2. Outdoor storage of chemicals, pesticides and fertilizers shall have fire protection, storage area, handling and disposal as approved by the fire district.
3. Outdoor storage shall not be located in any front yard setback area and shall not block sidewalks or parking areas or impede vehicular or pedestrian traffic.
4. No commercial activities, other than those associated with the principal use of the property are permitted.
5. The full-time commercial repair of motor vehicles, boats, trailers and other like vehicles is prohibited.
6. The operation of spray-painting equipment, power tools, welding equipment or other similar equipment is prohibited.
7. The production, fabrication or assembly of products is prohibited.
8. Outdoor storage in a residential district shall only be allowed as an accessory use.

MM. Plant Nursery/Sod Farm, Retail and Wholesale:

1. Outdoor mechanical equipment (including, but not limited to, heaters and fans) shall not be located within 50 feet of a property line. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.
2. Outdoor storage areas for materials shall comply with the requirements for Outdoor Storage in this Chapter. The following nursery materials shall be exempt from this requirement:
 - a. Growing plants in ground or in containers
 - b. Wood chips, bark, rock, gravel, or similar ground cover material where such storage piles do not exceed 6 feet in height.

3. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the nursery use and shall follow State and local regulations.
4. The following additional standards shall apply for a wholesale and/or retail nursery located within a residential district or adjoining a residential district:
 - a. Any storage area for material in the process of being converted into compost shall be located a minimum of 100 feet from any property line.
 - b. No aerial spraying of the property shall be allowed.
5. Retail plant nurseries are not permitted in the ROS districts (wholesale nurseries only are permitted).
6. Retail plant nurseries are considered an accessory use in the RR and ER residential districts and subject to a conditional use permit.
7. Plant nurseries for the express purpose of growing plant materials for use in Avimor or for the City shall be allowed on any parcel as a temporary use. (See Temporary Construction Office / Yard.)

NN. Radio and Television Broadcast Stations:

1. Outdoor facilities shall be buffered from residential property pursuant to Chapter 3 of this Title.

OO. Recreation Field, Court and Sports Facility:

1. Sports field lighting shall meet the criteria requirements in the Sports Lighting section of Chapter 3 of this Title.

PP. Recreational Vehicle Storage:

1. The use shall be located a minimum of 200 feet from any single-family residential property and 100 feet from any multi-family residential property as measured from the residential property line in a straight line. Notwithstanding the aforementioned if the use is specifically sited in the preliminary plat as an amenity to the community the setback shall not be required.
2. All vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets and shall meet the requirements for Outdoor Storage in this Chapter.
3. No vehicles shall be stored in the required front setback area.

4. No commercial activities, other than those associated with the principal use of the property are permitted.
5. The commercial repair of motor vehicles, boats, trailers and other like vehicles is prohibited unless the storage facility is adjunct to a body shop, service and repair facility, or recreational vehicle sales establishment.
6. The operation of spray-painting equipment, power tools, welding equipment or other similar equipment is prohibited.
7. The production, fabrication or assembly of products is prohibited.
8. Recreational Vehicle Storage shall have no less than 10% of the site landscaped.

QQ. Recycling / Solid Waste Transfer Center:

1. Outdoor storage areas shall comply with the requirements for Outdoor Storage in this Chapter.
2. No unsorted material shall be stored outdoors except for after-hours donation containers.
3. Any container provided for after-hours donation of recyclable materials shall be a minimum of 50 feet from a residential district, shall be of sturdy, rustproof construction, and shall have sufficient capacity to accommodate materials collected.
4. Power driven processing (including, but not limited to, aluminum foils and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of materials) may be allowed when located within an enclosed structure.
5. All recycling center grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance.
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

RR. Rental Service Store/Yard (Large Equipment):

1. Such uses shall be located a minimum of 200 feet from any single-family residential property and a minimum of 100 feet from any multi-family property as measured from any building or storage yard to the residential property line in a straight line. In addition, the use shall be buffered from the residential property pursuant to Chapter 3 of this Title.
2. The installation and use of an outside public address or bell system is prohibited.

3. Outdoor storage areas shall comply with the requirements for Outdoor Storage in this Chapter.

SS. Resort:

1. A resort located prior to or in conjunction with a preliminary plat shall be a permitted use. A resort located subsequent to a preliminary plat shall be a conditional use.
2. A maximum height of fifty-two (52) feet shall be allowed in residential districts with a Conditional Use Permit.
3. Resorts shall be designed and developed to fit into the unique and special environment of Avimor.

TT. Restaurant (with Drive-Thru):

1. Such uses shall be designed with landscape/berm(s)/decorative walls to prevent trash from moving onto other properties.
2. A minimum six (6) foot high solid wall or fence shall be provided along any property line that adjoins a residential property and the use shall be buffered from such residential property pursuant to Chapter 3 of this Title.
3. Adequate trash receptacles shall be provided.
4. Night lighting shall be shielded and not directed toward any residence and comply with dark sky principles.
5. Drive-thrus shall be designed so headlights are screened by landscape, berm(s), decorative walls or buildings so they are not visible from the public right-of-way when vehicles are stopped in the que or at the drive-up window.

UU. Roadside Stand:

1. A Roadside stand shall operate for no more than 120 days in a calendar year and shall require a zoning certificate and vendor permit from the City.

VV. Sales Office/Trailer, Temporary:

1. A Sales Offices/Trailers requires a zoning permit from the City.
2. Parking shall be provided pursuant to Chapter 5 of this Title.
3. A Sales Office/Trailer is allowed during the construction of a project within Avimor and shall be removed from the site prior to the issuance of an occupancy permit for the last home/structure within the applicable phase of the project.

WW. Shooting Range / Gun Club (Indoor):

1. All activities shall be housed totally within an enclosed structure and designed for safety and noise factors involved in the type of use.
2. If located on the ground level, accessory uses such as gun sales, gun repair, and training courses shall be allowed when such uses take up no more than 25% of the gross floor area on the ground level.
3. If gun sales or gun repair are conducted within the facility, the owner of the indoor shooting range shall secure and maintain a valid federal firearms license.
4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges in "The NRA Range Source Book" published by the National Rifle Association.

XX. Shooting Range / Gun Club (Outdoor):

1. Accessory uses such as gun sales, gun repair, and training courses shall be allowed when such uses take up no more than 25% of the gross floor area of the building.
2. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges in "The NRA Range Source Book" published by the National Rifle Association.

YY. Sporting Event:

1. All structures or outdoor use areas shall maintain a minimum setback of 200 feet from all abutting residential districts.
2. Such uses shall require a temporary use permit and a vendor permit from the City and shall be permitted for not more than seven (7) days.
3. Paved Parking is not required.

ZZ. Special Event

A. (Large):

1. Shall require a zoning permit and not operate for a duration longer than seven (7) calendar days without a Conditional Use Permit.
2. Parking shall be provided as required by Chapter 5 of this Title.
3. Sales of items and goods that are reasonably related to the special event program shall be permitted with a vendor permit from the City.

4. If security staffing is needed the applicant will pay for the services for the event.

B. (Small):

1. Shall not require a Conditional Use Permit.
2. Parking, if applicable, shall be provided.
3. Shall be coordinated with the local police department if security staffing is needed.
4. Sales of items and goods that are reasonably related to the special event program shall be permitted with a vendor permit from the City.

AAA. Veterinary Hospital / Clinic:

1. If overnight accommodations are provided, they shall comply with the requirements for Kennel and Pet Shop in this Chapter.

BBB. Vocational/ Trade Schools:

1. Vocational/trade schools located prior to or in conjunction with a preliminary plat shall be a permitted use. Schools located subsequent to a preliminary plat shall be a conditional use.

CCC. Warehousing, Storage and Ministorage:

1. Ministorage facilities may include the storage of boat and recreational vehicles.
2. The use shall be located a minimum of 100 feet from any single-family residential property and fifty 50 feet from any multi-family residential property as measured from the building to the residential property line in a straight line. The use shall be buffered from the residential property by a solid wall or fence or berm(s) and landscape, or a combination of both, pursuant to Chapter 3 of this Title.
3. No more than one manager's or security residence is permitted. Such residence shall not be considered a dwelling unit for the purposes of calculating residential density for Avimor.
4. All storage must be within an enclosed building except for the storage of recreational vehicles, which shall be screened from view from surrounding properties and abutting streets and meet the requirements for Outdoor Storage in this Chapter.
5. No outdoor storage shall be allowed in the required front setback area.
6. Vehicle storage shall meet the meet the requirements for Outdoor Storage in this Chapter.

7. No commercial activities, other than those included in the operation of the ministorage facility, shall be conducted on the site.
8. Retail or Wholesale sale of stored items on the premises is prohibited.
9. The commercial repair of motor vehicles, boats, trailers and other like vehicles is prohibited.
10. The operation of spray-painting equipment, power tools, welding equipment or other similar equipment is prohibited.
11. The production, fabrication or assembly of products is prohibited.

DDD. Wholesaling, Distribution and Storage:

1. The use shall be located a minimum of 100 feet from any single-family residential property and fifty (50) feet from any multi-family residential property as measured from the building to the property line in a straight line. The use shall be buffered from the residential property by a solid wall or fence, or berm(s) and landscape, or a combination of both, pursuant to Chapter 3 of this Title.
2. No more than one manager's or security residence is permitted. Such residence shall not be considered a dwelling unit for the purposes of calculating residential density for Avimor.
3. No more than twenty percent (20%) of the gross area of the site shall be used for outdoor storage and shall meet the requirements for Outdoor Storage in this Chapter.
4. No commercial activities, other than those included for the operation of the facility, shall be conducted on the site.
5. On Site Retail sale of stored items on the premises is prohibited.
6. The commercial repair of motor vehicles, boats, trailers and other like vehicles is prohibited.
7. The operation of spray-painting equipment, power tools, welding equipment or other similar equipment is prohibited.
8. The production, fabrication or assembly of products is prohibited.

EEE. Wireless Communication Facilities:

Wireless communication facilities and towers (including Personal Wireless Facilities, Spires, Poles, Antennas, Steeples, Towers, And Similar Structures) shall comply with the following:

1. Towers In Zoning Districts:

- a. Personal wireless facilities including towers supporting amateur radio antennas shall be prohibited in all residential land use districts. Personal wireless facilities shall be camouflaged or concealed, not readily identifiable as such, designed to be esthetically compatible with existing and proposed uses on the site in all residential zones.
- b. Wireless antennas in non-residential and open space districts may be permitted to be attached to existing light standards and power line support devices (or replacement equivalent of same height) provided, however, the antenna(s) are either flush mounted or mounted in a manner that provide minimum visual impact. Notwithstanding the foregoing, all provisions of this subsection EEE shall be applicable to wireless antennas located on existing light standards and power line support devices.

2. Collocation Requirements:

- a. A proposal for a tower mounted personal wireless facility in excess of feet (35') in height shall not be approved unless the Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the following radii of the proposed tower:
 1. A two (2) mile radius for towers with a height over one hundred ten feet (110').
 2. A one-mile radius for towers with a height over eighty feet (80') but not more than one hundred ten feet (110').
 3. A one-half ($1/2$) mile radius for towers with a height over fifty feet (50') but not more than eighty feet (80').
 4. A one-quarter ($1/4$) mile radius for towers with a height over thirty-five feet (35') but not more than fifty feet (50').
- b. It shall be the burden of the applicant to demonstrate that the proposed tower or antenna cannot be accommodated on an approved tower or building within the required search radius due to one or more of the following reasons:
 1. Unwillingness of another tower or facility owner to entertain shared use.
 2. The proposed collocation of an existing tower or facility would be in violation of any local, state or federal law.
 3. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

4. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 5. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 6. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building as documented by a qualified and licensed professional engineer, or other professional qualified to provide necessary documentation.
- c. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred ten feet (110') in height, for at least 1 additional user if the tower is over fifty feet (50') in height.
 - d. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
 - e. Personal wireless facilities proposed at a location which has an approved conditional use permit (approved after the effective date hereof) for an existing facility which was required to allow collocation shall not be required to obtain a separate conditional use permit as long as all the requirements of the previously approved conditional use permit will be complied with. Design Review, and subsequent building permit, will be required for any such proposal.
3. Tower And Antenna Design Requirements:
 - a. All personal wireless facilities shall be required to obtain design review approval prior to construction.
 - b. Personal wireless facility towers shall be of a monopole design unless the Council determines that an alternative design would better blend into the surrounding environment.
 - c. With the exception of necessary electric and telephone service and connection lines approved by the issuing authority, no part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right of way, public street, highway, sidewalk, or property line.

- d. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons. The climbing pegs within the bottom twenty feet (20') of the tower shall be removed and shall only be used when the tower is being serviced.
- e. Metal towers shall be constructed of, or treated with, corrosive resistant material.
- f. Wood poles shall be impregnated with rot resistant substances.

4. Tower Setbacks:

- a. Towers shall meet the setbacks of the underlying land use district with the exception of Mixed Use and Highway Mixed Use land use districts, where towers may encroach into the rear setback area, provided that the rear property line abuts another Mixed Use or Highway Mixed Use property and the tower does not encroach upon any easements.
- b. The base of the personal wireless facility shall be set back a minimum distance of two times (2x) the height of the tower from the property line of any residential dwelling.
- c. If the tower does not exceed the height limitations of the land use district in which it is located, the tower shall meet the setback requirement of the land use district except as allowed in subsection BBB4f of this Chapter. If the tower exceeds the height limit of the land use district in which it is located, the tower shall be set back one foot (1') for every ten feet (10') in total tower height. In either case, the tower shall be constructed to the telecommunications industry association/electronic industries association (TIA/EIA) 222 revision F standard entitled "Structural Standards for Steel Antenna Supporting Structures" or as hereinafter may be amended. Otherwise, the tower shall be located a minimum of one foot (1') for each foot of height from all property lines (the fall zone). No storage or structures other than the accessory utility buildings, are permitted in the fall zone, except as may be specifically permitted through a conditional use permit.
- d. Towers shall be set back from all existing public right of way lines (or planned right of way lines if additional is to be acquired in the future) by a minimum distance equal to twice the height of the tower including all antennas and attachments.
- e. Towers shall not be located between a principal structure and a public street.
- f. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.
- g. If this requirement conflicts with other setback requirements of this code the setback with the greater distance shall prevail, except as may be allowed in subsection BBB4f of this Chapter.

5. Tower Lighting, Signage, And Attachments:
 - a. No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation, any stationary lights, strobe lights, reflectors, flashers, or other illuminating device, except as specifically required by the federal aviation administration, federal communications commission, or other federal or state authority.
 - b. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower if approved by the city.
 - c. The use of any portion of a tower for signs, other than warning or equipment information signs, is prohibited.
 - d. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.
6. Amateur Radio Antennas: In accordance with the federal communications commission's preemptive ruling PRB 1, towers erected for the primary purpose of supporting amateur radio antennas may exceed thirty feet (30') in height provided that a determination is made by the city that the proposed tower height is technically necessary to successfully engage in amateur radio communications. A conditional use permit is required for any amateur radio antenna in excess of thirty-five feet (35').
7. Accessory Utility Buildings: All utility buildings and structures accessory to a tower are required to have design review approved by the city prior to construction.
8. Abandoned Or Unused Towers Or Portions Of Towers: As a condition of approval of any required conditional use permit for personal wireless facilities, all abandoned or unused towers and associated facilities shall be required to be removed within 60 days of cessation of use as a personal wireless facility unless a time extension is granted by the city. A copy of the relevant portions of a signed lease, which requires the applicant to remove the tower and associated facilities upon cessation of the use as a personal wireless facility, shall be submitted at the time of application. In the event that the tower and associated facilities are not removed within the 60 days, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property.
9. Additional Application Submittal Requirements: In addition to the information required elsewhere in this code, development applications for personal wireless facilities, shall include the following supplemental information:

- a. Documentation from a qualified and licensed professional engineer showing that the proposed facility will be in compliance with the FCC standards regarding radio frequency (RF) emissions.
- b. A report from a qualified and licensed professional engineer which describes the tower height and design (including a cross section and elevation); documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas; describes the tower's capacity, including the number and type of antennas that it can accommodate; documents what steps the applicant will take to avoid interference with established public safety telecommunications; includes an engineer's stamp and registration number; and includes other information necessary to evaluate the request.
- c. For all personal wireless facilities, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower, as required by this code, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- d. Documentation showing that the proposed tower complies with regulations administered by federal aviation administration.
- e. Written approval of the site location with specific reference to the height of the antenna structure and any lighting issues, from the federal aviation administration and the chief of the Idaho bureau of aeronautics, as applicable.
- f. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be in the chosen location.
- g. A written analysis demonstrating that the proposed site is the most appropriate site within the immediate area. For the purposes of this subsection, the analysis shall include all properties within the search radii stated above. The analysis shall include, but is not limited to, the following:
 - i. Description of the surrounding area, including topography.
 - ii. Natural and manmade impediments that would obstruct adequate cellular telephone transmissions.
 - iii. Physical site constraints that would preclude construction of a cellular telephone facility on any other site.
 - iv. Technical limitations of the system that limit siting options.

