



Planning & Development Services

PLANNING SERVICES NEIGHBORHOOD & COMMUNITY SERVICES

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PLANNING & ZONING COMMISSION (P&Z)

AGENDA

Wednesday, October 11, 2023, 6:30 p.m.

911 N. Seventh Avenue, City Council Chambers

The meeting will be live-streamed at: <https://streaming.pocatello.gov/> and available on Sparklight Cable channel 56

City Hall is accessible to persons with disabilities. Program access accommodations may be provided with two (2) days' advance notice by contacting Skyler Beebe at sbeebe@pocatello.gov; 208.234.6248 or 5815 South 5th Avenue, Pocatello, ID.

The Planning & Zoning Commission is a citizen advisory group to the City Council. They are charged with making recommendations concerning land use plans, planning processes and/or on matters of plan implementation. All regular meetings of the P&Z Commission are recorded for record retention and transcription.

The following is the official agenda of the Planning & Zoning Commission. Discussion and Commission action will be limited to those items on the agenda. Any citizen who wishes to address the Commission shall first be recognized by the Chair, and shall give his/her name and address for the record. If a citizen wishes to read documentation of any sort to the Commission, he/she shall first seek permission from the Chair. Oral testimony may be restricted to no more than 3 minutes per person.

AGENDA ITEM 1: Roll Call and Disclosure of Conflict of Interest, Ex-Parte Communication and Site Visit.

Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if there is anything personally or professionally that would not allow an impartial or unbiased decision. Disclose if a site visit was done, location(s) of the visit, and what was seen.

AGENDA ITEM 2: Approval of Minutes

The Commission may wish to waive the oral reading of the P&Z clarification and meeting minutes held September 13, 2023, and to approve the minutes as written. **(ACTION ITEM)**

AGENDA ITEM 3: Public Hearing – City Initiated Text Amendments to Title 17: Zoning Regulations

This time has been set aside for the Commission to hear comments from the public regarding City Initiated Title 17: Zoning Regulations Text Amendments. **(ACTION ITEM)**

PLANNING & ZONING COMMISSION (PZC)
Clarification Meeting Minutes for September 13, 2023, 2023 at 6:00 p.m.
City Hall Council Chambers
911 North Seventh Avenue, Pocatello, ID 83201

AGENDA 2

Chanda called the meeting to order at 6:04 p.m.

AGENDA ITEM #1: ROLL CALL

Present: Eugene Bartu, Krystal Chanda, Roger Frey, Adam Geyer and Marjanna Hulet.

Excused: Whitney Fenwick.

Unexcused: Richard Phillips.

Staff: Matthew Lewis, Aceline McCulla and Merrill Quayle.

**AGENDA ITEM #2: DISCUSSION TO CLARIFY ITEMS ON THE PLANNING AND ZONING
COMMISSION MEETING AGENDA FOR SEPTEMBER 13, 2023.**

The Commission and staff discussed the agenda items.

AGENDA ITEM #3: ADJOURN

With no further discussion, **Chanda** closed the meeting at 6:06 p.m.

Submitted by:

Aceline McCulla, Secretary

Approved on:

PLANNING & ZONING COMMISSION (PZC)
Meeting Minutes for September 13, 2023 at 6:30 p.m.
City Council Chambers
911 North Seventh Avenue, Pocatello, ID 83201

AGENDA 2

Chair Chanda opened the meeting at 6:30 PM.

AGENDA ITEM #1: ROLL CALL AND DISCLOSURE OF CONFLICT OF INTEREST, EX-PARTE COMMUNICATION AND SITE VISIT.

Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if there is anything personally or professionally that would not allow an impartial or unbiased decision. Disclose if a site visit was done, location(s) of the visit, and what was seen.

Present: Eugene Bartu, Krystal Chanda, Roger Frey, Adam Geyer, Marjanna Hulet and Richard Phillips.

Excused: Whitney Fenwick.

Staff: Matthew Lewis, Aceline McCulla and Merrill Quayle.

Bartu stated he visited the site, and none of the other Commission members had anything to report.

AGENDA ITEM #2: APPROVAL OF MINUTES

The Commission may wish to waive the oral reading of the P&Z clarification and regular meetings minutes held August 9, 2023, and to approve the minutes as written.