10. Permits:

- a. It shall be unlawful for any person to erect, construct, re-erect, or replace, any tower without first making application to the city and securing a building/zoning permit.
 - b. A building/zoning permit shall not be required for antennas and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick up operations. Temporary antennas shall be permitted for a maximum of seventy-two (72) hours unless specifically approved by the Council.
 - c. In addition to the findings required and conditions permitted for conditional use permits, as stated within Section 11B-7-4 of this Title, the Council shall make an additional finding concerning the duration of the Conditional Use Permit. Upon finding that the conditional use permit is to be limited in duration, a condition limiting the duration and the basis for such a condition shall be included within the findings of fact and conclusions of law for the Conditional Use Permit.
11. Additional Requirements For Notice Of Public Hearing: All personal wireless facilities requiring a Conditional Use Permit shall comply with the conditional use notice requirements within this code. Tower mounted personal wireless facilities shall comply with the following additional requirements:
- a. All property owners within one thousand feet (1,000') of all property lines of the site (or lease boundary lines, if applicable) shall be notified of the public hearing by the city, by mail, a minimum of fifteen (15) days before the scheduled public hearing. The applicant will be required to provide the names of the property owners to the City.
 - b. Any required public notice signs, to be located on a proposed site, shall be required to comply with the requirements for posting of a rezone/subdivision. Restricted Areas:
 - i. Telecommunications towers in excess of thirty-five feet (35') in height shall not be permitted within the Willow Creek Road corridor.

CHAPTER 5
OFF STREET PARKING AND LOADING

11B-5-1: PURPOSE AND INTERPRETATION OF PROVISIONS

- A. This Chapter provides standards for parking and loading facilities to ensure adequate parking areas for various uses, minimize traffic hazards and congestion, promote vehicular and pedestrian safety and efficient land use, and mitigate impacts on surrounding properties.

Parking is a key element of any development. An oversupply can result in excess environmental and physical impacts while an undersupply can result in vehicles intruding onto adjoining properties and neighborhoods. The goal is to find the balance between providing adequate parking to support approved uses while minimizing the negative effects of excessive land area or resources devoted to parking. A well-planned and executed parking program is essential to establishing and maintaining a human scale environment that emphasizes parking efficiency over parking supply.

Shared parking is encouraged and is a critical factor in the design and success of a mixed-use project such as Avimor. A shared parking program versus traditional parking standards reduces parking requirements, enhances community character and vitality, increases streetscape appeal, reduces impervious surface area and decreases storm water and pollution runoff, reduces the “urban heat island effect,” reduces conflicts between vehicles and pedestrians, and provides better pedestrian flow and connectivity.

- B. In the interpretation of this chapter, the following shall govern:
1. Parking spaces for other permitted or conditional uses not listed herein shall be determined by the Administrator. Among the factors for determining the number of spaces to be required for a use not listed herein, the Administrator shall compare the proposed use with a use which has similar traffic generating characteristics as outlined in the most recent version of the institute of transportation engineers trip generation manual.
 2. Fractional numbers shall be increased to the next whole number.
 3. When more than one use is conducted on a site, the total number of parking spaces shall be the sum of the requirements for each use unless shared parking is approved.
 4. When computing parking requirements based on the amount of square footage in buildings, all calculations shall be on a gross floor area basis, unless specifically stated otherwise.
 5. Parking Based on Seating: When the parking requirements are based on seating and the seating consists of benches or pews, each twenty-four (24) linear inches of bench or pew shall be considered one seat.

6. Parking Based on Employees: For the purpose of computing parking requirements based on the number of employees, calculations shall be for the largest number of persons working on any single shift.
7. Residential Parking: Driveways may be used to satisfy minimum on-site parking requirements, beyond the covered parking requirements, for residential dwellings, provided that sufficient length is available to satisfy the minimum design standards with no obstructions to the adjoining sidewalk.

C. Waivers:

1. Request: Any person may request a waiver of any provision of this Chapter.
2. Submittal: A request for waiver must be submitted to the Administrator in writing and must provide specific reasons for which the waiver is sought. Additionally it must include an approval letter of waiver request by the Avimor Design Review Committee.
3. Response: The City shall provide a written response within thirty (30) business days of receipt of a request for waiver.
4. Appeal Of Decision: Within ten (10) days of the decision of the Administrator an appeal may be filed to Council.

11B-5-2: APPLICATION OF PROVISIONS

- A. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off street parking and loading spaces have been provided in accordance with the provisions of this Title.
- B. The provisions of this chapter, except where there is a change of use, shall not apply to any existing building or structure. Where a new use involves no additions or enlargements, there shall be provided as many such spaces as may be required by this Title.
- C. Whenever a building, structure, or use, constructed or changed in use after the effective date hereof, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces per this Title, additional parking spaces shall be provided so that the existing building, structure, or use, and proposed enlargement or change in use, shall then and thereafter comply with the full parking requirements set forth herein.
- D. The parking requirements in section 5-5 of this Chapter represent general parking standards for individual uses under which all proposed development will be evaluated. Requirements for uses not specifically listed shall be determined by the Administrator based on uses with similar traffic generation characteristics as outlined in the most recent Institute of Traffic Engineers (ITE) Trip Generation Manual. Parking includes garage and carport spaces.

- E. Parking lots shall be screened from adjacent uses, streets and pathways by walls, plantings, earth berms or a combination thereof pursuant to the screening requirements of this Title. Where on-street parking is provided adjacent to the use it serves, it shall count towards the parking requirement for the use.
- F. Consideration should be given to providing spaces to accommodate alternative forms of transportation such as, for example, motorcycles, motor scooters and golf carts.

11B-5-3: DESIGN AND MAINTENANCE

- A. Surfacing and Striping, except as approved by the Administrator, or as allowed below, all parking and loading facilities shall be surfaced, striped and marked to clearly define access lanes, standard, compact and handicapped parking spaces, and internal circulation movements. The following uses may require a Conditional Use Permit or Zoning Permit but shall not be required to have paved parking areas:
 - 1. Aggregate Processing, Asphalt, and Concrete Batch Plant
 - 2. Equestrian Center
 - 3. Sports Field or sporting events (overflow parking)
 - 4. Agriculture
 - 5. Roadside Stand
 - 6. Plant Nursery / Sod Farm (Wholesale)
 - 7. Maintenance Facility
 - 8. Carnivals and Circuses
 - 9. Any Outdoor Event
 - 10. Winery and Vineyard (depending on location to perpetuate an agrarian character of the site)
 - 11. Temporary Construction Office / Yard
 - 12. Temporary Sales Office/Trailer (if it will not be in use for more than 12 months)
 - 13. Model Homes
 - 14. Special Events; Large & Small
- B. Drainage: All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. Drainage plans

shall be reviewed and approved by the city engineer and, for any site abutting a public street, such plans shall be reviewed and approved by the Local Highway Department having jurisdiction.

- C. Access: Off-street parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.
- D. Maintenance: The Owner of parking facilities shall be responsible to continually maintain the parking facilities in compliance with approved site plans and shall be free of litter and debris.
- E. Compact Spaces: Shall be designed consistent with Table 5.2 of this Chapter.
- F. Location: Off-street parking areas should be located on the sides or rear of buildings instead of the front. When parking areas are located in the front of buildings, they should be adequately screened pursuant to with Chapter 3 of this Title.

11B-5-4: ADDITIONAL PARKING REGULATIONS AND REQUIREMENTS

11B-5-4-1: LOCATION OF PARKING SPACES

- A. The following regulations shall govern the location of off-street parking spaces and areas:
 - 1. Parking spaces for all detached residential uses may be located on the same lot as the use which they are intended to serve. If the parking spaces are not located on the same lot, a Conditional Use Permit shall be required.
 - 2. Parking spaces for retail or customer parking for commercial, industrial, or public/semipublic uses shall be located not more than seven hundred feet (700') from the principal use measured along the sidewalk, or walkway available for public use, from the primary entrance of the principal use to the furthest parking space within the parking lot.
 - 3. Parking spaces for multi-family dwellings shall be located not more than five hundred feet (500') from the principal use measured along the sidewalk, or walkway available for public use, from the primary entrance of the principal use to the furthest parking space within the parking lot.
 - 4. Parking spaces for employee parking on a daily basis where the vehicle is used occasionally, regardless of the nature of employment, shall be located not more than one thousand feet (1,00') from the principal use measured along the sidewalk, or walkway available for public use, from the primary entrance of the principal use to the furthest parking space within the parking lot.

5. When offsite parking is provided; a directional sign shall be erected on the premises and shall advise the public of the distance and direction to the offsite parking area. Any such sign shall conform to applicable requirements of Chapter 3 of this Title.

B. A reduction in parking requirements can be requested at preliminary plat or site plan when evidence is provided to warrant a modification of the parking requirements. The Administrator may grant up to a 20% reduction. A greater reduction requires approval by Council.

11B-5-4-2: ADDITIONAL DESIGN AND MAINTENANCE REGULATIONS AND REQUIREMENTS

A. Site Lighting: Parking areas used during the hours of darkness shall have lighting that provides adequate illumination for security and safety while maintaining dark sky lighting principles. The minimum requirements are contained in Section 11B-3-12-5 of this Title.

1. Lighting plans shall be reviewed and approved by the Administrator prior to issuance of a building/zoning permit.

B. Screening And/Or Landscaping: Parking lot screening and landscaping shall comply with Chapter 3 of this Title.

C. Wheel Stops/Curbing: Concrete curbing at least 6 inches high and 6 inches wide or wheel stops shall be provided to prevent vehicles from overhanging abutting sidewalks, properties, or public rights-of-way, to protect landscaped areas, and to protect adjacent properties. Such curbing or wheel stops shall be located at least three (3) feet from any adjacent wall, fence, property line, walkway, or structure where parking and/or drive aisles are located. Wheel stops are not required where parking abuts a walkway with an attached curb and the walkway provides a minimum 4-foot pedestrian clear area.

D. Off Street Parking Design And Dimension Tables:

See Tables 5.1, 5.2 below for parking dimensions.

TABLE 5.1 – PARKING DIMENSIONS FOR STANDARD CARS

Parking angle (A)	45°	60°	90°	Parallel
Width of space (B)	9 feet	9 feet	9 feet	9 feet
Length of space (C)	18 feet	18 feet	18 feet	21 feet
Width of Drive Aisle (D)	13 feet	17 feet	24 feet	12 feet

TABLE 5.2. – PARKING DIMENSIONS FOR COMPACT CARS

Parking angle (A)	45°	60°	90°	Parallel
Width of Space (B)	7'6" feet	7'6" feet	7'6" feet	7'6" feet
Length of Space (C)	17 feet	18 feet	17 feet	19 feet
Width of Drive Aisle (D)	13 feet	17 feet	24 feet	12 feet

Notes:

1. Length of spaces may be reduced by 2 feet with no tire stops and a 2-foot overhang into an adjacent walkway when the walkway is at least 7 feet wide and free of impediments.
2. Aisles less than 15 feet in width, with no parking, are considered one way.
3. Handicapped spaces shall comply with UBC or federal standards.
4. Handicapped Parking: Handicapped spaces shall be eleven feet by eighteen feet (11' x 18') or one (1) nine foot by eighteen feet (9' x 18'), with an attached five-foot (5') aisle.
5. Reduction For Planter Overhangs: When a parking space abuts a landscape planter, the front two feet (2') of the required length for a parking space may overhang the planter.

11B-5-4-3: JOINT & OFF-SITE PARKING

- A. The parking requirements may be met by the use of joint and/or off-site parking facilities. Alternatives to the parking requirements contained herein will be considered to:
 1. Avoid the visual intrusion and heat build-up that results from large paved areas.
 2. Insure the efficient use of land.
 3. Create an incentive to provide pedestrian-friendly development.
- B. The Administrator may authorize the use of joint parking, offsite parking or a combination of the methods as described below:
 1. Joint Parking:
 - a. The uses separately generate parking demands primarily during hours when the other uses are not in operation and the parking spaces serve the uses without conflict.
 - b. The peak hours of parking demand from the uses shall generally not coincide so that the peak demand will be less than the parking required.

- c. The applicant provides documentation showing the parking demand will be reduced if a public or private transit system serves the use.
 - d. A shared parking analysis has been submitted describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict.
 - e. A shared parking facility, if located on a site other than the site where the uses are located, shall be located no further than that permitted in Chapter 5-4-3B Off-Site Parking, of these Standards.
 - f. The owners of the parcels or uses cooperatively establish and operate the facilities.
 - g. The owners of the parcels execute a cross access agreement for parking, which outlines the terms and conditions of the shared parking arrangement. The agreement shall include the following as approved by the City of Eagle:
 - i. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking.
 - ii. A guarantee among the landowners for access to a use of the shared parking facility.
 - h. Any other information required to be documented on such agreement by the City in an effort to assure compliance with this Chapter. The agreement must contain the legal description of both parcels and must be of sufficient duration to ensure the continued use of the shared parking facilities. The agreement shall be recorded in the office of the County Recorder, and run with the land.
- C. Off-Site Parking. The parking requirements may be met by locating the required parking spaces on a separate parcel from the lot on which the principal use is located. Off-site parking shall be approved if:
1. The parcels containing the use and the off-site parking are under common ownership, or a cross-parking easement agreement is provided.
 2. The parcel to be used for parking is located as follows from the building or use it is intended to serve (as measured along the sidewalk or walkway available for public use from the primary entrance of the principal use to the furthest parking space within the parcel):
 - a. Not more than five hundred (500') feet for residential uses;
 - b. Not more than one thousand five hundred (1,500') feet in the Community Commercial (CC), Highway Mixed Use (HMU), and Mixed Use (MU) districts, Village Center (VC) and Neighborhood Commercial (NC) districts and for all public/quasi-public uses.

- c. Not more than one thousand five hundred (1,500) feet for employee parking on a daily basis where the vehicle is used occasionally, regardless of the nature of employment.
 3. The parcel to be used for parking is not separated or divided from the building or use it is intended to serve by an expressway, highway, or primary arterial.
 4. The applicant satisfies the Administrator that the use of the off-site parcel for parking will not be detrimental to public safety.
 5. The owner of the parcels executes an agreement or similar document, satisfactory to the City Attorney, which outlines the terms and conditions of the off-site parking use. The document must contain the legal description of both the off-site parcel and the parcel where the principal use is located and must be of sufficient duration to ensure the continued use of the off-site parcel for parking. In order to provide record notice of the existence of the off-site parking arrangement, the applicant shall record the document in the office of the County Recorder and provide a copy of the document to the City.
- D. Hotel and Motel, Resort Parking: The Administrator may authorize a reduction in the total number of required parking spaces for hotel, motel and resort developments pursuant to the Joint and Off-Street Parking standards of this Chapter. Such reduction shall apply only to such uses as restaurants, retail stores, amusements/recreational facilities and similar uses which are clearly ancillary to the hotel, motel or resort. In determining the parking requirement, the Administrator shall consider the following:
1. The characteristic of each use and the projected peak parking demand, including hours of operation.
 2. The potential reduction in vehicle movements afforded by multi-purpose use of spaces by employees or customers.
 3. The potential reduction in vehicle trips afforded by multiple use of the facilities by guests and customers.
 4. The extent to which the applicant can document the lack of potential conflict among parking needs and facilities.

11B-5-4-4: PARKING DISABLED VEHICLES:

The parking of a disabled vehicle within a residential or commercial district for a period of more than one (1) weeks shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building.

11B-5-4-5: BICYCLE PARKING:

One bicycle parking space within an approved rack shall be required for each thirty (30) required automobile parking spaces or fraction thereof for office and commercial developments. Multi-family residential developments shall provide one bicycle rack space per each ten (10) units. Bicycle parking racks shall be in a well-lit area, and the design shall be approved by the Avimor Design Review Committee.

11B-5-4-6: SCHEDULE OF PARKING REQUIREMENTS:

In accordance with subsection 11-5-1B of this Chapter, parking spaces for other permitted or conditional uses not listed herein shall be determined by the Administrator. Among the factors for determining the number of spaces to be required for a use not listed herein, the Administrator shall compare the proposed use with a use which has similar traffic generating characteristics as outlined in the most recent version of the institute of transportation engineers trip generation manual.

For the purpose of this Title, the following space requirements shall apply:

TABLE 5.3 REQUIRED PARKING

COMMERCIAL USES	
Auto Body Shop	1 space per 350 s.f. of GFA
Auto Gas Station	1 space per 2 gas pumps and 2 spaces per service bay (not counting fronts of bays/pumps)
Auto Repair and Service Shop (Major and Minor)	1 space per 350 s.f. of GFA
Auto Rental Agency	1 space per 200 s.f. of GFA
Auto and Recreational Vehicle Sales	1 space per 400 s.f. of GFA, plus 1 space per 1,000 s.f. of outdoor display
Bank / Financial Institution	1 space per 250 s.f. of GFA, plus 1 lane per drive-up window and/or automatic teller machine with stacking for 4 vehicles per lane
Bar / Pub / Nightclub	1 space per 200 s.f. of GFA
Bed and Breakfast Facility	1 space per sleeping room plus 2 spaces for primary residence
Building Materials / Lumber Yard	1 space per 400 s.f. of GFA,
Car Wash	1 space per 200 s.f. of GFA of sales, office or lounge area, plus stacking for 3 cars per washing station
Check Cashing	1 space per 400 s.f. of GFA
Childcare Facility (Family / Home Day Care)	1 space on-site (may include driveway)

Childcare Facility (Group Day Care)	2 spaces
Childcare Facility (Daycare Center)	2 spaces per classroom, but not less than 9 spaces for the building
Clinic	1 space per 250 s.f. of GFA
Club or Lodge	1 space per 250 s.f. of GFA
Commercial Center, Community	Determined by building use at site plan review
Commercial Center, Neighborhood	Determined by building use at site plan review
Convenience Store	1 space per 2500 s.f. of GFA with fuel center; 1 space per 2000 s.f. of GFA without fuel center
Dry Cleaner / Laundromat	1 space per 400 s.f. of GFA, plus stacking for 3 cars per drive-up window
Emergency Health Care Facility	Ambulance Services: 1 space per 500 s.f. of GFA, plus 2 enclosed ambulance storage spaces; Emergency Health Care: 1 space per 300 s.f. of GFA; Emergency Services: 1 space per 500 s.f. of GFA, plus 2 enclosed vehicle storage spaces
Entertainment Facility (excluding shooting range, gun club)	General: 1 space per 250 s.f. of GFA Bowling Centers/Lanes: 3 spaces per lane, plus 1 space per 5 seats for restaurant, cocktail lounge, arcade area or similar use Golf Driving Ranges: 3 spaces per tee Miniature Golf Courses: 3 spaces per hole Skating Rinks (ice/roller): 1 space per 250 s.f. of skating rink area Tennis/Racquetball Clubs: 3 spaces per court Theaters (live and movie): 1 space per 5 fixed seats or 5 spaces per 1,000 s.f. of GFA, whichever is greater
Flex Space	1 space per 500 s.f. of GFA
Food and Beverage Sales	1 space per 250 s.f. of GFA
Health Club	1 space per 250 s.f. of GFA
Home Occupation	1 space on-site (may include driveway)
Hospital (included related facilities)	1 space per patient bed
Hotel and Motel	1 space per guest room, plus 1 space per 2 employees; parking requirements for hotels that contain ancillary uses (retail, restaurants, conference centers, etc.) shall require no additional parking
Kennel and Pet Shop	1 space per 200 s.f. of GFA

Laboratory	1 space per 500 s.f. of GFA
Liquor Store	1 space per 250 s.f. of GFA
Manufacturing, Light	1 space per 500 s.f. of GFA used for manufacturing/processing, plus 1 space per 300 s.f. of office or sales area
Mortuaries / Funeral Homes	1 space per 4 seats
Motion Picture / Radio / Television Production Facility	Determined by site plan review
Nursing / Convalescent Home / Transitional Housing / Assisted Living	1 space per 3 beds
Office, Business & Professional	General: 1 space per 250 s.f. of GFA Medical/Dental: 1 space per 200 s.f. of GFA
Outdoor Storage	Determined at site plan review
Personal Service	General: 1 space per 250 s.f. of GFA Barber Shops/Beauty Parlors: 2 spaces per barber chair or beautician station Repair Shops (appliances and electronics): 1 space per 400.s.f. of GFA
Radio and Television Broadcast Station	1 space per 500 s.f. of GFA
Recreational Vehicle	Sales: 1 space per 500 s.f. of GFA
Dealership / Service / Storage	Service: 2 spaces per service bay Storage: 1 space per 1,500 s.f. of gross storage area, plus 1 space per 1,500 s.f. of outdoor display
Recycling / Solid Waste Transfer Center	1 space per employee
Rental Service Stores / Storage Yards (large equipment)	Sales: 1 space per 400 s.f. of GFA Service: 2 spaces per service bay Storage: 1 space per 500 s.f. of GFA of office space, plus 1 space per 500 s.f. of outdoor display
Research and Development	1 space per 500 s.f. of GFA
Restaurant (with and without drive-thru use) and Catering Establishment	With Drive-thru: 1 space per 200 s.f. of GFA, plus stacking for 5 cars for drive-up service; Without Drive-thru: 1 space per 150 s.f.
Resort	Determined by site plan review

Retail Sales (other than those listed)	General: 1 space per 500 s.f. of GFA Furniture and Large Appliance Stores: 1 space per 500 s.f. of GFA of sale floor display area, Printing and Blueprint Facilities: 1 space per 500 s.f. of GFA Rental Stores (small tools/equipment: 1 space per 750 s.f.)
Shooting Range / Gun Club (Indoor or Outdoor)	1 space per target and/or shooting station
Shopping Centers (Community and Neighborhood)	Determined at site plan review
Special Care Facility	1 space per 3 beds
Veterinary Hospital / Clinic	1 space per 400 s.f. of GFA
Warehousing, Storage and Ministorage and Wholesaling, Distribution and Storage	General: 1 space per employee Mini-Storage: 1 space per 20 storage units
RESIDENTIAL USES	
Accessory Dwelling Unit	1 space per unit
Multi-Family, Studio & One Bedroom	1.5 spaces per unit, including 1 covered space
Multi-Family, Two Bedroom	2 spaces per unit, including 1 covered space
Multi-Family, Three Bedroom and Above	2 spaces per unit, including 1 covered space
Single-Family Attached / Detached / Equestrian Lot	2 spaces per unit
Single-Family (SFSL)	2 spaces per unit, plus .25 spaces per unit for guest parking (adjacent on-street parking shall count toward guest parking requirement)
CIVIC, COMMUNITY, & PUBLIC/QUASI-PUBLIC USES	
Art Gallery	1 space per 500 s.f of GFA, plus one bike rack for every 30 parking spaces.
Community Association Buildings and Facilities, including Clubhouse and Swimming Pool	General: 1 space per 500 s.f. of GFA Swimming Pools: 1 space per 2 persons capacity, plus one bike rack for every 30 parking spaces.
Community Information Center	1 space per 750 s.f.
Event Center	1 space per 4 fixed seats or 10 spaces per 5,000 s.f. of GFA, whichever is greater

Equestrian Center / Riding Academy (public and private)	1 space per 4 stalls
Fire / Police Station	1 space per 500 s.f. of GFA plus one bike rack per 30 parking spaces
Golf Course	4 spaces per hole
Library	1 space per 250 s.f. of GFA plus one bike rack per 30 parking spaces
Museum	1 space per 500 s.f. of GFA
Post Office / Annex	1 space per 750 s.f. of GFA, but not less than 6 spaces plus 1 bike rack per 30 parking spaces
Recreation / Community Center	1 space per employee for offices, plus 1 space per 300 s.f. of GFA for weight rooms/workout and/or dance rooms, plus 1 space per 4 seats for restaurant/café or snack plus additional parking for any stadiums/arenas
Recreation Field, Court and Sports Facility	1 space per 3 seats in spectator area; if there is no seating for spectators, an interpretation by the Administrator is required
Religious Facility	1 space per 5 individuals based off of the max occupancy
Swimming Pool, Outdoor (Public, Community, or Club)	1 space per 6 persons' capacity, plus 1 space per 10 seats
Utility Building and Facility	Determined by site plan approval or CUP
Wireless Communications Facilities	1 space per employee
EDUCATIONAL FACILITIES	
Business, Technical and Vocational Schools	1 space per 400 s.f. of GFA
College and University (including satellite campus)	1 space per 400 s.f. of GFA
Elementary / Junior High / Middle School	1 space per classroom, plus 1 space per 5 seats in auditoriums or assembly halls
High School	5 spaces per classroom, plus 20 spaces for administrative staff
Pre-School and Kindergarten (Private)	1 space per classroom, but not less than 9 spaces for the building
AGRICULTURAL USES	
Plant Nursery / Sod Farm (retail and wholesale)	Retail: 1 space per employee plus 1 space per 750s.f. of outdoor display/lathe house/greenhouse area

	Wholesale: 1 space per employee plus 2 guest parking spaces
Vineyard (no winery)	1 parking per employee
Winery	1 space per 1,000 s.f. of GFA. Gift shops, restaurants, event facilities, etc., shall require no additional parking
TEMPORARY FACILITIES	
Aggregate Processing, Asphalt, and Concrete Batch Plant	1 space per employee
Carnival and Circus	1 space per 3 seats or can be reduced by a site plan or CUP through Administrator
Farmers' Market	As determined by a site plan or CUP
Seasonal Sales	As determined by a site plan.
Special Event	Determined by site plan
Temporary Construction Office / Yard	1 space per 2 employees using the facility, plus 2 spaces
Temporary Real Estate Sales Office / Trailer	1 space per 2 employees using the facility, plus 2 spaces

GFA= Gross Floor Area

CHAPTER 6
NON-CONFORMING USE

Eagle City Code 8-5 shall apply within Avimor to the extent it does not conflict with the provisions in this Title.

CHAPTER 7
ZONING ADMINISTRATION AND ENFORCEMENT

11B-7-1: ADMINISTRATOR

- A. Administration: The Administrator shall administer this Title.
- B. Duties: For the purpose of this Title, the Administrator shall have the following duties:
1. To advise interested persons of the provisions of this Title;
 2. To aid applicants in the preparation and expedition of required applications;
 3. To issue zoning permits, certificate of occupancy permits, notifications and such similar administrative duties;
 4. To investigate all violations of this Title and notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
 5. To assist the council in carrying out the provisions of this Title;
 6. To manage the day-to-day and long-range function of this Title including but not limited to the acceptance, review, processing and approval of all permits and applications within the Administrator's authority for development within Avimor; and
 7. To effectuate any minor amendments as set forth in the Avimor Development Agreement and this Title.

11B-7-2: ZONING PERMITS AND CERTIFICATES OF OCCUPANCY

- A. Zoning Permit:
1. Permit Required: No use, building or other structure shall be erected, moved, added to or structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore issued by the Administrator. Zoning permits shall be issued only in conformity with the provisions of this Title.
 2. Application For Permit: The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun or is not substantially completed within one (1) year or other time frame established at the time of zoning permit issuance. At a minimum, the application shall contain the following information, as applicable:
 - a. Name, address, phone number and email address of the applicant;

- b. Legal description of property.
 - c. Description of existing use.
 - d. Description of proposed use.
 - e. Zoning district and land use district.
 - f. Plan, drawn to scale, showing the actual dimensions and the shape of the lot to be built upon.
 - g. The exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
 - h. Building heights.
 - i. Number of off-street parking spaces or loading berths.
 - j. Number of dwelling units.
 - k. Proposed sewer and water facilities.
 - l. Such other matters as may be necessary to determine conformance with, and provide for, the enforcement of this Title.
3. Approval Of Permit, Issuance: Within sixty (60) days after the receipt of an application for a zoning permit, the Administrator shall either approve or disapprove the application in conformance with the provisions of this Title. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be returned to the applicant by the Administrator after the Administrator shall have marked such copy either as approved or disapproved and attested to same by the Administrator's signature on such copy and one (1) copy of plans, similarly marked, shall be retained by the Administrator. The Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Title.
4. Expiration and Revocation Of Permit: If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire. It shall be revoked by the Administrator and written notice thereof shall be given to the persons affected. Additionally, the Administrator may, in writing, suspend or revoke a zoning permit and may issue a stop work order; upon any violation of any requirement, law, regulation, code or ordinance related to property for which the zoning permit has been issued; whenever the permit is found to have been issued in error; or on the basis of incorrect information having been supplied to the City.

B. Certificates Of Occupancy:

1. Certificate Of Occupancy Required: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Administrator stating that the proposed use of the building or land conforms to the requirements of this Title and with all conditional provisions that may have been imposed.
2. Temporary Certificate Of Occupancy: A temporary certificate of occupancy may be issued by the Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

D. Unlawful Acts:

1. Failure To Obtain Zoning Permit Or Certificate of Occupancy: Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this Title.
2. Use And Construction Contrary To Plans: Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Administrator authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a violation of this Title.

11B-7-3: CONDITIONAL USES

11B-7-3-1: PURPOSE AND INTERPRETATION OF CONDITIONAL USE

- A. Purpose: It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually.
- B. Interpretation Of Conditional Use: Any use which is permitted as a conditional use in a district under the terms of this Title shall not be deemed a nonconforming use in such district, but shall, without further action, be considered a conforming one.
- C. Exceptions or waivers of standards within this Title, other than use, inclusive of "Variances" may be permitted through issuance of a conditional use permit.

11B-7-3-2: GENERAL STANDARDS FOR CONDITIONAL USES

- A. The Commission/Council shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing such use at the proposed location:

1. Will, in fact, constitute a conditional use as established in Chapter 2 of this Title for the land use district involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of this Title.
3. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

11B-7--3: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

- A. In granting any conditional use, the Council may prescribe appropriate conditions, bonds and safeguards in conformity with this Title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Title.

11B-7-3-4: CONDITIONAL USE PERMIT

- A. Application For Conditional Use Permit: An application for conditional use permit shall be filed with the Administrator by at least one (1) owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:
 1. Name, address, phone number and email address of the applicant.

2. Legal description of property.
 3. Description of existing use.
 4. Zoning district and land use district.
 5. Description of proposed conditional use.
 6. A plan for the proposed site for the conditional use showing, as applicable, the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Title.
 7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the vicinity; and the relationship of the proposed use to the Master Land Use Map.
- B. Supplemental Information: Prior to granting a conditional use permit, the Council may request studies from the planning staff or public agencies concerning social, economic, fiscal and/or environmental effects on the proposed conditional use.
- C. Procedure For Approval Of Conditional Use Permit:
1. Public Hearing, Notice: The Commission shall hold a public hearing in which interested persons shall have an opportunity to be heard. The public hearing before the Commission shall be scheduled to a date within sixty (60) days of receipt of an application. Within seventy-five (75) days after receipt of the application, the Commission shall make its recommendation to approve, conditionally approve or deny the application. Notice shall be provided as required by Section 11B-7-12 of this Title.
 2. Action By The Commission and Council: The Commission shall transmit its recommendation of approval or denial to the Council. Within sixty (60) days after receipt of the Commission's recommendation, the Council shall approve or deny the application. The Council shall follow notice and hearing requirements set forth in Section 11B-7-12 of this Title. If the application is approved or approved with modifications, the Council shall direct the Administrator to issue a conditional use permit listing the specific conditions specified by the Council for approval.

Upon granting or denying an application, the Council shall specify:

- a. The ordinance and standards used in evaluating the application.
- b. The reasons for approval or denial.

- c. The actions, if any, that the applicant could take to obtain a conditional use permit.
- 3. Notice To Applicant: Within ten (10) days after a written decision has been rendered, the Administrator shall provide the applicant with written notice of the action on the request.
- D. Conditions Of Permit: Upon the granting of a conditional use permit, conditions shall be attached to said permit including, 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 this Title.
- E. Transfer Of Permit: A conditional use permit is not transferable from one parcel of land to another. Conditional use permits are an entitlement to the specific property on which the approval was granted and upon any transfer of title for the property the conditional use permit transfers to the new owner(s) without further application or approval, provided, however, the new owner(s) shall be bound by the same conditions of approval applicable to the conditional use permit that was transferred.
- F. Effect Of Issuance On Other Conditional Uses: A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits.
- G. Time Limitations, Extensions:
 - 1. Once a conditional use is approved and exercised, said use may continue without further temporal constraints, provided that the use complies with its intended purpose, or City approved modifications thereafter, and does not violate any codes, subject to the following:
 - a. An approved Conditional Use Permit shall be valid for a term approved and conditioned by the Council, which term may be perpetual.
 - b. An extension of the time limit for an approved conditional use may be granted by the Council, at its sole discretion, without further notice and hearing, if the following findings are made:

- i. There are no outstanding applicable City code or Conditional Use Permit violations on the subject property. If such violations exist, they may be conditioned by the Council to be cured as a condition of the extension of time.
- ii. The conditional use, as previously approved, remains in the best interests of the health, safety, and general welfare of the City.
- iii. There have been no significant changes to this Title between the date of conditional use approval and the date of the time extension request that would require substantial modifications to the project.
- iv. There are no hazardous conditions which have developed or have been discovered on the project site.
- v. The public facilities and services required for the project remain adequate.

11B-7-5: VARIANCES

11B-7-5-1: AUTHORITY TO GRANT VARIANCES

- A. Authority To Grant Variances: The Council may authorize, in specific cases, such variance from the terms of this Title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Title would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Title would result in unnecessary hardship.
- B. Application And Standards For Variance: A variance from the terms of this Title shall not be granted by the Council unless and until a written application for a variance is submitted to the Administrator and the Council containing:
 1. Name, address, phone number and email address of the applicant.
 2. Legal description of property.
 3. Description of nature of variance requested.
 4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same land use district.

- b. That a literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same land use district under the terms of this Title.
- c. That special conditions and circumstances do not result from the actions of the applicant.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Title to other lands, structures or buildings in the same land use district.
- e. A variance shall not be granted unless the Council makes specific findings of fact based directly on the particular evidence presented to the Council which support conclusions that the above-mentioned standards and conditions have been met by the applicant.

11B-7-5-2: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

- A. Under no circumstances shall the Council grant a variance to allow a use not permissible under the terms of this Title in the land use district involved, or any use expressly or by implication prohibited by the terms of this Title in said land use district. In granting any variance, the Council may prescribe appropriate conditions and safeguards in conformity with this Title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Title.