It was moved by **M. Hulet** and seconded by **R. Frey** to approve the meeting minutes as written from August 9, 2023. Those voting in favor were Bartu, Chanda, Fenwick, Frey, Geyer, Hulet, Phillips and Ryu. Those voting against were none. Motion passed unanimously.

AGENDA ITEM #: P&Z ELECTIONS

The Commission may wish to elect a Chair and Vice Chair.

Hulet nominated Krystal Chanda for Chair and Whitney Fenwick for Vice Chair.

It was moved by **M. Hulet** and seconded by **R. Phillips** to appoint Krystal Chanda as P&Z Chair and as Whitney Fenwick as P&Z Vice Chair. Those voting in favor were Bartu, Chanda, Fenwick, Frey, Geyer, Hulet, Phillips and Ryu. Those voting against were none. Motion passed unanimously.

AGENDA ITEM #4: PREMINARY PLAT FILE 23-1926

This time has been set aside for the Commission to hear comments from the public regarding a request by Gary Clark, represented by Chris Adams of Creek Hollow & Associates LLC for a subdivision to be known as Oakwood Subdivision. The proposal calls for the platting of 2.483 acres (more or less) into five (5) lots. The subject property is zoned Commercial General (CG) and consists of 5 professional office buildings with parking. The property owner is subdividing the property to include a building with the minimum amount of off-street parking. No changes to existing structures are being proposed.

Chanda opened up the public hearing at 6:35 p.m.

Chris Adams of Creek Hollow & Associates Inc., representing Gary Clark gave some background on the property that was originally developed in the 1980s. This is a replat of the property so each building has parking and lot size that meets code that will allow each building to be sold individually. Adams has some clarifying questions on the development conditions: 2, 3, 4, 5, and 6. Adams provided clarification on the drawing, on the north end of the property has the central dumpster location and would be covered under the Business Association for this subdivision.

Chanda had concerns of the dumpster area being gated, and property lines and utility easements be identified and the sewer and water drainage. **Adams** noted the north lot drains into the south drainage area. Clark may include the north parcel for cross access separately with the Business Association. **Chanda** noted the shed or out building is an

encroachment and needs to be sorted. **Hulet** asked about the drainage, as there is not swale. **Adams** has to pull the drain lids and determine the drainage route. The all parking lots drain into the storm inlet.

Matthew Lewis, Senior Planner with the City of Pocatello summarized the staff report.

Staff finds that the proposal is compliant with all applicable standards of City Code 16.20.050, assuming the following conditions are met: **1)** All comments contained in the Public Works Memorandum, dated September 5, 2023, shall be adhered to; **2)** A building permit may not be issued unless all applicable standards of City Code Section 16.24.100 are adhered to, or a subdivision surety bond and warranty bond is obtained as outlined in City Code 16.24.110, prior to recording; **3)** All other standards or conditions of Municipal Code not herein stated but applicable to land subdivision and residential development shall apply.

Merril Quayle, Development Engineer with the City of Pocatello clarified the development conditions listed in the Public Works Memorandum in the staff report. Quayle noted that Pershing road access is a better fit for the ADA access and meeting other conditions, more than the State roadway. In lieu of 6 & 7 follow the City standards for property association address and liability wavier on the plat. **Chanda** noted the traffic study is not needed, as nothing will change that is listed in the staff report. **Quayle** agreed and stated public works does not require a traffic study.

Chanda opened up the meeting for public comment at 6:59 PM.

Hulet asked Adams if he was okay with adding a Condition 8, in lieu of Condition 6 & 7 applicant could follow City standards for a property association for one billing address, including a liability wavier on the plat. **Adams** is agreeable. **Hulet** commented on Development Condition 5 and a blanket for water, sewer and storm cross access and parking easement. **Adams** noted it is absolute and explained the system and would have a blanket easement that captures all utilities.

With no public comments, **Chanda** closed the public hearing at 7:03 p.m.

Discussion between Commission members ensued.

It was moved by **M. Hulet** and seconded by **R. Frey** to approve the preliminary plat application from Gary Clark of Loan One, LLC, Inc. for the Oakwood Subdivision, finding the application does meet the standards for approval under Chapter 16.20.050 of Pocatello Municipal Code, with the conditions listed in the staff report, with the following changes; Development Condition 5 that the applicant will provide documentation of cross access, parking easement, and utility easement; and to add a Development Condition number 8) that states in lieu of Development Conditions 6 & 7 the applicant may follow City standards for a property association with one billing address and a liability wavier on the plat, and to authorize the Chair to sign the findings of fact. Those voting in favor were Bartu, Chanda, Fenwick, Frey, Geyer, Hulet, Phillips. Those voting against were none. Motion passed unanimously.