11B-7-5-3: PROCEDURE FOR APPROVAL OF A VARIANCE

- A. Public Hearing, Notice: Prior to granting a variance, the Commission shall hold a public hearing in which interested persons shall have an opportunity to be heard. The public hearing before the Commission shall be scheduled to a date within sixty (60) days of receipt of an application. Within seventy-five (75) days after receipt of the application the Commission shall make its recommendation to approve, conditionally approve or deny the application. Notice shall be provided as required by Section 11B-7-12 of this Title.
- B. Action By the Commission and Council: The Commission shall transmit its recommendation of approval, conditional approval or denial to the Council. Within sixty (60) days after receipt of the Commission's recommendation, the Council shall approve or deny the application. The Council shall follow the notice requirements provided by Section 11B-7-12 of this Title. The Council may approve, conditionally approve or deny a variance request under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this Title. If the application is approved or approved with modifications, the Council shall direct the Administrator to issue a variance listing the specific conditions specified by the Council for approval. Upon making its recommendation to the Council, and upon granting or denying an application, the Commission or Council, as applicable, shall specify:

1. The ordinance and standards used in evaluating the application.
 2. The reasons for approval or denial.
 3. The actions, if any, that the applicant could take to obtain a variance.
- C. Notice To Applicant: Within seven (7) days after a written decision has been rendered, the Administrator shall provide the applicant with written notice of the action on the request. Such written notice shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code.

11B-7-6: DESIGN REVIEW; ADMINISTRATIVE

- A. The design requirements, objectives and consideration found in Section 11B-3-3, of this Title, apply to most development in Avimor and design review applications are processed as provided herein.

11B-7-6-1: ADMINISTRATIVE LEVEL DESIGN REVIEW APPLICATION

- A. Design Review Application Scheduling: At least thirty-five (35) days prior to action by the Administrator, anyone required to comply with this Chapter shall submit their application, together with the required fee, to the Administrator. The Administrator may extend the thirty-five (35) day review time for design review applications that are unusually large or complicated and may decrease review times for applications that are minor or do not require transmittals to other agencies.
- B. Action And Required Findings: Following a complete review of the design review application, the Administrator shall approve the application as presented, approve the application with supplementary conditions, continue the application for further review, or deny the application. Within two (2) days after the Administrator's decision has been rendered, the Administrator shall provide the applicant written notice of the action on the request. The decision of the Administrator shall be final unless the Administrator's decision is appealed timely to the Design Review Board.

11B-7-6-2: ADMINISTRATIVE LEVEL DESIGN REVIEW APPEALS

- A. Appeal of Administrator Decision to Design Review Board: Administrative level design review decisions may be appealed to the Design Review Board. An appeal fee, as may be adopted by resolution of the Council, shall be required for any appeal. Any such appeal shall be submitted within ten (10) calendar days after the Administrator's written decision by filing with the Administrator a notice of appeal specifying the grounds for the appeal. The Administrator shall transmit to the Design Review Board, all documents constituting the record upon which the appeal is based.

- B. Action By the Design Review Board: Within forty-five (45) days after receipt of the appeal, the Design Review Board shall approve, approve with conditions, continue for further review, or deny the appeal. Upon granting or denying an appeal, the Design Review Board shall specify:
 - 1. The ordinance and standards used in evaluating the appeal.
 - 2. The reasons for approval or denial.
 - 3. The actions, if any, that the applicant or appellant could take to obtain the result requested.
- C. Notice to Appellant: Within seven (7) days after the Design Review Board's written decision has been rendered, the Administrator shall provide the appellant written notice of the action on the request. The decision of the Design Review Board shall be final unless the Design Review Board's decision is appealed timely to the Council.
- D. Appeal of Design Review Board Decision to Council: Design Review Board decisions may be appealed to the Council. An appeal fee, as may be adopted by resolution of the Council, shall be required for any appeal. Any such appeal shall be submitted within twenty (20) calendar days after the Design Review Board's written decision by filing with the Administrator a notice of appeal specifying the grounds for the appeal. The Administrator shall transmit to the Council, all documents constituting the record upon which the appeal is based. An appeal stays all proceedings in furtherance of the action taken unless the Administrator certifies to the Council after the notice of appeal is filed with the Administrator that by reason of facts stated in the application, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Council or by a court based upon an application, with notice to the Administrator showing due cause.
- E. Action By the Council: Within forty-five (45) days after receipt of the appeal, the Council shall approve, approve with conditions, continue for further review, or deny the appeal. Upon granting or denying an appeal, the Council shall specify:
 - 1. The ordinance and standards used in evaluating the appeal.
 - 2. The reasons for approval or denial.
 - 3. The actions, if any, that the applicant or appellant could take to obtain the result requested.
- F. Notice to Appellant: Within seven (7) days after the Council's written decision has been rendered, the Administrator shall provide the appellant written notice of the action on the request. Such written notice shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to Section 67-8003, Idaho Code. The decision of the Council is final.

11B-7-7: DESIGN REVIEW; BOARD LEVEL REVIEW:

11B-7-7-1: Board Level Design Review Application

- A. Design Review Application Scheduling: At least thirty-five (35) days prior to action by the Design Review Board, anyone required to comply with this Chapter shall submit their application, together with the required fee, to the Administrator. The Administrator may extend the thirty-five (35) day review time for design review applications that are unusually large or complicated and may decrease review times for applications that are minor or do not require transmittals to other agencies. At least seven (7) days prior to any scheduled Design Review Board meeting, all applications to be considered at that meeting shall be made available to each member of the Design Review Board. The Administrator shall provide notice of the Design Review Board meeting to the applicant at least seven (7) days prior to the Design Review Board meeting.
- B. Action And Required Findings: Following a complete review of the design review application, the Design Review Board shall approve the application as presented, approve the application with supplementary conditions, continue the application for further review, or deny the application. Within seven (7) days after the Design Review Board's written decision has been rendered, the Administrator shall provide the appellant written notice of the action on the request. The decision of the Design Review Board shall be final unless the Design Review Board's decision is appealed timely to the Council.

11B-7-7-2: BOARD LEVEL DESIGN REVIEW APPEALS

- A. Appeal of Design Review Board Decision to Council: Design Review Board decisions may be appealed to the Council. An appeal fee, as may be adopted by resolution of the Council, shall be required for any appeal. Any such appeal shall be submitted within twenty (20) calendar days after the Design Review Board's written decision by filing with the Administrator a notice of appeal specifying the grounds for the appeal. The Administrator shall transmit to the Council, all documents constituting the record upon which the appeal is based. An appeal stays all proceedings in furtherance of the action taken unless the Administrator certifies to the Council after the notice of appeal is filed with the Administrator that by reason of facts stated in the application, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the City Council or by a court based upon an application, with notice to the Administrator showing due cause.
- B. Action By the Council: Within forty-five (45) days after receipt of the appeal, the Council shall approve, approve with conditions, continue for further review, or deny the appeal. Upon granting or denying an appeal, the Council shall specify:
 - 1. The ordinance and standards used in evaluating the appeal.
 - 2. The reasons for approval or denial.

3. The actions, if any, that the applicant or appellant could take to obtain the result requested.

C. Notice to Appellant: Within seven (7) days after the Council's written decision has been rendered, the Administrator shall provide the appellant written notice of the action on the request. Such written notice shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. The decision of the Council is final.

11B-7-8: APPEALS; ADMINISTRATIVE DECISIONS

A. The Council shall consider administrative appeals where it is alleged that an error has been made by the Administrator.

11B-7-8-1: ADMINISTRATIVE APPEALS

A. Appeal of Administrator Decision to Council: Appeals to the Council concerning interpretation or administration of this Title may be taken by any person aggrieved or by any officer or bureau of the legislative authority affected by any decision of the Administrator.

B. An appeal fee, as may be adopted by resolution of the Council, shall be required for any appeal. Any such appeal shall be submitted within twenty (20) calendar days after the Administrator's written decision by filing with the Administrator a notice of appeal specifying the grounds for the appeal. The Administrator shall transmit to the Council, all documents constituting the record upon which the appeal is based. An appeal stays all proceedings in furtherance of the action taken unless the Administrator certifies to the Council after the notice of appeal is filed with the Administrator that by reason of facts stated in the application, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Council or by a court based upon an application, with notice to the Administrator showing due cause.

C. Action By the Council: Within sixty (60) days after receipt of the appeal, the Council shall approve, approve with conditions, continue for further review, or deny the appeal. Upon granting or denying an appeal, the Council shall specify:

1. The ordinance and standards used in evaluating the appeal.

2. The reasons for approval or denial.

3. The actions, if any, that the applicant or appellant could take to obtain the result requested.

D. Notice to Appellant: Within seven (7) days after the Council's written decision has been rendered, the Administrator shall provide the appellant written notice of the action on the request. Such written notice shall provide or be accompanied by notice to the applicant

regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. The decision of the Council is final.

11B-7-9: TITLE AMENDMENTS

- A. Authority: Whenever the public necessity, convenience, general welfare or good zoning practices require, and in accordance with the provisions for amendments to this Title contained in the Avimor Development Agreement, the Council may, by ordinance after receipt of recommendation thereon from the Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations of this Title.
- B. Application For Amendment: Applications for amendments to this Title shall contain at least the following information:
 - 1. Name, address, phone number and email address of the applicant.
 - 2. A vicinity map at a scale approved by the Administrator showing property lines, thoroughfares, existing and proposed zoning and such other items as the Administrator may require.
 - 3. A list of all property owners and their mailing addresses who are within three hundred feet (300') of the external boundaries of the land being considered.
 - 4. A statement on how the proposed amendment relates to the purpose statement of this Title in Section 11B-1-2, and the Avimor Development Agreement, availability of public facilities, and compatibility with the surrounding area.
 - 5. A fee as established by the Council.
 - 6. Letter from the Master Developer signifying the Master Developer's concurrence, conditional concurrence, or opposition of the application.
- C. General Procedure For Amendments: This Title shall be amended in the following manner:
 - 1. Request for an amendment to this Title shall be submitted to the Commission, which shall evaluate the request to determine the extent and nature of the amendment requested. Request for an amendment to Chapter 3 of this Title shall be submitted first to the Design Review Board, which shall evaluate the request to determine the extent and nature of the amendment requested and make its recommendation to the Commission.
 - 2. Requests shall be reviewed by the Commission and shall be evaluated to determine if such action shall create a demand for public infrastructure that is not currently available for the site including, but not limited to, municipal sewer and water services.
 - 3. If the request is in accordance with the purpose statement of this Title in Section 11B-1-2, availability of public facilities, and compatibility with the surrounding area and the

Avimor Development Agreement, the Commission may recommend and the Council may adopt or reject the amendment under the notice and hearing procedures provided in Section 11B-7-12 of this Title.

D. Public Hearings, Notice: The Commission, prior to recommending an amendment to this Title to the Council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The Planning & Zoning Commission shall follow the notice requirements provided in Section 11B-7-12 of this Title. Following the Commission's hearing, if the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards the amendment with its recommendation to the Council.

E. Action By Commission:

1. Recommendation By The Commission: Within sixty (60) days from the receipt of the proposed amendment, the Commission shall transmit its recommendation to the Council. The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The Commission shall ensure that any recommendations for amendments are in accordance with the following findings:

a. The proposed amendment is in accordance with the purpose statement of this Title in Section 11B-1-2, the availability of public facilities, compatibility with the surrounding area, and consistency with the Avimor Development Agreement.

b. The information provided from the agencies having jurisdiction over Avimor indicate that adequate public facilities exist, or are expected to be provided, to serve any and all uses allowed on property affected by the proposed amendment.

c. No nonconforming uses will be created with the amendment.

F. Action By Council:

1. The Council, prior to adopting, revising or rejecting the amendment to this Title as recommended by the Commission, shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the Council hearing, if the Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Council adopts the amendment.

2. Upon granting or denying an application to amend this Title, the Council shall specify:

a. The ordinance and standards used in evaluating the application.

b. The reasons for approval or denial.

c. The actions, if any, that the applicant could take to obtain the amendment.

G. Effect Of Amendment Approved: In the event the Council shall approve an amendment, such amendment shall thereafter be made part of this Title upon the preparation and passage of an ordinance.

11B-7-10: ZONING UPON ANNEXATION; SUBDIVISION LAND USE MAP AMENDMENT

- A. The initial Avimor property was annexed and rezoned to Mixed Use with the Avimor PD Overlay District (MU-PD-Avimor). All additional annexations into Avimor shall be subject to the provisions of this Title and the terms of the Avimor Development Agreement. The City shall not annex any lands into Avimor without prior written consent from the Master Developer. Prior to annexation of an unincorporated area, the Council shall request and receive a recommendation from the Commission on the proposed additions to the Master Land Use Map and/or the Avimor Development Agreement for the unincorporated area. The Commission and the Council shall follow the notice and hearing procedures for map amendments set forth in Section 11B 7-12.D of this Title. Concurrently or immediately following the adoption of an ordinance of annexation, the Council shall amend the Master Land Use Map and the Avimor Development Agreement to reflect the annexation.
- B. Subdivision Land Use Maps may be amended in accordance with the Master Land Use Map as follows:
 - 1. With respect to property owned by the Master Developer, the Master Developer may amend any filed and approved Subdivision Master Land Use Map, in order to redesignate the Land Use Districts, Sub-Use Districts and boundaries thereof, by filing an amended Subdivision Land Use Map with the Administrator.
 - 2. With respect to property owned by any third-party, the Master Developer may amend any filed and approved Subdivision Master Land Use Map, in order to redesignate the Land Use Districts, Sub-Use Districts and boundaries thereof, by filing an amended Subdivision Land Use Map and written consent of the third-party land owner with the Administrator.

No party, except the Master Developer may amend or alter a Subdivision Master Land Use Map.

11B-7-11: SCHEDULE OF FEES, CHARGES AND EXPENSES

- A. The Council shall establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plat approvals and other matters pertaining to the administration and enforcement of this Title requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Administrator and may be altered or amended only by the Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

- B. All Avimor applications submitted by the Master Developer that have not been identified on the City's schedule of fees as adopted by the Council or that require the City to contract staff specialized to review such materials, including but not limited to economic analysis, habitat and engineers, shall be subject the terms of the reimbursement agreement between the City and the Master Developer, as may be amended from time to time.

11B-7-12: NOTICE REQUIREMENTS

- A. Public Hearings: On every land use action for which notice is provided below, both the Commission and the Council shall hold a public hearing in which interested persons shall have an opportunity to be heard. No notice of a Council hearing shall be given prior to receiving a recommendation from the Commission or an appeal from the Design Review Board. Following any hearing, if a material change from what was advertised in the notice and presented at the public hearing is proposed, further notice and hearing shall be provided before the final decision is made.
- B. Neighborhood Meetings: Applicants shall conduct a neighborhood meeting for annexations, variances, conditional uses, zoning amendments, and subdivisions.
 - 1. Meeting Requirements:
 - a. It shall be the sole duty of the applicant to provide mailed written notice, in a form deemed appropriate by the Administrator, to all property owners of record owning property within a three hundred-foot (300') radius of the exterior boundary of the application property, and to contiguous homeowners' associations and any neighborhood associations deemed appropriate by the Administrator. Notice of a neighborhood meeting shall be in addition to, and not in lieu of, mailed radius notices already required by this Title, except when notice of a neighborhood meeting is required of two hundred (200) or more property owners of record, alternate forms of notice may be provided as deemed appropriate by the Administrator. The neighborhood meeting written notice shall be provided by mail minimum of fifteen (15) calendar days prior to the scheduled neighborhood meeting.
 - b. The purpose of the neighborhood meeting is for the applicant to provide project information to the property owners of record.
 - i. Meetings shall be on a Saturday between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M., or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The meeting shall not be on a holiday, a holiday weekend or the day before or after a holiday or holiday weekend.
 - ii. The meeting shall be held either on the application property, at the nearest public meeting place, or at an office space with suitable meeting facilities if such facilities are within the City of Eagle area of impact boundary.

- c. The neighborhood meeting shall be conducted prior to the submittal of the application.
 - d. Application materials shall include a written verification of the neighborhood meeting and a dated copy of notice provided to property owners of record.
- C. Published And Mailed Notice For Title 11B Text Enactments, Amendments, And Repeals: At least fifteen (15) days prior to each hearing, notice of the time and place of the hearing and a summary of the proposed action shall be published in the official newspaper or paper of general circulation within the City. Notice shall also be made available to other papers, radio, and television stations serving the City for use as a public service announcement. Notice shall be sent to all political subdivisions providing services within the City, including school districts, at least fifteen (15) days prior to the public hearing.
- D. Published And Mailed Notice For Master Land Use Map Amendments, Avimor Development Agreement Amendments, Conditional Use Permit, Variance, and Subdivision: At least fifteen (15) days prior to each hearing, notice of the time and place of the hearing and a summary of the request and proposed action shall be published in the official newspaper or paper of general circulation within the City. Notice may also be made available to other papers, radio, and television stations serving the City for use as a public service announcement. Or fifteen (15) days prior to the hearing, additional notice shall be provided by mail to political subdivisions providing services, and to property owners of record of the land being considered, of land within a three hundred-foot (300') perimeter of the exterior boundary of the application property.
- E. Posted Notice: Except as noted within this subsection, anytime notice is required under subsection D of this Chapter, the land being considered shall be posted not less than ten (10) days prior to the Commission hearing and again not less than ten (10) days prior to the Council hearing. For Title 11B amendments consisting of changes to more than ten (10) parcels of land posted notice shall not be required unless all parcels under request for amendment is contiguous and if the parcels abut a public right of way. In such cases a minimum of one four foot by eight-foot (4' x 8') plywood sign shall be placed adjacent to the right of way. Otherwise, three (3) notices in the official newspaper or paper of general circulation, with the third notice appearing a minimum of ten (10) days prior to the public hearing, shall be published. The notice shall include a six inch by six-inch (6" x 6") minimum size graphic representation showing the proposed Title 11B map amendments. Except as noted herein, posting of the property must be in substantial compliance with the following requirements:
 - 1. Signage Requirements:
 - a. The sign(s) shall consist of four foot by four-foot (4' x 4') plywood or other hard surface mounted on two (2) four inches by four-inch (4" x 4") posts in such a manner that it is perpendicular to the roadway along which the sign is posted and the bottom of the sign is at least three feet (3') above the ground.