With no other business, **Chair Chanda** closed the meeting at 7:06 p.m.

Submitted by:
Aceline McCulla, Secretary

Approved on:



AGENDA ITEM NO. 3

POCATELLO PLANNING & ZONING COMMISSION

MEETING: OCTOBER 11, 2023

STAFF REPORT

PROJECT: City Initiated Text Amendments to Title 17: Zoning Regulations
APPLICANT: City of Pocatello – Planning & Development Services
STAFF: Jim Anglesey, Long-Range Senior Planner

STAFF RECOMMENDATION:

Staff finds that the proposed text amendments meet the standards of City Code 17.02.170.F as the amendments are in the community's best interest, consistent with the existing provisions of the Zoning Ordinance, and consistent with the existing provisions of the Comprehensive Plan. Staff recommends that the Commission consider the proposed amendments to Title 17: Zoning Regulations and act to recommend: approval; approval with modifications; or denial of the proposed changes to City Council.

OPTIONAL MOTIONS:

- 1. Approval of the Application:** "Move to recommend approval of the proposed amendments to Title 17: Zoning Regulations, finding the amendments are in compliance with the Comprehensive Plan and the criteria listed in section 17.02.170 of Pocatello City Code, **[insert any conditions of approval]**, and to authorize the Chair to sign the findings of fact."
- 2. Denial of the Application:** "Move to recommend denial of the proposed amendments to Title 17: Zoning Regulations, finding the amendments are not in compliance with the Comprehensive Plan and the criteria listed in section 17.02.170 of Pocatello City Code, finding that: **[cite findings for denial]**, and to authorize the Chair to sign the findings of fact."

GENERAL BACKGROUND:

Planning & Development Services staff is seeking the Commission's recommendation to either approve or deny the proposed changes to Title 17: Zoning Regulations, and prepare a draft for the City Council to consider. Planning staff is charged with overseeing the orderly growth and development of the City of Pocatello. One function of this work is the administration of the City's land use related ordinances. Staff has prepared the following amendments to Title 17: Zoning Regulations. Pages 2-5 of the staff report contains a brief summary of the proposed amendments, and **Attachment A** contains the proposed text.

Pursuant to City Code 17.02.170, the City Council, Planning & Zoning Commission or the Planning and Development Services Director may initiate action to amend the text of Title 17. Pursuant to City Code 17.02.170.F, Criteria for Zoning Ordinance Text Amendment, the Planning and Zoning Commission and the City Council shall review the facts and circumstances of the proposed amendment to the text of the zoning ordinance based on the following standards:

1. The proposed text amendment would be in the community's best interest.
2. The proposed text amendment is consistent with the existing provisions of the zoning ordinance.
3. The proposed text amendment is consistent with the provisions of the Comprehensive Plan.

NOTIFICATION:

Notice was published in the Idaho State Journal on September 26, 2023 and again on October 3, 2023 both as a display ad and a legal notice as required in City Code section 17.02.300.A.3. Notice information was also provided to local television and radio stations to include in their public announcements. Additionally, notice information was posted on all City social media platforms. No written comment from the public has been received at the time this report was submitted.

ATTACHMENTS:

A. Proposed Text Amendments

SUMMARY OF PROPOSED AMENDMENTS

17.01.130: Consistency with Comprehensive Plan

- Amend “Plan Designations” and “Zoning Districts Permitted” to align with Comprehensive Plan 2040.

17.01.150: Definitions

- Amend the “disturbed area” definition to clarify what is considered natural vs. disturbed slopes.
- Add definition for “front building façade” to clarify standards for building orientation, drive-thrus, and parking locations.
- Add definition for “front yard area” to clarify landscaping requirements.
- Add definition for “premature alterations” to clarify review item for the Historic Preservation Commission.
- Add definition for “principal entrance” to clarify building orientation.

17.01.160: Use Classifications

- Amend “shelter housing” to include postincarceration and halfway houses for individuals not under judicial detention.
- Amend classification for “detention facilities”.

17.01.170: Administrative Provisions

- Amend language that determines what qualifies as a legal nonconforming lot.
- Amend language to include signage that qualifies as legal nonconforming structures.
- Remove the variance process as a means to expand a legal nonconforming structure and replace with the conditional use permit process.
- Add standards for expanding, rebuilding, and repairing legal nonconforming structures.
- Remove variance application review criteria for legal nonconforming structures.
- Add language to clarify standards for repair and reconstruction of structures housing a legal nonconforming use.
- Remove criteria for nonconforming use expansion or change (to meet general criteria of the conditional use permit).
- Remove “proportionate compliance” and replace with “required improvements”.
- Add withholdings to address violations.

17.02.120: Comprehensive Plan Amendments

- Amend language to reference the most recently adopted Comprehensive Plan.

17.02.130: Conditional Use Permits (CUP)

- Amend language to allow for two years to establish use, instead of one year.
- Amend language to allow for a one year extension instead of six months.
- Remove thirty-day requirement to request a variance extension.

17.02.160: Variances

- Amend language to allow for two years to establish requested variances, instead of one year.
- Amend language to allow for a one year extension instead of six months.
- Remove thirty-day requirement to request an CUP extension.

17.02.300: Decision Making Procedures/Public Hearings

- Add provisions in hearing matrix and notification procedures to reflect proposed Certificate of Appropriateness process (addressed below).

17.02.400: Appeals

- Amend language to include the Historic Preservation Commission.

17.03.500: Use Table

- Amend table to reflect the proper use of “Restricted” uses and “Permitted” uses.
- Allow “Colleges” to be permitted outright in Commercial zones and Office Park zones.
- Allow “Emergency Services” to be permitted outright in all zones.
- Allow “Religious Institutions” to be permitted outright in all Commercial zones.
- Allow “Schools” to be permitted outright in all Commercial zones.
- Clarify “Community Recreation” use approval process in Residential zones.

17.03.600: Dimensional Standards Table

- Remove redundant setback requirements.

17.04.210: Historic Preservation Overlay (HPO)

- Add table outlining what items require a Certificate of Appropriateness as well as Commission review, staff review, or requires no Certificate of Appropriateness.
- Amend “application process” to reflect proposed Certificate of Appropriateness process.
- Remove section outlining “standards for review” and reference the “Historic District Design Standards” for review standards.
- Remove demolition procedures to reflect proposed Certificate of Appropriateness process.
- Add language requiring historic buildings to meet the provisions of the International Existing Building Code relating to their repair, alteration, relocation and change of occupancy.

17.04.220: Original Townsite Overlay (OTO)

- Amend setback requirements for nonresidential uses to include a minimum of zero feet (0’) and maximum of ten feet (10’).
- In addition to parking areas, require traffic circulation and drive-thrus to not be located between front building façade and front lot line.
- Add language codifying street light standards as identified in the Downtown Development Plan.

17.05.100: Slope Development Standards

- Amend slope analysis to allow for previously disturbed slopes to be excluded from disturbance calculations.

17.05.250: Street Frontage/Setback Area Landscaping

- Amend minimum landscaping requirements to be broken down into different residential development types.
- Amend language to ensure consistency.

17.05.610: Residential Development Standards

- Add requirement for townhome development landscaping.
- Amend off street parking requirements for properties with alley access outside of the OTO.
- Amend section formatting.

17.06.400: Home Occupations

- Allow for retail sales in home occupations that meet all other standards.