- b. Centered at the top of the four foot by four-foot (4' x 4') sign board(s) in six-inch (6") letters shall be the words "Public Notice". In addition, each sign will inform the public of the name of the applicant, and if applicable, the proposed development, the date, time, place, and nature of the public hearing and a summary of the proposal to be considered. Each sign shall be painted white and the letters shall be painted black and shall appear on both sides. An example of this sign is listed below:

Size = 6 inches-----	PUBLIC HEARING NOTICE
Size = 2 inches-----	Eagle Planning and Zoning Commission
Size = 1.5 inches-----	THE CITY OF EAGLE will hold a public hearing on May 9, 1995, at the Eagle City Hall.
Size = 1.5 inches-----	PURPOSE: Annexation and Zoning- You-Name-It Subdivision- Zoning R-4, Subdivision Preliminary Plat, 7.66 acres, 29 lots, single family dwelling, 1 lot open space/drainage w/ landscaped entryway.
Size = 1.5 inches-----	LOCATION: SW corner of Second St. and State St.
Size = 1.5 inches-----	APPLICATION BY: Average citizen, USA, Inc.

- 2. Location Of Signs: The sign(s) shall be posted on the land being considered along each roadway that is adjacent to it. The signs shall be located on the property outside of the public right of way, if they can be so located and remain clearly visible from the roadway; otherwise, the consent of the owner of the right of way must be obtained and the sign(s) located therein. Except as noted herein, or as determined by the Administrator, if the land being considered consists of more than one parcel of record, a sign must be located upon each parcel. The Administrator, upon finding that adequate notice will be provided, may not require all signs to comply with the size requirements of subsection E1 of this section. In the event that the land being considered includes properties with five hundred feet (500') or more of road frontage, a sign shall be placed on each end of the property roadway frontage. If this property includes a corner lot, three (3) signs maybe posted, one on the corner and one on each end of the property roadway frontages.
- 3. Certification: The applicant shall submit a certification to the City Clerk no later than seven (7) days prior to the hearing as to what, where, and when sign(s) were posted. Unless the certification is received by such date, the hearing will be canceled.
- 4. Sign Removal; Penalty: No later than three (3) days after the noticed hearing and any continuation thereof, sign(s) must be removed. A penalty of twenty-five dollars (\$25.00) per day shall be imposed against each applicant for late removal of the signs.

11B-7-14: VIOLATIONS AND PENALTIES

- A. Complaints Regarding Violations: Whenever a violation of this Title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the

causes and basis thereof, shall be filed with the Administrator. The Administrator shall properly record such complaint, immediately investigate and take action thereon as provided by this Title.

- B. Penalties: The City Attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this Title. Penalties for failure to comply with or violations of the provisions of this Title shall be as follows: Violation of any of the provisions of this Title or failure to comply with any of its requirements shall constitute an infraction, and be punishable as provided below. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense. Nothing herein contained shall prevent the Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Title or of the Idaho Code.
1. Misdemeanor Penalty: Any person convicted of a violation of any section or provision of this Title, without regard to the form of the judgment, shall be subject to fine and/or imprisonment up to but not exceeding the maximum penalties set forth in sections 18-113 and 50-302, Idaho Code, as may from time to time be amended and/or retitled. Either or both such fine and imprisonment may be imposed; and in addition, thereto, any person so convicted shall pay costs as the court may assess.
 2. Infraction Penalty: Any person convicted of a violation of any Chapter or provision of this Title when such offense is specifically designated as an infraction, and where no other penalty is set forth therein, shall be subject to fine as set forth in section 18-113A, Idaho Code, as may from time to time be amended and/or retitled. Failure to satisfy judgment as ordered by the court shall be deemed contempt of court punishable as a misdemeanor pursuant to Idaho Code 18-1801.
 3. Federally Mandated Programs: When this City is participating in a federally mandated program, wherein penalties or enforcement remedies are required by the terms of participation in the program, the City may enforce such requirements by ordinance, to include a criminal or civil monetary penalty not to exceed one thousand dollars (\$1,000.00), or imprisonment for criminal offenses not to exceed six (6) months or to include both a fine and imprisonment for criminal offenses as set forth in section 50-302, Idaho Code, as may from time to time be amended and/or retitled.
 4. License: When a person is convicted or found guilty of a violation of any Chapter or provision of this Title or any ordinance of the City, any license previously issued to him/her by the City, and directly related to the conviction, may be revoked by the court or by the Council.

CHAPTER 8
AREA OF CITY IMPACT

Eagle City Code 8-8 shall apply within Avimor to the extent it does not conflict with the provisions in this Title.

CHAPTER 9
HISTORIC PRESERVATION

Eagle City Code 8-9 shall apply within Avimor to the extent it does not conflict with the provisions in this Title

CHAPTER 10
DEVELOPMENT AGREEMENT

On _____, 2022, the Council approved the Avimor Development Agreement. The Avimor Development Agreement may be amended or terminated pursuant to its terms.

CHAPTER 11
MINIMAL PROPERTY MAINTENANCE

Eagle City Code 8-11 shall apply within Avimor to the extent it does not conflict with the provisions in this Title.

**CHAPTER 12
LAND SUBDIVISIONS**

**SUBCHAPTER 12A
GENERAL SUBDIVISION PROVISIONS**

11B-12A-1: SHORT TITLE

Chapter 12 of this Title shall be known and may be cited as the *SUBDIVISION ORDINANCE OF AVIMOR*.

11B-12A-2: AUTHORITY

These regulations are authorized by Title 50, chapter 13 and Title 67, chapter 65 of the Idaho Code; and Title 12, chapter 2 of the Idaho constitution, as amended or subsequently codified.

11B-12A-3: PURPOSE

The purpose of these regulations is to promote the public health, safety and general welfare, and to provide for:

- A. The harmonious development of Avimor.
- B. The coordination of streets and roads within a subdivision with other existing or planned streets and roads.
- C. Adequate open space for travel, light, air and recreation.
- D. Adequate transportation, water drainage and sanitary facilities.
- E. The avoidance of the scattered subdivision of land that would result in either of the following:
 - 1. The lack of water supply, sewer service, drainage, transportation or other public services.
 - 2. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
- F. The requirements as to the extent and the manner in which:
 - 1. Roads shall be created, improved and maintained.
 - 2. Water and sewer and other utility mains, piping connection, or other facilities shall be installed on lots smaller than 2 acres in size, if available.
- G. The manner and form of making and filing of any plats.
- H. The administration of these regulations by defining the powers and duties of approving authorities.

11B-12A-4: JURISDICTION:

These regulations shall apply to the subdivision of land within Avimor that is subject to this Title.

11B-12A-5: INTERPRETATION:

All subdivisions as herein defined shall be submitted for approval by the council and shall comply with the provisions of this Title and the Avimor Development Agreement. In the event of a conflict between these regulations and any other provisions in City Code, these regulations shall prevail.

11B-12A-6: RULES AND DEFINITIONS:

A. Terms or words used herein shall be interpreted as follows:

1. The present tense includes the past or future tense, the singular includes the plural and the plural includes the singular.
2. The word "shall" is mandatory; the word "may" is permissive; and the word "should" is preferred.
3. The masculine shall include the feminine.

B. As used in Chapter 12 of this Title, the following words and terms shall have the meanings ascribed to them in this chapter:

ARTERIAL STREET: A street designated for the purpose of carrying fast and/or heavy traffic.

BLOCK: A group of lots, tracts or parcels within well-defined boundaries, usually streets.

BUILDING SETBACK LINE: The required distance from a building to a property line or site improvements, including streets, curbs, parking lots, various site driveways and access roads, walkways, hardscape, and walls, and in which no building or structure may be located above ground except as may be provided herein.

BUILDING SITE: An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for buildings.

COLLECTOR STREET: A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

COUNTY RECORDER: The office of the applicable County recorder.

COVENANT: A written promise or pledge.

CUL-DE-SAC: A street connected to another street at one end only and provided with a turnaround space at its terminus.

CULVERT: A drain that channels water under a bridge, street, road or driveway.

DEAD END STREET: A street connecting to another street at one end only and not having provision for vehicular turnaround at its terminus.

DEDICATION: The setting apart of land or interests in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public upon the acceptance by the city.

DITCH: An open channel artificially constructed.

DRAINAGE: Water that runs off the surfaces of a site or development. Synonymous with "runoff" as used herein.

DRAINAGE CHANNEL: A natural channel, ditch, pipe or other conduit for liquid, naturally or artificially situated to receive storm drainage at an inlet point or multiple inlet points and then convey such storm drainage to an outlet point.

DRAINAGE FACILITY: An artificially constructed or naturally occurring drainage channel, detention or retention facility, or partial retention facility.

DRAINAGE RECEIVER: A government entity, canal company or special taxing district which maintains a drainage facility adjacent to the development and agrees, as evidenced by a signed and dated public document, to accept a defined quantity of storm drainage from the development. This definition also applies to the Local Highway Department, with regard to any runoff from any development to any public street.

DRAINAGEWAY: A drainage channel or drainage ditch.

DRIVEWAYS: Driveways shall provide access to no more than three (3) dwellings. Driveways providing access to a maximum of eight (8) Single Family Special Lots, as described in Chapter 2 of this Title, may be permitted providing that the driveway length does not exceed one hundred fifty (150) feet and review and approval has been received from emergency service providers for the specific location and configuration.

EASEMENT: A grant by a property owner to specific persons or to the public to use land for specific purposes.

ENGINEER: Any person who is licensed in the state to practice professional engineering.

FLOODPLAIN: The relatively flat area or lowland adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a flood of 100-year frequency. The floodplain includes the channel, floodway or floodway fringe, as established pursuant to engineering practices of the U.S. Army Corps of Engineers.

CHANNEL: A natural or artificial watercourse of perceptible extent, with definite bend and banks to confine and conduct continuously or periodically flowing water.

FLOOD: The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water.

FLOOD OF 100-YEAR FREQUENCY: A flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

FLOODWAY FRINGE: That part of the floodplain which is beyond the floodway. Such areas include those portions of the floodplain which will be inundated by a flood of 100-year frequency.

HIGHWAY: A street designated as a highway by an appropriate state or federal agency.

HILLSIDE SUBDIVISION: Any subdivision, or portion thereof, having an average slope of twenty-five percent (25%) or more.

IMPROVEMENT: Any alteration to the land or other physical construction associated with subdivision and building site developments.

LOOP: A minor street in which both terminal points are on the same street of origin.

LOT AREA: The area of any lot shall be determined exclusive of street, highway, alley, road or rights of way of record.

LOT TYPES: As used in these regulations, lot types are as follows:

1. **Corner Lot:** A lot located at the intersections of two (2) or more streets.
2. **Interior Lot:** A lot other than a corner lot with frontage on only one street other than a corner lot.
3. **Through Lot:** A lot with frontage on more than one street other than a corner lot.

MAJOR SUBDIVISION: Any subdivision not able to qualify as a minor subdivision, including, but not limited to, subdivision of two (2) or more lots, or any size subdivision requiring any new street or extension of the local government facilities, or the creation of any public improvements.

MINOR STREET: A street which has the primary purpose of providing access to abutting properties.

MINOR SUBDIVISION: Any subdivision containing not more than thirty (30) lots fronting on an existing street; not involving any new street or road, or the extension of municipal facilities, or

the creation of any public improvements; and not adversely affecting the remainder of the parcel or adjoining property; and not in conflict with any provision or portion of the applicable preliminary plat, official map, or Chapter 11 of this Title.

MONUMENT: Any permanent marker either of concrete, galvanized iron pipe or iron or steel rods, used to identify any tract, parcel, lot or street lines, as specified in chapter 50-1303, Idaho Code.

ORIGINAL PARCEL OF LAND: Any unplatted contiguous parcel of land held in one ownership and annexed into the City of Eagle on _____.

OWNER: An individual, firm, association, syndicate, partnership or corporation having any interest, legal or equitable, in the land to be subdivided.

PARTIAL RETENTION OR DETENTION FACILITY: A constructed basin or underground storage vessel built to retain a portion of the storm drainage it receives until it is absorbed into the soil strata, and to allow not more than an amount as designated by agreement with an adjacent drainage receiver to pass into an adjacent drainage way or drainage facility.

PARTIAL RIGHT OF WAY: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

PERFORMANCE BOND: An amount of money or other negotiable security paid by the subdivider or his surety to the city clerk which guarantees that the subdivider will perform all actions required by the governing body regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

PLAT: The drawing, mapping or planning of a subdivision, town site or other tract of land or a replatting of such including certifications, descriptions and approvals including the following:

- A. Preliminary Plat: The first formal presentation by drawings of a proposed subdivision; and
- B. Final Plat: The final and formal presentation by drawings of an approved subdivision development, the original and one (1) copy of which is filed with the county recorder.

PRE-DEVELOPMENT RUNOFF: The runoff quantity that would have been produced during the design storm from the site in its original native soil condition, prior to any construction of buildings or of modified surfaces.

PRIVATE STREET: A common lot which provides access to adjacent properties under separate ownership and which is not dedicated to or officially accepted by a public entity, but not including driveways as defined in this Title.

RESERVE STRIP: A strip of land between a partial street and adjacent property which is reserved or held in public or private ownership for future street extension or widening.

RETENTION FACILITY: A constructed basin or constructed underground storage vessel built to retain all of the storm drainage it receives until it is absorbed into the soil strata.

RIGHT OF WAY: A strip of land dedicated or reserved for use as a public way which normally includes streets, sidewalks and other public utilities or service areas.

STANDARD SPECIFICATIONS: The specifications as specified in Chapter 12 of this Title or as officially adopted by the city.

STATE: The state of Idaho.

STORAGE VESSEL: An earthen basin or tank or vault structure employed to store liquid. Earthen basins used to store storm drainage may be filled with porous media (usually gravel) to attain structural stability, in which case the volume of available storage is taken as the volume of the interstitial voids of the porous media.

STORM DRAINAGE: The water running off the surfaces of a site as a result of precipitation on the site (including rain, hail meltwater and snow meltwater).

STREET: A right of way which provides access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, land, place and other such terms.

SUBDIVIDER: The individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of Chapter 12 of this Title. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

SUBDIVISION: The result of an act of dividing any lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development, which may also include the dedication of a public street. Subdivisions shall be divided into "minor subdivision" and "major subdivision", as those terms are defined in this chapter. However, Chapter 12 of this Title shall not apply to any of the following:

- A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of lots in any block of the recorded plat.
- B. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.

- C. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code.
- D. The exchange of land for the purpose of straightening property boundaries which does not result in the change of present land usage.

SUBDIVISION LAND USE MAP: A map submitted by a subdivider in connection with a preliminary plat application designating the area being platted with specific Land Use Districts and Sub-Use Districts.

SURVEYOR: Any person who is licensed in the state as a public land surveyor to do professional surveying.

VARIANCE: A modification of the requirements of Chapter 12 of this Title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and the variance is not in conflict with the public interest.

VICINITY MAP: A small scale map showing the location of a tract of land in relation to a larger area.

SUBCHAPTER 12B SUBDIVISION PLATS AND PROCEDURES
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11B-12B-1: APPLICATION FOR SUBDIVISION APPROVAL GENERALLY:

Any person desiring to create a "subdivision" as herein defined shall submit all necessary applications to the Administrator.

11B-12B-2: PREAPPLICATION PROCEDURE:

- A. Submission Of Pre-application: The subdivider shall submit a pre-application to enable the Administrator to review and comment on the proposed subdivision.
- B. Sketch Plan: The pre-application shall include at least one (1) copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form, and including the following:
 - 1. The general layout and approximate dimension of streets, blocks and lots in sketch form.
 - 2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site.
- C. Action By Administrator: The Administrator shall notify the subdivider within fifteen (15) days from the date of receipt of an acceptable pre-application as to the general conformance or nonconformance of the proposal with Chapter 12 of this Title, shall provide the necessary forms and checklists and shall comment on the following:
 - 1. Compliance of the proposed development with existing local or state governmental goals and objectives and the Avimor Development Agreement.
 - 2. Determination of additional special permits or ordinance conflicts such as rezone, special development permit or variance, are needed and the manner of coordinating such permits.
 - 3. Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property such as areas that have been designated by the State of Idaho as areas of critical environmental concern, unique plant or animal life, floodplain, airport flight pattern and the like.
 - 4. Consideration of other local and state governmental agencies that the subdivider should contact before preparing a preliminary plat.

11B-12B-3: PRELIMINARY PLAT

A. Application Required:

1. Filing Of Preliminary Plat Application and Data: The subdivider shall file with the Administrator a complete subdivision application form and preliminary plat data as required in this Title.