Table 1. Compliance with Comprehensive Plan 2040

Future Land Use Map
Aligning use designations to existing zoning districts.
Economically Robust
<p>Goal 2. Promote Downtown as the economic engine for the city. Strategy A. Implement the Pocatello Downtown Development Plan such as relocating City Hall to Historic Downtown, creating tax incentives, and developing identified projects.</p>
Environmentally Resilient
<p>Goal 4. Cultivate compact development patterns and enhanced aesthetics that promote walkability, community health, reduced infrastructure, and energy costs. Strategy A. Adopt standards to incentivize vertical mixed-use development, open space and foothill preservation, and reduced off-street parking requirements.</p> <p>Goal 5. Develop a transportation system that accommodates multi-modal choices to reduce dependence on fossil fuels. Strategy C. Promote alternative transportation options by incentivizing walkable and bikeable development patterns.</p>
Connected, Safe & Accessible
<p>Goal 1. Develop a mobility network that interconnects and distributes pedestrian, bicycle, and vehicle traffic to multiple streets and nodes of activity. Strategy B. Improve existing paths, sidewalks, curbs, and roadways.</p> <p>Goal 3. Evaluate roadways, sidewalks, and paths by utilizing multiple variables such as safety, mobility, access for people and goods, system operation, and quality of life. Strategy A. Prioritize pedestrian safety and comfort when evaluating right-of-way effectiveness.</p> <p>Goal 4. Maximize the public right-of-way to create great places. Strategy C. Improve the walkability of downtown through permanent traffic calming measures by adopting strategies such as on-street parking, street trees, heights of buildings, and bulb outs. Strategy E. Activate the streets by including furniture and amenities in the design and construction of streets. Examples include street trees, benches, lighting, bike racks, and trash receptacles.</p> <p>Goal 5. Maintain and update existing infrastructure such as roads, sewer, water, and high-speed internet. Strategy D. Create pedestrian-oriented strategies to ensure sidewalks, pathways, and public spaces are safe, attractive, and appropriately lit.</p>
Civic Collaboration
<p>Goal 4. Protect the health, safety, and welfare of the community by providing high quality services, infrastructure, and innovation. Strategy F. Develop and implement a proactive code enforcement protocol to address existing and future code violations.</p>
Authentic & Affordable Neighborhoods
<p>Goal 2. Conduct intentional, equitable, and measurable neighborhood planning. Strategy C. Embrace existing neighborhood assets such as parks, trails, historic identity, etc. and support each neighborhood to strengthen these assets.</p> <p>Goal 6. Preserve the authenticity of Pocatello’s neighborhoods and celebrate our history, architecture, and culture. Strategy C. Ensure city regulations and policies support historic preservation and streamline the review process to preserve the essential elements of historic properties.</p>
Creative Community

Goal 1. Promote a positive image of the city by creating an attractive, well-maintained public realm through enhanced streetscapes.

Strategy A. Invest in beautification efforts and improve the aesthetic quality of the City's right-of-ways and spaces visible from those right-of-ways.

Goal 4. Support the vitality and creative spirit of Downtown Pocatello as the heart of activity and gathering.

Strategy B. Invest in public infrastructure downtown that will improve both business environments and public interaction with the space such as streetscape, park benches, bike racks, art installations, and landscaping.

ATTACHMENT A
PLANNING & ZONING COMMISSION
OCTOBER 11, 2023

17.01.130: CONSISTENCY WITH COMPREHENSIVE PLAN:

Zoning districts shall be guided by use designations outlined in the Pocatello Comprehensive Plan. The following chart shall be used to guide consistency.

PLAN DESIGNATION – ZONING DISTRICT CONVERSION CHART

Plan Designation	Zoning Districts Permitted
Public (P) Open Space (OS)	Airport (A)
	Public Land/Facility (PLF)
	University (U)
Residential (R)	Residential Estate (RE)
	Residential Low Density Single-family (RL)
	Residential Medium Density Single-family (RMS)
	Residential Medium Density Multi-family (RMM)
	Residential High Density (RH)
Mixed-use (MU)	Residential/Commercial/Professional (RCP)
Commercial (C)	Commercial General (CG)
	Central Commercial (CC)
Urban Core (UC)	Central Commercial (CC)
Employment (E)	Commercial General (CG)
	Industrial (I)
	Light Industrial (LI)
	Office Park (OP)
Industrial (I)	Office Park (OP)
	Light Industrial (LI)
	Industrial (I)
Special Districts (SD)	Airport (A)
	University (U)

17.01.150: DEFINITIONS:

DISTURBED AREA: The total area of alteration to the ground surface resulting from development. [The work done by the Civilian Conservation Corp \(CCC\) is not considered previously disturbed area and shall be considered natural slope.](#)

FRONT BUILDING FACADE: [The vertical surface of a building that faces the public street upon which the primary structure is addressed and upon which the principal entrance is located.](#)

FRONT YARD AREA: [The area extending the full width of the lot from the front property line to the front of the dwelling/building.](#)

PREMATURE ALTERATIONS: alterations, construction, remodeling, rehabilitation, renovation, demolition, signage, or relocations of a historic building or structure or portions thereof that requires, but occurs prior to the issuance of, a certificate of appropriateness.

PRINCIPAL ENTRANCE: The place of ingress/egress of a building that is located on the front building façade and that is accessible to the public.

17.01.160: USE CLASSIFICATIONS:

A. Purpose: The purpose of this section is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria that are directly relevant to the public health, safety, and general welfare.

B. Listing Of Use Classifications: The following classifications of uses are established:

1. Residential Use Types:

a. Household Living: Dwelling units for households (see section 17.01.150 of this chapter, definition of “household”), including “group homes” as defined by Idaho Code section 67-6531.

b. Boarding/Rooming House: Living facilities for groups of unrelated individuals are characterized by shared facilities for eating, hygiene, and/or recreation. Examples include, but are not limited to, boarding houses, sororities, and fraternities, and are subject to household occupancy standards. Tenancy is longer than one month.

c. Residential Care Facility: Living facilities providing routine living assistance. “Residential Care Facility” includes, but is not limited to, assisted living, assisted care, and skilled nursing facilities, children’s or other residential care facilities, and drug and alcohol treatment facilities (see also Idaho Code section 39-3304).

d. Shelter Housing: Living facilities providing basic services that may include food; personal hygiene support; information and referrals; employment, mail and telephone services; including overnight sleeping accommodations, to people with limited financial resources, including people who are unhoused. This includes postincarceration and halfway houses for those not under judicial detention. This also includes housing for persons who are victims of crime or abuse such as rape or domestic abuse, and the dependents of the victim.

e. Home Occupation: A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the residential use. See section 17.06.400, “Home Occupations”, of this title for special use standards.

f. Residential Daycare: A daycare business with twelve (12) or fewer children in the operator’s personal residence; or twenty (20) or fewer children in a structure that was not initially constructed for residential purposes, such as a church building. Increased numbers may be conditionally permitted. All other municipal code standards governing daycare operations must be met.

2. Civic Use Types:

a. Basic Utilities: Community infrastructure, including water and sewer systems, telephone or cable exchanges, power substations, and transit stations.

b. Colleges: Institutions of higher education with or without dormitories. Excludes private, profit making, trade and vocational schools, unless associated with a college or university (see subsection B3d(2), "Consumer Services", of this section).

c. Community Recreation: Public or legally recognized nonprofit (meeting federal or state definition for taxation purposes and with no benefit to individual, private, or other third party) owned recreational, social and multipurpose facilities designed to serve the general community. Examples include, but are not limited to, community centers, senior centers, indoor and outdoor tennis/racquetball and soccer clubs, indoor/outdoor swimming pools, parks, playgrounds, picnic areas, golf courses and recreational trail systems. Excludes commercial recreational facilities (see subsection B3c, "Entertainment/Recreation" of this section).

d. Cultural Institutions: Public or nonprofit cultural facilities including libraries, museums and galleries.

e. Emergency Services: Public safety facilities including police and fire stations, emergency communications, and ambulance services.

f. Medical Centers/Hospitals: Facilities providing inpatient, outpatient, emergency, and related ancillary services to the sick and infirm. Usually developed in a campus setting. Accessory uses may include diagnostic and treatment facilities, laboratories, surgical suites, kitchen/food service facilities; laundry, housekeeping and maintenance facilities; administrative offices and parking. Medical centers may also include freestanding offices for hospital based and/or private practice physicians and other allied healthcare professionals.

g. Public Support/Social Service Facilities: Facilities of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, the service is provided on site or employees are at the site on a regular basis. The use may provide short term housing where tenancy may be arranged for periods of less than one month when operated by a public or nonprofit agency. The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature. Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; daycare uses; and athletic facilities. Examples include, but are not limited to, youth club facilities, hospices, drug and alcohol centers, social service facilities, vocational training for the physically or mentally disabled, soup kitchens, and surplus food distribution centers.

h. Religious Institutions: Places of religious worship which may also include related accessory uses such as offices, classrooms, daycare, auditoriums, social halls, gymnasiums, and other recreational activities.

i. Schools: State of Idaho accredited public and private schools including, but not limited to, elementary, middle, and high schools.

j. Social/Fraternal Clubs/Lodges: Nonprofit organizations with social, philanthropic, and/or recreational functions and activities.

3. Commercial Use Types:

a. Commercial Lodging: Residential facilities such as hotels, motels, and bed and breakfast establishments where tenancy is typically less than one month. May include accessory meeting and convention facilities and restaurants/bars.

b. Eating And Drinking Establishments: Establishments which sell prepared food and/or beverages for consumption on site or takeaway including restaurants, banquet facilities, delicatessens, storefront bakeries, bars, taverns, brewpubs, and espresso bars.

c. Entertainment/Recreation:

(1) Major Event Entertainment: Facilities used for commercial purposes including, but not limited to, auditoriums, stadiums, convention centers, and race tracks which provide athletic, cultural, or entertainment events and exhibits for large groups of spectators.