B. Combining Preliminary And Final Plat In Minor Subdivisions: The applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following exist:

1. The proposed subdivision: (i) is located in a HMU or MU/C Sub-Use District and does not exceed thirty (30) lots which may include Super Pad(s)/Large Lot(s); or (ii) is located in any Sub-Use District and does not exceed ten (10) lots which may include Super Pad(s)/Large Lot(s);
2. No major special development considerations are involved such as development in a floodplain, hillside development or the like;
3. All required information for both preliminary and final plat is complete and in an acceptable form; and
4. The proposed subdivision is not in conflict any provision of this Title.

A request to combine both preliminary plat and final plat into one (1) application shall be acted upon by the commission upon recommendation of the Administrator.

C. Required Information and Data:

1. The subdivider shall submit to the Administrator the following:
 - a. Three (3) hard copies and one electronic copy of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. Each copy of the preliminary plat shall be on good quality paper, shall have the dimensions of not less than twenty-four inches by thirty-six inches (24" x 36"), shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100'), shall show the drafting date, and shall indicate thereon, by arrow, the generally northerly direction.
 - b. Three (3) hard sets and one electronic copy of preliminary engineering plans (not meant to be cross chapters or detailed designs) for streets, water, sewers, sidewalks and other required public improvements; however, such engineering plans shall contain sufficient information and detail to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards;
 - c. A written application requesting approval of the preliminary plat and final plat.

- d. Appropriate information that sufficiently details the proposed development within any special development area such as hillside, planned unit development, floodplain, hazardous and unique areas of development.
3. The following shall be submitted separately:
 - a. The name of the proposed subdivision.
 - b. The name, address and telephone numbers of the subdivider or subdividers and the engineer or surveyor who prepared the plat.
 - c. The name and address of all adjoining owners of property and residents within three hundred feet (300') of the external boundaries of the land being considered, whether or not bisected by a public right of way as shown on record in the county assessor's office.
 - d. The legal description of the subdivision.
 - e. A Subdivision Land Use Map and a statement designating the Land Use District(s) and Sub-Use District(s), within the proposed subdivision.
 - f. A statement of the proposed uses with the proposed subdivision such as residential single-family, two-family and multiple housing, commercial, office, recreational or agricultural and a designation of any sites proposed for Super Pad(s) / Large Lot(s) or for parks, playgrounds, schools, churches, other public uses, or a combination of all or some.
 - g. A map shall be submitted showing the location of existing buildings, water bodies or courses and the location of currently dedicated streets at the point where they adjoin and/or are immediately adjacent; provided, that actual measured distances shall not be required.
 - h. A vicinity map showing the relationship of the proposed plat to the surrounding area.
 - i. The land use and existing zoning of the proposed subdivision and the adjacent land.
 - j. Streets, proposed street names, rights of way and roadway widths, including adjoining streets or roadways.
 - k. Central water and sewer service shall be provided for all lots less than two (2) acres in size, if such services are available. Provided that seeps, septic tank, sewage disposal facility, or hazardous waste disposal facility may be installed or maintained on the property except as approved by the Avimor Water Reclamation Company. When there is a conflict between this chapter and/or other titles the less restrictive provision shall prevail.

- l. Lot lines and blocks showing the dimensions and numbers of each including Super Pad(s)/Large Lot(s).
- m. Contour lines, shown at five-foot (5') intervals where land slope is greater than ten percent (10%) and at two-foot (2') intervals where land slope is ten percent (10%) or less, referenced to an established bench mark, including location and elevation.
- n. A site report as required by the appropriate health district where individual wells or septic tanks are proposed; Any proposed or existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants and their respective profiles.
- o. Any dedications to the public and/or easements, together with a statement of location, dimensions and purpose of such; and any additional required information for special developments as specified in Chapter 12E of this Title.
- p. A copy of any transportation studies or analysis that has been provided and/or required by another agency, having jurisdiction over the project, in support or review of this application.

D. Procedure For Approval Of Preliminary Plat:

1. Administrative Review:

- a. Certification By Administrator, Public Hearing: Upon receipt of the preliminary plat and all other required data as provided for herein, the Administrator shall certify the application as complete and shall affix the date of application acceptance thereon. The Administrator shall schedule a public hearing before the Commission, which hearing shall be held within sixty (60) days of the date of certification of a complete application.
- b. Review By Other Agencies: The Administrator shall refer the preliminary plat and application to as many governmental agencies as deemed necessary. Such agencies may include the following:
 - i. Other governing bodies having joint jurisdiction.
 - ii. The appropriate utility companies, irrigation companies or districts and drainage districts.
 - iii. The superintendent of the school district.
 - iv. Other agencies having an interest in the proposed subdivision.
- c. Recommendation By Administrator: The Administrator shall provide that any transmittal as provided in subchapter D.1.b of this chapter will be returned within

fifteen (15) days. At the end of the fifteen (15) day period, the Administrator shall prepare a recommendation to the commission. All agency responses shall be supplied by the Administrator to the Commission.

2. Public Notice: The Administrator shall provide notice in accordance with the requirements of Section 11B-7-12 of this Title.
3. Action By Commission:
 - a. Commission's Findings: In determining the acceptance of a proposed subdivision, the commission shall consider the objectives of Chapter 12 of this Title and at least the following:
 - i. The availability of or an approved plan to complete public services to accommodate the proposed development. including, but not limited to, compliance with Title 6, chapter 5 of City Code for areas that are serviced by Eagle City Water.
 - ii. The other health, safety and environmental problems that may be brought to the commission's attention.
 - b. Action On Preliminary Plat: The commission may recommend approval, conditional approval, disapproval or tabling for a period not to exceed thirty-five (35) days. Such action shall occur within thirty-five (35) days of the date of the regular meeting at which the plat is first considered by the commission. The action, and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The Administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the preliminary plat to the council for its action. Upon granting or denying a preliminary plat, the commission shall specify:
 - i. The ordinance and standards used in evaluating the application.
 - ii. The reasons for recommending approval or denial.
 - iii. The actions if any, that the applicant could take to obtain approval of the preliminary plat.
 - c. Action On Combined Preliminary And Final Plat: If the Commission's conclusion is favorable to the subdivider's request for the subdivision to be considered as both a preliminary plat and final plat, then a recommendation shall be forwarded to the Council in the same manner as herein specified for a final plat. The commission may recommend that the combined application be approved, approved conditionally or disapproved.

4. Action By Council: Within sixty (60) days after receipt of the commission's recommendation and following the notice requirements as set forth in Section 11B-7-12 of this Title, the Council shall hold a hearing and make findings as required in Section 11B-12B-3-3D of this Title. The Council shall approve, approve conditionally or disapprove the preliminary plat within thirty (30) days of the public hearing conducted to consider the commission's recommendation. Approval of a preliminary plat application also constitutes an approval of the Subdivision Land Use Map filed in connection with the preliminary plat. Such Subdivision Land Use Map shall be kept on file with the City to govern future development and allowed uses within the platted area.

E. Approval Period:

1. Failure to file an application with and obtain the certification of the acceptance of a final plat by the Administrator within three (3) years after the date on which action was taken by the Council shall cause all approvals of said preliminary plat to be null and void.
2. Up to a twelve (12) month extension of the time limit on the approved preliminary plat may be granted by the Council, at its sole discretion, if the following findings are made:
 - a. There are no outstanding City Code or plat approval violations pursuant to this Title on the subject property. If such violations exist, they may be conditioned by the Council to be cured as a condition of the extension of time.
 - b. The preliminary plat, as previously approved, remains in the best interests of the health, safety, and general welfare of the city.
 - c. There have been no significant changes to this Chapter 12 between the date of preliminary plat approval and the application date of the time extension request that would require substantial modifications to the project.
 - d. There are no hazardous conditions which have developed or have been discovered on the project site.
 - e. The public facilities and services required for the project remain adequate.
 - f. The applicant has provided a viable and acceptable plan which demonstrates that the final plat application will be filed within the year.
 - g. The applicant has provided a schedule that depicts the anticipated timing for the filing of the final plat application within the year.
3. The Council reserves the right to revoke the extension of time approval if it finds that any of the criteria herein are not met.

4. This chapter does not limit the number of extensions the Council may grant to an applicant so long as the criteria set forth in subchapter E.1 of this chapter are met. Nothing in this chapter requires the Council to grant any extension of an approval period.
5. Preliminary Plats with approved phasing plans do not need time extensions, so long as the construction of improvements do not cease for more than one (1) year in any given phase.
6. In the event that the development of the preliminary plat is made in successive, contiguous segments through an approved phasing plan in an orderly and reasonable manner, and conforms to such segments, if submitted within successive intervals for one (1) year, it may be considered for final approval without resubmission for preliminary plat approval.

11B-12B-4: FINAL PLAT

- A. Filing Of Final Plat: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel or any part thereof to be surveyed and a final plat prepared in accordance with the approved preliminary plat. There may be a 10% variance between the preliminary plat and the final plat with respect to number of lots, arrangement of lots, and overall layout, and such final plat shall still be in substantial conformance with the approved preliminary plat. The subdivider shall submit to the Administrator the following:
 1. Three (3) copies of the final plat.
 2. Three (3) copies of the final engineering construction drawings for streets, water, sewers, sidewalks and other public improvements.
- B. Contents: The final plat shall include and be in compliance with all items required under Title 50, chapter 13, Idaho Code and shall be prepared in accordance with the specifications set forth in chapter 50-1304, Idaho Code. The final plat shall include at least the following:
 1. A written application for approval of such final plat as stipulated by the Council.
 2. Proof of current ownership of the real property included in the proposed final plat.
 3. Such other information as the Administrator or Council may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat.
 4. Conformance within 10% of the approved preliminary plat and meeting all requirements or conditions thereof.
 5. Conformance with all requirements and provisions of Chapter 12 of this Title;
 6. Acceptable engineering practices and local standards.

7. The plat shall show building sites on each lot (except Super Pad(s)/Large Lot(s)) adjusted to setback requirements.
8. The plat shall identify Super Pad(s)/Large Lot(s) and note that such Super Pad(s)/Large Lot(s) are not buildable until replatted.

C. Procedure For Approval Of Final Plat:

1. Review By Administrator:

- a. Acceptance: Upon receipt of the final plat, and compliance with all other requirements as provided for herein, the Administrator shall certify the application as complete and shall affix the date of acceptance thereon.
- b. Resubmission Of Final Plat: The Administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the Administrator determines that there is substantial difference in the final plat, exceeding the 10% variance, then that which was approved as a preliminary plat or conditions which have not been met, the Administrator may require that the final plat be submitted to the commission and Council in the same manner as required in the preliminary plat process.
- c. Submission To The Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the Administrator shall place the final plat on the Council agenda within forty five (45) days from the date that a final plat application was received and acknowledged by the Administrator.

2. Agency Review: The Administrator may transmit one (1) copy of the final plat, or other documents submitted, for review and recommendation to the departments and agencies as he deems necessary to ensure compliance with the preliminary approval and/or conditions of preliminary approval. Such agency review shall also include the construction standards of improvements, compliance with health standards, the cost estimate for all improvements and the legal review of the performance bond.

3. Council Action: The Council, at its next meeting following receipt of the Administrator's report, shall consider comments from concerned persons and agencies to arrive at a decision on the final plat. The Council shall approve, approve conditionally, disapprove or table the final plat for additional information within thirty (30) days of the date of the first regular meeting at which the plat is considered. A copy of the approved plat shall be filed with the Administrator. Upon granting or denying the final plat, the Council shall specify:

- a. The ordinance and standards used in evaluating the application.
- b. The reasons for approval or denial.

- c. The actions, if any, that the applicant could take to obtain a permit.
- D. Conditional Approval Of Final Plat: With respect to financial assurance to be provided to the city, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:
- 1. The construction of improvements required by Chapter 12 of this Title shall have been completed by the subdivider (except for Super Pad(s)/Large Lot(s) and approved by the Council.
 - 2. Financial assurance acceptable to the Council shall have been filed in the form of a cash deposit, certified check, bond, irrevocable bank letter of credit, or surety deemed acceptable by the City.
- E. Approval Period: The final plat shall be filed with the county recorder within one (1) year after the date of written approval by the Council. Otherwise, such approval shall become null and void unless the subdivider, prior to said expiration date, applies for an extension of time and such extension is granted by the Council.
- 1. A minimum twelve (12) month extension of the time limit of the approved final plat may be granted by the Council, at its sole discretion, if the following findings are made:
 - a. There is no outstanding City Code or plat approval violations pursuant to this Title on the subject property. If such violations exist, they may be conditioned by the Council to be cured as a condition of the extension of time.
 - b. The final plat, as previously approved, remains in the best interests of the health, safety, and general welfare of the city.
 - c. There have been no significant changes to this Chapter 12 between the date of final plat approval and the application date of the time extension request that would require substantial modifications to the project.
 - d. There are no hazardous conditions which have developed or have been discovered on the project site.
 - e. The public facilities and services required for the project remain adequate.
 - f. The applicant has provided a viable and acceptable plan which demonstrates how recordation of the final plat will occur within the year.
 - g. The applicant has provided a schedule that depicts the anticipated progress for completion of the final plat within the year.
 - 2. The Council reserves the right to revoke the extension of time approval if it finds that any of the criteria herein are not met.

3. This chapter does not limit the number of extensions the Council may grant to an applicant so long as the criteria set forth in subchapter E.1 of this chapter are met. Nothing in this chapter requires the Council to grant any extension of an approval period.
- F. Required Certificates: The following certifications and signatures shall be included on the final plat prior to recording by the county recorder:
1. Certification and signature of the Council verifying that the subdivision has been approved.
 2. Certification and signature of the city clerk and the city engineer verifying that the subdivision meets the requirements of the city and has been approved by the Council.
 3. Certification of the sanitation restriction on the face of the plat in accordance with the provisions of chapter 50-1326, Idaho Code.
- G. Record Of Final Plat: Upon approval of the final plat by the Council, posting of financial assurance with the City pursuant to subchapter D of this Chapter, and the inclusion of those certifications and signatures on the final plat as set forth in subchapter F of this Chapter. The subdivider shall furnish proof to the Administrator that the final plat has been recorded.

11B-12B-5: FEES

At the time of submission of an application for a Planned Unit Master Plan, preliminary plat, and final plat, a fee, as established in the official fee schedule of the city, shall be paid. There shall be no additional fee for the combining of the preliminary and final plats and there shall be no fee for a pre-application.

11B-12B-6: RECORD OF LOT; PLAT APPROVAL

No final plat shall be filed with the county recorder or improvements made on the property except for grading pursuant to the Avimor Grading Guidelines and Hillside Development Standards, until the plat has been acted upon and approved by the Council.

11B-12B-7: SALE OF LOT; PLAT TO BE RECORDED

No lots shall be sold using a lot and block legal description until the plat has been recorded in the office of the county recorder.

11B-12B-8: PARCEL DIVISION

Any time that an original parcel of land is divided or partitioned into not more than two (2) parcels, thereby creating an additional parcel for the transfer of ownership or development, the following application process and procedures shall be followed:

- A. Application: An application for parcel division on a form provided by the Administrator shall be submitted to the Administrator and shall contain, at a minimum, the following information:
 - 1. Name, address, telephone number of the applicant.
 - 2. Legal description of property and proof of ownership or agency.
 - 3. Description of existing use.
 - 4. Zoning district.
 - 5. Description of parcels after proposed division.
 - 6. Description of proposed use.
 - 7. Documentation of the permission of the owner of the parcel to be divided.
- B. Procedure: Prior to approving an application under this chapter, the Council shall make the following findings:
 - 1. The minimum requirements under this Title for acreage, density, lot area and setback lines have been complied with.
 - 2. The proposed parcel division is in the public interest and will not adversely impact adjoining property interests.
- C. Notice: Within ten (10) days after a decision has been rendered, the Administrator shall provide the applicant with written notice of the action on the request.

SUBCHAPTER 12C SUBDIVISION DESIGN STANDARDS
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11B-12C-1: MINIMUM STANDARDS REQUIRED:

All plats submitted pursuant to the provisions of Chapter 12 of this Title, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions shall comply with the minimum design standards set forth in this Subchapter C; provided, however, that any higher standards adopted after the date of this Title shall not apply to this Title unless the standards are federally mandated by the Local Highway Department or the Idaho transportation department or health agency, in which case, they shall prevail over those set forth herein and the City may amend this Title to incorporate such standards without concurrence from the Master Developer.

11B-12C-2: STREETS AND ALLEYS

11B-12C-2-1: LOCATION AND DESIGN

Street and road location and design shall conform to the following standards:

- A. Street Location And Arrangements: When an official street plan or comprehensive development plan has been adopted, streets within a subdivision shall substantially conform to such approved plans
- B. Minor Streets: Minor streets shall be so arranged as to discourage use by through traffic.
- C. Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas, and shall have a cul-de-sac or temporary cul-de-sac if stub street is longer than 150 feet in length. A reserve street may be required and held in public ownership.
- D. Relation To Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.
- E. Public/Private Alleys: Alleys may be provided in multiple-family dwelling or commercial subdivisions unless other provisions are made for service access and off-street loading and parking. Dead end public alleys shall be prohibited in all cases.
- F. Cul-De-Sac Streets: Cul-de-sac streets shall not be more than three thousand feet (3,000') in length and shall terminate with an adequate circular turnaround having a minimum radius of fifty feet (50') of right of way including a landscape island with a minimum radius of ten feet (10'). A minimum of forty feet (40') of paved surface shall be provided between the landscape island and the outside edge of the street as measured from the face of curb of the island to the face of curb located on the outside edge of the street. All cul-de-sac streets shall include

bulb-outs every seven hundred fifty feet (750') to allow for emergency vehicles to turn around. No more than forty (40) lots shall be located on any cul-de-sac street between bulb-outs or beyond the final bulb-out. Exceptions to the requirements set forth in this paragraph may be considered by the Council if approved by the fire department and the highway district having jurisdiction.

- G. Half Streets: Half streets shall be prohibited except where unusual circumstances make such necessary to the reasonable development of a tract in conformance with Chapter 12 of this Title. Whenever a tract to be subdivided borders on an existing half or partial street, that has been previously dedicated, the other part of the street shall be dedicated within such tract.
- H. Driveways: Driveways shall provide access to no more than three (3) dwellings. Driveways providing access to a maximum of eight (8) Single Family Special Lots, as described in Chapter 2 of this Title, may be permitted providing that the driveway length does not exceed one hundred fifty (150) feet and review and approval has been received from emergency service providers for the specific location and configuration.

11B-12C-2-2: STREET WIDTHS

- A. Street and road right of way widths, grade, alignment, and so forth, shall conform to the adopted Master Street & Circulation Map and shall be approved by the Local Highway Department and/or other agency having jurisdiction.
- B. Notwithstanding subchapter A of this chapter, access from a frontage road onto an arterial street shall comply with Local Highway Department requirements.

11B-12C-2-3: INTERSECTIONS

Intersections shall conform to the following standards:

- A. Angle Of Intersection: Angles of street and driveway intersections shall be approved by the highway district having jurisdiction.
- B. Grade Of Intersection: The grade shall not exceed five (5) percent in slope through the intersections. In any event the intersection must be designed to meet ADA requirements.
- C. Sight Triangles: Minimum clear sight distance at all street and driveway intersections shall be approved by the highway district having jurisdiction.
- D. Number Of Streets: No more than two (2) streets shall cross at any one intersection.

11B-12C-2-4: STREET NAMES

The naming of streets shall conform to the following standards:

- A. A street name shall not duplicate any existing street name within the county except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same as existing street names shall not be used.
- B. All new streets shall be named as follows, unless the applicable street naming committee or emergency service provider request otherwise:
 - 1. Streets having a predominately north-south direction shall be named "avenue", except for chapter line streets which shall be named "road".
 - 2. Streets having a predominately east-west direction shall be named "street", except for chapter line streets which shall be named "road".
 - 3. Meandering streets having a predominately north-south direction shall be named "way".
 - 4. Meandering streets having a predominately east-west direction shall be named "drive".
 - 5. Cul-de-sacs having a predominately north-south direction shall be named "place".
 - 6. Cul-de-sacs having a predominately east-west direction shall be named "court".

11B-12C-2-5: PRIVATE STREETS

Private streets may be permitted, subject to the following:

- A. Compliance: Private streets are allowed within Avimor provided the Council determines that the private streets are in compliance with each of the following standards:
 - 1. The private streets shall provide safe and effective movement of both vehicular and pedestrian traffic, sidewalks, and parking.
 - 2. The private streets shall provide adequate access for service and emergency vehicles.
 - 3. The private streets do not adversely affect access or good transportation planning to adjacent property and to the area travel networks.
 - 4. The private streets do not landlock adjacent property due to topography or parcel layout.
 - 5. Other than to provide emergency access, the private streets do not connect one public street to another, thereby encouraging travel through the development served by the private street. The use or alignment of the private streets does not interfere with the continuity of public streets.
 - 6. An appropriate mechanism has been established for the repair and maintenance of the private streets, including provisions for the funding thereof.

7. Arterials and Collector roadways cannot be classified as private streets and must be public.
 8. Curbing on public streets will abide by the Local Highway Districts policy.
- B. Construction And Design Standards: Private streets shall conform to the following construction and design requirements:
1. All private street construction shall be in accordance with the Local Highway Department's structural standards for streets including base course and asphaltic concrete mat thickness utilizing the appropriate traffic index or as may be recommended by the City Engineer and approved by the Council, and shall further be in accordance with the Local Highway Department intersection design and drainage requirements, or as may be recommended by the City Engineer and approved by the Council.
 2. Sidewalks shall be required in accordance with Section 11B-12D-1 of this Title. Concrete curb shall be constructed on all arterial streets and on all collector streets that do not front on housing per the Local Highway Department standards.
 3. The design engineer shall identify on the construction drawings for the review and approval by the city engineer, all traffic signs needed for the project, including, but not limited to, designated parking and "no parking" areas, speed, stop, and such other signs as are required for safe pedestrian and vehicle travel.
 4. All private streets shall, during the progress of construction, be inspected and tested, at the expense of the owner or Master Developer, by a qualified inspector in order to ensure compliance with the construction and design standards set forth in this chapter, the construction drawings as prepared by the registered professional engineer, and good engineering and construction practices. Reports of such inspections and tests shall be submitted, together with a certification of such compliance, for the review and approval by the city engineer.
 5. All turnarounds shall be constructed to allow emergency access.
 6. Private streets shall directly or indirectly connect to a public right of way at one location. Dead end private streets shall terminate in a public right of way, at one of the following approved turnaround areas:
 - a. A cul-de-sac designed in accordance with the provisions of Section 11B-12C-2-1G of this Title and subject to the approval of the Eagle Fire District and city engineer and provided further that proper maintenance of the island is provided for.
 - b. A hammerhead/tee type turnaround or as may be otherwise approved by the Eagle Fire District and the city engineer.

c. Such other turnaround area as may be approved by the Eagle Fire District, city engineer, and Council.

d. The configuration of the streets and/or gating does not impede reasonable access to lands identified as public open space and/or lands with public easements. The design of all private streets and related storm drainage facilities shall be prepared by a licensed professional engineer in the state in substantial conformance with engineering and design standards in effect at the time of preparation of the design. Construction drawings, together with a certification of such conformity, shall be submitted for the review and approval by the city engineer. No part of this chapter shall be construed as allowing a private street that is not in conformance with current engineering and design standards.

7. If any provision of this chapter is found to be in conflict with any other applicable provision of Chapter 12 of this Title, the provision which establishes the higher and/or more restrictive standard shall prevail, unless specifically determined otherwise by the Council.

C. Access And Maintenance Requirements: Provisions shall be made for the future maintenance of and access to private streets as follows:

1. A plan and schedule for the future repair and maintenance of the private street and drainage facilities for the period of the expected lifetime thereof and a cost estimate therefore prepared by a licensed professional engineer in the state, together with a proposed method for funding the same, including, but not limited to, the creation and maintenance of a reserve fund for that purpose, shall be submitted with the final plat application for review and approval by the City Engineer and Council.

2. The location of the private street shall be clearly depicted on the face of the plat and notes shall be included on the face of the plat which shall:

a. Act to convey to each lot owner within the subdivision to be served by the private street the perpetual right of ingress and egress over the described private street.

b. Provide that such perpetual easement shall run with the land.

c. Provide that the restrictive covenant for maintenance of the private street cannot be modified and the homeowners'/property owners' association or other entity cannot be dissolved without the express consent of the City.

3. A restrictive covenant for repair and maintenance of the private street shall be recorded at the time of recording the plat which said covenant shall create a homeowners'/property owners' association or substantially similar entity and make provision for the perpetual maintenance of the private street in accordance with the approved plan as provided for in subchapter C.1 of this chapter. Said restrictive covenant shall also provide that the said covenant shall run with the land and that the said covenant

cannot be modified and that the homeowners'/property owners' association or other entity cannot be dissolved without the express consent of the city. The said restrictive covenant shall be reviewed and approved by the city attorney prior to certification and signing of the final plat by the city engineer.

4. The Council may, in the reasonable exercise of its discretion, order the owners or the entity responsible for the maintenance of any private street approved in accordance with the provisions of this chapter to undertake such repair and maintenance activities as it may determine is necessary to protect the public health, safety, or welfare and make such expenditures from the funds reserved therefor as may be required thereby; and the owner or responsible entity shall, as a condition of approval of any such private street, be deemed to have agreed to comply with any such order and to reimburse the city all of its costs, including attorney fees, incurred in obtaining or enforcing any such order. Any order entered by the council pursuant to this subchapter may be enforced by a court of competent jurisdiction and the city shall be entitled to recover its costs and attorney fees incurred in connection therewith.

11B-12C-3: PEDESTRIAN WALKWAYS

Right of way for pedestrian walkways in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. The pedestrian easement shall be a minimum of ten feet (10') wide.

11B-12C-4 EASEMENTS

- A. Unobstructed utility easements, where required, shall be provided along front lot lines, rear lot lines and/or side lot lines not to exceed the required building setbacks.
- B. Unobstructed drainageway easements shall be provided in conjunction with the utility easement alongside lot lines or as required by the Council. Total easement width, including the utility easement, shall not be less than ten feet (10'), except that lesser easement widths, to coincide with respective setbacks, may be considered as part of the plat.
- C. All-natural drainage courses shall be left undisturbed or be improved in a manner which will improve the hydraulics and ease of maintenance of the channel.

11B-12C-5: PLANTING STRIPS AND RESERVE STRIPS

Planting strips and reserve strips shall conform to the following standards:

- A. Planting Strips/Buffer Areas: Planting strips/buffer areas shall be required to be placed next to incompatible features such as highways, commercial or industrial uses to screen the view from residential properties and to provide noise mitigation for those residents. Such planting strips/buffer areas shall be as required by Chapter 3 of this Title. The landscape strip/buffer area shall not be a part of the normal street right of way and shall comply with all landscape/buffer area requirements within Chapter 3 of this Title.

B. Reserve Strips:

1. Private Reserve Strips: Privately held reserve strip access to streets shall be prohibited.
2. Public Reserve Strips: A one-foot (1') reserve may be required to be placed along half streets which are within the subdivision boundaries and shall be deeded in fee simple to the applicable highway authority for future street widening.

11B-12C-6: PUBLIC SITES AND OPEN SPACES

Public sites and open spaces shall conform to the following standards:

- A. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots and similar irreplaceable assets) shall be preserved in the design of the subdivision.
- B. Open Space: The minimum amount of open space that must be set aside for open space within Avimor shall be as follows: For every two (2) acres of developed land within each preliminary plat (excluding developed open space areas), the Master Developer will place one (1) acre of unfragmented habitat land, which may be owned and/or controlled by a third party. The Master Developer has already set aside 640 acres of unfragmented habitat land adjacent to the Avimor development area in a permanent conservation easement—400 acres provide habitat mitigation for the entire Village One Area in accordance with original Ada County approvals; 240 acres will offset developed acres in future preliminary plats within Avimor. With each preliminary plat, the Master Developer will designate Open Space areas that equal or exceed 20% of the developed land within the preliminary plat. By full build out, Avimor will include total Open Space areas that equal or exceed 50% of the Avimor acreage overall. The 20% per preliminary plat and 50% overall Open Space requirements may be satisfied with designated improved or unimproved Open Space areas within Avimor together with all lands placed into a permanent Open Space.
- C. Ownership And Management Of Open Space:
 1. Ownership Of Open Space: The applicant must identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon. If a homeowners' association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a homeowners' association is the owner, the homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.
 2. Management Plan: Applicant shall submit a plan for management of developed open space and common facilities (plan) that:

- a. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long term capital improvements.
 - b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the developed open space and outlines the means by which such funding will be obtained or provided.
 - c. Provides that any changes to the plan be approved by the Council.
 - d. Provides for enforcement of the plan.
3. Temporary Maintenance By City; Corrective Action: In the event the party responsible for maintenance of the developed open space fails to maintain all or any portion in reasonable order and condition, the city of Eagle may assume temporary responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance shall be charged to the owner, homeowners' association, or to the individual property owners that make up the homeowners' association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties. The exercise by the city of Eagle of its right to assume temporary maintenance responsibility to take corrective action shall not relieve the property owner of their maintenance responsibility nor should it be construed as the city assuming permanent responsibility for such maintenance.

11B-12C-7: WATER SYSTEM

The provision of a public water system shall conform to the following standards:

- A. All subdivisions within the Eagle city water service area, with lots smaller than two acres, shall comply with Title 6, Chapter 5 of City Code except as provided in this Title, the Avimor Development Agreement, or the Avimor Water Service Master Plan.

11B-12C-8: FENCES

- A. If any fencing is required, per the landscape plan, adjacent to improved open spaces and on the street side of all corner lots shall be an open fencing style such as wrought iron or other similar decorative style, durable fencing material as required in Chapter 3 of this Title. Chainlink, cedar, and similar high maintenance and/or unsightly fencing shall not be permitted. A chapter within the subdivision Master Charter shall be created for the regulation of fences to this effect.

SUBCHAPTER 12D REQUIRED SUBDIVISION IMPROVEMENTS

11B-12D-1: IMPROVEMENTS REQUIRED

Every subdivider shall be required to install the following public and other improvements in accordance with the following conditions and specifications.

11A-12D-1-1: MONUMENTS

Monuments shall be set in accordance with Chapter 50-1303, Idaho Code.

11B-12D-1-1: STREETS AND ALLEYS

All public streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Local Highway Department or the Idaho Transportation Department, whichever the case may be.

11B-12D-1-2: CURB AND GUTTER

A. Generally:

1. Vertical or Ribbon curb and gutter shall be constructed on collector and arterial streets.
2. Rolled curb and gutter, or other treatments acceptable to the Local Highway Department, may be required on minor streets.
3. All construction shall be in accordance with the standards and specifications adopted by the Local Highway Department.

B. Driveways, Curb Cuts: All driveway openings and curbs shall be as specified by the Local Highway Department

11B-12D-1-3: STREET SIGNS

Street name signs shall be installed in the appropriate locations at each street in accordance with the local standards. A per street sign fee shall be paid by the subdivider, if applicable.

11B-12D-1-4: STREETLIGHTS

The Master Developer or subdividers within Avimor shall be required to install, at the Master Developer's or subdivider's expense, streetlights that are not the obligation of the Local Highway Department in accordance with specifications and standards set by Chapter 3 of this Title. After installation and acceptance by the Administrator, the homeowners' association shall pay the cost of maintenance and power and assume ownership of the streetlights that are not the obligation of the Local Highway Department.

11B-12D-1-5: PEDESTRIAN/BICYCLE PATHWAY AND SIDEWALK REGULATIONS:

A. Intent: The placement of pathways is intended to encourage nonmotorized forms of travel, and to provide safe, convenient and aesthetic alternative travel routes to common destinations such as schools, parks, shopping centers, etc. The following factors will be considered in the placement of any pathway: the utility and need for a given pathway, impacts to existing neighborhoods, compliance with the transportation/pathway network maps within the Avimor Master Parks, Trails and Facilities Map, pathway design as it relates to both crime prevention and function, and the responsibilities of ownership, maintenance, and liability.

B. Location:

1. The City shall require the creation and maintenance of pathways (except in cases where it is shown to be inappropriate) that provide access to adjacent:

a. Schools.

b. Public parks.

c. Adopted pathway elements within the Avimor Master Parks, Trails and Open Space Plan.

c. Neighborhoods.

d. Shopping areas.

e. Public lands.

f. Transportation or other community facilities, and vacant parcels, held either publicly or privately which could provide future neighborhood connection(s) to the above noted sites.

g. In similar cases were deemed appropriate.

In addition, pathways may be required to connect sites other than those noted above when there is evidence that a pedestrian/cyclist would otherwise be forced to travel alongside a designated arterial roadway, or other roadway that may be hazardous for nonmotorized forms of travel, in order to reach the desired destination.

C. Existing Neighborhoods: The placement of a path will be based upon consideration of current residents of a neighborhood as well as future residents. Based upon the following, the city may choose to acquire a pathway in existing neighborhoods when:

1. The pathway would provide access to a nearby school or park.

2. A substantial lack of motorized access exists in the given area.
 3. No alternative pathway is provided.
 4. The pathway connects to adjacent subdivision pathways.
- D. Pathway Design: While the city may exercise considerable discretion in determining the design of pathways, the following minimum standards shall be followed:
1. Paved pathways: Neighborhood pathways within subdivisions which are designed for primary use by the residents of the subdivision shall be a minimum six feet (6') wide and shall be located within a minimum ten foot (10') wide pedestrian access easement. Community pathways within Avimor that are designed for primary use by residents, workers and visitors in Avimor shall be a minimum of six feet (6') wide and shall be located within a minimum of ten foot (10') wide pedestrian access easement.
 2. Unpaved or soft pathways: Neighborhood pathways widths within subdivisions may range from four feet (4') to six feet (6') and be located within a minimum ten foot (10') wide access easement. Community pathways within the community at large may range from five feet (5') to six feet (6') and be located within a minimum ten foot (10') wide access easement. Regional Pathways are those trails along highly trafficked corridors or with access to or from major trailheads and shall be a minimum six feet (4') to eight feet (8') wide and shall be located within a minimum twenty foot (16') wide pedestrian access easement.
 3. Barriers or bollards may be placed at the terminal ends of paths to restrict use by motor vehicles while allowing use by bicycles, wheelchairs and other modes of travel. The installation of such barriers or bollards shall not impeded access for emergency vehicles or the City of Eagle (if owned and maintained by the City).
 4. The official design standards for pathways
 5. In order to design for crime prevention, the following design standards will be required:
 - a. The use of open view fencing, such as wrought iron, is encouraged along neighborhood micro paths. View walls consisting of part wall (one half the height or less of the barrier) and part fence are also encouraged. Solid fencing is discouraged in these areas.
 6. Consideration shall be given to off street parking where paths connect to popular destination points and nearby streets may become congested with vehicles parked by pathway users. Where pathway links connect to major public open space that require vehicular parking, the Council may request the subdivider to designate land to be purchased and maintained by the appropriate public authority for public parking. Buffering of surrounding residential uses shall be considered in the area for purchase.

E. Responsibility: The following provisions are intended to provide guidance to those entities that are responsible for construction, maintenance and/or liability for a pathway. Installation costs, which may include construction of the pathways, are the responsibility of the subdivider.

1. Homeowners' Association: Pathway systems, and/or other amenities that are used primarily by the residents and businesses within Avimor shall be the responsibility of the homeowners' / business owners' association.
2. City: At the Council's discretion, the City may accept maintenance and liability for the regional pathway as designated in the Avimor Master Parks, Trails and Facilities Map, so long as the pathway is in good condition and repair and is identified in the pre-plat and dedicated at the time of final plat.

F. Sidewalk Design:

1. Sidewalks: As described in Section 11B-3-19-1 of this Title.

11B-12D-1-6: BICYCLE PATHWAYS:

A bicycle pathway system shall be provided within all subdivisions as part of the public right of way, within Open Space, or separate easement, as may be specified by the Council.

11B-12D-1-7: UNDERGROUND UTILITIES:

Underground utilities are required.

11B-12D-1-8: WATER SUPPLY AND SEWER SYSTEMS:

A. Construction; Extension: All public water supply or sewer systems (serving 2 or more separate premises or households) shall be constructed in accordance with any adopted local plans and specifications. If the Master Developer is constructing a new public water supply system and a new sewer system in Avimor, except within the Suez Service Area, the City shall be the exclusive municipal supplier of water to lands within Avimor. The City may allow connection to the City-owned water system in Avimor if it is deemed to be in the best interest of the City.

B. Approval Of Plans: All water and sewer plans shall be submitted to the Idaho Department of Environmental Quality or its authorized agent for approval in accordance with the provisions of chapter 50-1326, Idaho Code.

C. Pressurized Irrigation Facilities:

1. Irrigation water for all residential dwelling units shall be provided with water from the municipal system or from available non-potable water, as outlined herein.
 - a. Plans and documents completed in accordance to the required standards and

regulations shall be submitted with the application for a preliminary plat in accordance with the Avimor Water and Pressure Irrigation System Study.

- b. Development areas that are not provided with a separate pressured irrigation system shall be provided with a connection to the non-potable water system with the approval of the City, City Engineer. The following standards shall apply to individual irrigation connections to the system.
 - i. The installation of a DEQ approved reduced pressure backflow (RPB) prevention assembly or an air gap separating the irrigation system and the potable water system will be required on the property side of the domestic water meter.
 - ii. The RPB prevention assembly shall be installed, owned, and maintained by the property owner. Failure to properly maintain the RPB will result in a shutoff of water supply to the property until fully mitigated in accordance with City shutoff policy.
 - iii. The property owner shall have the RPB inspected by an appropriately licensed inspector and in accordance with State requirements annually and shall provide the results of a passing inspection to the City. Failure to complete the required inspection will result in a shutoff of water service until completed.
 - iv. Irrigation water may consist of a combination of non-potable water, treated effluent, and ground water as identified within the Avimor Water and Pressure Irrigation System Study. All development which is required to be served by a separate pressurized irrigation system must be constructed, operated, and maintained in accordance with this chapter and in accordance with the approved Avimor Master Water and Pressure Irrigation Plan that may be amended from time to time. The Avimor irrigation system shall be served by acquired water rights, surface water, or treated effluent in accordance with the Avimor Master Water and Pressure Irrigation Plan that may be amended from time to time.

11B-12D-1-9: STORM DRAINAGE; FLOOD CONTROLS

- A. Adequate Storm Drainage System: An adequate storm drainage system to accommodate storm water runoff from the public rights of way shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Local Highway Department and/or the Idaho Transportation Department, and construction shall follow the specifications and procedures established by said Local Highway Department or Idaho Transportation Department.
- B. Interceptor Ditches: Interceptor ditches shall be established above all cut/fill slopes, and the intercepted water conveyed to a stable channel or natural drainageway with adequate capacity.

- C. Curb, Gutter And Pavement Design: Curb, gutter and pavement design shall be such that water on roadways is prevented from flowing off the roadway except as approved by the Local Highway District.
- D. Natural Drainageway Treatment: Natural drainageways shall be riprapped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
- E. Deposit Of Waste Material Prohibited: Waste material from construction, including soil and other solid materials, shall not be deposited within the 100-year floodplain.
- F. Drainageways Or Hydraulic Structures In Major Waterways: Drainageways or hydraulic structures in major waterways (defined as draining a basin area of 10 acres or more) shall be designed for the 100-year flood or to accommodate the runoff projected in the soil conservation service hydrology guide for residential development of the Boise front, whichever is greater. In minor waterways (defined as draining a basin area of less than 10 acres), such structures shall be designed for the 50-year flood or to accommodate the runoff projected in the soil conservation service hydrology guide for residential development of the Boise front, whichever is greater.
- G. Storm Drainage Retention Facilities: Storm drainage retention facilities consistent with the Avimor Master Drainage Plan, shall be designed in connection with the final plat and implemented with a flow control system that achieves the following objectives: (1) minimize downstream impacts by not increasing pre-development flows from land development activities; and (2) accommodate pre-development flows from upstream land by providing adequate conveyance facilities through the project site; (2) designed in accordance with the Eagle Drainage Standards and consistent with the Avimor Master Drainage Plan as approved by the City; and (3) provide a mechanism to insure that all facilities shall be maintained on an ongoing basis in order to perform as designed. As part of construction drawings, a stormwater drainage plan shall be developed and approved by the City Engineer that promotes each of these objectives.
- H. Sediment Retention Facilities: These facilities shall be constructed and maintained downstream from development consistent with best management practices. Any such facility used shall provide for the removal of surface debris and contaminants, as well as sediment retention.
- I. Completion And Operation Deadline: The overall drainage system shall be completed and made operational at the earliest possible time during construction.
- J. Alterations Of Major Drainageways: Alterations of major drainageways shall be prohibited except for approved road crossings and drainage structures or as provided for in Chapter 9 of this Title.

- K. Natural Or Improved Open Channel Drainageways: Natural or improved open channel drainageways shall be preserved or provided for in major waterways; except, that at road crossings, conduits may be permitted. Minor waterways shall be permitted to be enclosed in conduits.
- L. Reservation Of Right To Require: The City reserves the right to require installation of hydrologic measuring devices in drainageways within any development at public expense.
- M. Drainage System Plans: Drainage system plans and/or the construction plans shall show how lots will be graded so that all runoff runs either over the curb, or to a drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.

11B-12D-1-10: FIRE HYDRANTS AND WATER MAINS

Adequate fire protection shall be required in accordance with the appropriate fire district standards.

11B-12D-1-12: LANDSCAPE BUFFER AREAS

Landscape buffer areas, in accordance with Section 11B-3-19 of this Title, shall be required for the protection of residential properties from streets classified as collectors, arterials, freeways/expressways, waterways, or other features. Subdivision plats shall show the location of all buffer areas.

11B-12D-2: CONSTRUCTION OF IMPROVEMENTS

Required improvements are those improvements subject to city regulation and approvals as required in Chapter 12 of this Title.

11B-12D-2-1: CONSTRUCTION PLANS

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer a complete set of construction plans, including profiles, cross chapter, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies and all construction plans shall be prepared in accordance with the public agencies' standards or specifications.

11B-12D-2-2: GUARANTEE OF IMPROVEMENTS

In lieu of the actual installation of the “required improvements” prior to the city clerk signing the final plat, the Council may permit the subdivider to provide a surety/financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement:

- A. Cash Deposit, Certified Check, Certificate Of Deposit, or other method accepted by the City of Eagle Or Surety Bond : A cash deposit, certified check, certificate of deposit, surety bond, or an irrevocable bank letter of credit, in the amount equal to one hundred twenty percent (120%) of the estimated construction costs of the “required improvements” contained within the final plat or public right-of-way shall be provided by the owner/subdivider and held by the city until said construction is complete. Construction cost estimates for the “required improvements” contained within a final plat or public right of way shall be reviewed and approved by the Administrator prior to city acceptance of said surety. The surety initiation and extension fees shall be established by resolution of the Council.

In the case of cash deposits or certified checks, the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, to the extent of the cost of the completed portion of the “required improvement”, in accordance with a previously entered into agreement. In the case of a certificate of deposit or an irrevocable bank letter of credit, the surety shall be reduced accordingly as construction of the “requirement improvements” subject to such surety is completed. Within thirty (30) days from the city’s approval of any such “required improvement”, the city shall release such surety, in whole or part, as may be appropriate under the circumstances.

- B. Completion Time: All “required improvements” shall be completed within one (1) year from the date of acceptance of the surety/financial guarantee of performance by the city for a plat. The Administrator may authorize a delay in the completion of “required improvements” during the months of November, December, January, February, and March due to weather conditions, if at a minimum, the surety is extended for an amount of time equal to the delay imposed by the Administrator.

11B-12D-2-3: INSPECTIONS

Before approving a final plat and construction plans and specifications for “required improvements”, the city may require an agreement between the subdivider and the Council to provide for checking or inspecting the construction and its conformity to the submitted plans.

11B-12D-2-4: FAILURE TO COMPLETE PUBLIC IMPROVEMENT CONSTRUCTION

In the event the subdivider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of “required improvements”, it shall be the responsibility of the Council to proceed to have such work completed. In order to accomplish this, the Council shall appropriate the cash deposit, certified check, other methods accepted by the City, and as may be included in a written agreement between the Council and the subdivider.

SUBCHAPTER 12E SPECIAL DEVELOPMENT SUBDIVISIONS
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11B-12E-1: PURPOSE AND SUMMARY OF PROVISIONS

The purpose of this Subchapter E is to identify various types of developments that normally pose special concerns to the elected officials when reviewing and acting upon subdivision requests. This Subchapter E outlines the plan submittal requirements and design standards that shall be taken into consideration when acting on special developments.

11B-12E-2: SUPPLEMENTARY PROVISIONS

The provisions of this Subchapter E are in addition to the plan requirements, design standards and improvement standards that are required by Subchapters B, C and D of Chapter 12 of this Title.

11B-12E-3: HILLSIDE SUBDIVISIONS

All development in Avimor shall proceed in accordance with the Avimor Grading Guidelines and Hillside Development Standards.

11B-12E-4: SUBDIVISION WITHIN A FLOODPLAIN

In addition to the provisions of this Chapter 12 of this Title, any subdivision within the designated floodplain of the city shall comply with ECC Title 10.

11B-12E-5: CONDOMINIUM SUBDIVISIONS

Any person desiring to create a condominium subdivision as defined by and in accordance with Title 55, Chapter 15, Idaho Code shall submit all necessary applications to the Administrator for review and approval.

SUBCHAPTER 12F

SUBDIVISION ADMINISTRATION AND ENFORCEMENT

11B-12F-1: ADMINISTRATION

The council shall appoint an Administrator to carry out the provisions as herein specified and to serve at the pleasure of the council. The Administrator shall receive and process all subdivision applications.

11B-12F-2: VACATIONS AND DEDICATIONS

- A. Application For Vacation Or Dedication: Any property owner desiring to vacate an existing subdivision, public right of way or easement shall complete and file an application with the Administrator. These provisions shall not apply to the widening of any street that is shown in the Avimor Master Street Plan _ or the dedication of streets, rights of way or easements to be shown on a recorded subdivision.

- B. Administrative Action:
 - 1. Action By Administrator: Upon receipt of the completed application, the Administrator shall affix the date of application acceptance thereon, shall place the application on the agenda for consideration at the next regular meeting of the commission which is held not more than fifteen (15) days after the date of acceptance.

 - 2. Recommendation By Commission: The commission shall review the request and all agency responses and within thirty (30) days of the meeting at which the issue was on the agenda, shall make a recommendation to the Council for either approval, conditional approval or denial.

 - 3. Action By Council:
 - a. Vacations: When considering an application for vacation procedures, the Council shall establish a date for a public hearing and give such public notice as required by law. The Council may approve, deny or modify the application. Whenever public rights of way or lands are vacated, the Council shall provide adjacent property owners with a quitclaim deed for the vacated rights of way in such proportions as are prescribed by law.

 - b. Dedications: When considering an application for dedication procedures, the Council may approve, deny or modify the application. When a dedication is approved, the required street improvements shall be constructed or a bond furnished assuring the construction prior to acceptance of the dedication. To complete the acceptance of any dedication of land, the owner shall furnish to the Council a deed describing and conveying such lands to be recorded with the county recorder.

- c. Decision: The Council shall review the request and all agency responses and commission recommendation, and within thirty (30) days of the meeting at which the issue was on the agenda either approve, conditionally approve or deny the request.
- C. Dedication Of Streets: Within a proposed subdivision, arterial and collector streets, as shown on the applicable preliminary , shall be dedicated to the public in all cases. In general, all other streets also shall be dedicated to public use and emergency ingress and egress where Local Highway Department is established.

11B-12F-3: VARIANCES

- A. Purpose: The Commission may recommend to the Council a variance from the provisions of Chapter 12 of this Title on a finding that undue hardship results from the strict compliance with specific provisions or requirements hereof or that application of such provisions or requirements is impracticable.
- B. Standards For Variances: No variance shall be favorably acted upon by the Council unless there is a finding, upon recommendation by the commission, as a result of a public hearing, that all of the following exist:
 - 1. There are such special circumstances or conditions affecting the property that the strict application of the provisions of Chapter 12 of this Title would clearly be impracticable or unreasonable. In such cases, the subdivider shall first state his reasons in writing as to the specific provision or requirement involved.
 - 2. Strict compliance with the requirements of Chapter 12 of this Title would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of Chapter 12 of this Title.
 - 3. The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
 - 4. Such variance will not violate the provisions of the Idaho Code.
 - 5. Such variance will not have the effect of nullifying the interest and purpose of Chapter 12 of this Title.
- C. Variances For Signs:
 - 1. Applicability: Sign variances may be granted to the height and display surface standards, to increase the number of allowed signs, to allow relocation of a sign, and to allow structural alterations, or other design items.
- D. The council may authorize, in specific cases, such variance from the terms of this Title as will not be contrary to the public interest where, owing to special conditions, a literal

enforcement of the provisions of this Title would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Title would result in unnecessary hardship.

- E. Application And Standards For Variance: A variance from the terms of this chapter shall not be granted by the council unless and until a written application for a variance is submitted to the Administrator and the council containing:
1. Name, address and phone number of applicant(s)
 2. Legal description of property
 3. Description of nature of variance requested
 4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - b. That a literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.
 - c. That special conditions and circumstances do not result from the actions of the applicant or a previous owner.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Title to other lands, structures or buildings.

11B-12F-4: ENFORCEMENT AND PENALTIES

A. Enforcement:

1. No subdivision plat required by Chapter 12 of this Title or the Idaho Code shall be admitted to the public land records of the County or recorded by the county recorder until such subdivision plat has received final approval of the Council.
2. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by Chapter 12 of this Title until the final plat has received the approval by the Council.

3. No permits for construction of any structure shall be issued on any parcel or lot until it has been determined such parcel or lot meets the requirements of Chapter 12 of this Title. Except for Community Centers, Common Lots, Pools, or any other construction having to do with Non-Dwelling Lots, as defined in Chapter 1 of this Title.
 4. The city attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of Chapter 12 of this Title.
- B. Violations And Penalties: Violations of any of the provisions of this Title or failure to comply with any of its requirements shall constitute a misdemeanor, and be punishable as provided in chapter 1-4-1 of this code. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense. Nothing herein contained shall prevent the Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of Chapter 12 of this Title or of the Idaho Code.

11B-12F-5: APPEALS

- A. Final Decision Appeal: Any final decision by the Administrator may be appealed to the Council. Within fourteen (14) calendar days following the Administrator's written decision the appealing party shall file a written notice of appeal with the city clerk before five o'clock (5:00) P.M. or close of business, whichever occurs later, specifically identifying which requirements are appealed to the Council including all reasons, factual and legal, why the decision of the Administrator should be overturned or modified.
- B. Action By The Council: Within twenty (20) calendar days from receipt of the written notice of appeal, the Administrator shall set a hearing date for the appeal to be heard by the Council. The Administrator and the city attorney shall provide the appellant and the Council with a written response to the notice of appeal, including any other documents filed by the appellant, at least three (3) calendar days prior to the appeal hearing. After hearing the appeal, the Council may approve, approve with supplementary conditions, or deny the appeal as presented. Within fourteen (14) calendar days after a written decision has been rendered by the Council, the Administrator shall provide the appellant with written notice of the decision.