(2) Outdoor Entertainment: Large scale outdoor facilities used for commercial purposes including, but not limited to, outdoor tennis clubs, golf courses, and drive-in movie theaters.

(3) Indoor Entertainment: Commercial indoor facilities including, but not limited to, health/fitness clubs, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting or archery ranges, and movie theaters.

(4) Adult Entertainment: Facilities for operations classified as sexually oriented businesses as described and regulated in title 5, chapter 5.60 of this code.

d. General Retail:

(1) Retail Sales: Establishments with consumer oriented sales, leasing, and/or rental of consumer, home and/or business goods including, but not limited to, appliances; art, art supplies; motor vehicle parts and/or tires; bicycles; clothing; convenience stores; dry goods; electronic equipment; fabric; furniture; gifts; groceries; hardware; household products; jewelry; common in residence pets and pet products; pharmaceuticals; plants and flowers; printed materials; stationery; and videos. Excludes those items sold primarily outdoors (see subsection B3d(4), "Outdoor Sales", of this section).

(2) Consumer Services: Establishments which provide consumer services such as banks and credit unions; personal care services such as, but not limited to, hair, tanning, or massage; commercial (not in home) daycare operations; common in residence maintained household pet (see section 6.04.200 of this code) grooming; laundromats and dry cleaners; copy centers; photo processing; photographic and art studios; dance, art or music classes; martial arts, and other trade/vocational schools.

(3) Repair Services: Establishments which engage in the repair of consumer and/or business goods including, but not limited to, home electronics; bicycles; clocks and watches; jewelry; guns; small appliances, office equipment, and tools; tailors and seamstresses; shoe repair; locksmith; recycling dropoff containers; furniture refinishing; and upholsterer.

(4) Outdoor Sales: Establishments which engage in sales requiring outdoor display and/or storage including lumberyards; nurseries and greenhouses; industrial equipment and supplies; manufactured and mobile home sales; and agricultural supplies, including equipment, feed, seed, and fertilizer. Excludes sidewalk sales or farmers' market activities.

(5) Animal Related Services: Nonlivestock animal breeding and boarding facilities. Excludes pet sales/supplies (see subsection B3d(1), "Retail Sales", of this section); animal grooming (see subsection B3d(2), "Consumer Services", of this section); and veterinary clinics (see subsection B3g, "Office", of this section).

e. Motor Vehicle Related:

(1) Motor Vehicle Sales/Rental: Includes cars, trucks not to exceed two and one-half (2.5) tons, motorcycles, boats, and recreational vehicle sales, leasing, and/or rental.

(2) Motor Vehicle Servicing/Repair: Vehicle servicing and repair establishments including quick and general vehicle service, car washes, and body shops not accessory to vehicle sales and not a component of another retail entity.

(3) Vehicle Fuel Sales: Establishments engaging in the sale of gasoline, diesel fuel, and oil products for cars, trucks, recreational vehicles, and boats.

f. Nonaccessory Parking: Any private or public parking, either paid or free, which is not accessory to a primary use; includes public and private parking structures and lots, and transit park and ride lots. May also include fleet vehicle parking lots.

g. Office: Government, business, and professional offices. Examples include, but are not limited to, local, regional, state, and federal offices and agencies; medical, dental and veterinary clinics, offices, and laboratories; blood collection centers; offices for attorneys, architects, accountants, engineers, stockbrokers, real estate agents, insurance brokers and other consultants; headquarters offices; sales offices; and radio and television studios. Also includes painting, landscaping, tree service, building, and janitorial contractors where limited indoor storage of materials and equipment is accessory to the office use. If this indoor storage exceeds fifty percent (50%) of occupied space, such uses are classified as industrial services (see subsection B4a of this section). No outdoor storage is permitted. Offices that are part of and are located within a firm in another use category are considered accessory to the firm's primary activity.

h. Self-Service Storage: Commercial operations that provide rental of storage space to the public. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Does not include moving and storage companies where there is no individual storage or where employees are primary movers of the goods to be stored (see subsection B4e, "Warehouse/Freight Movement", of this section).

i. Postal Service: Refers to postal services and processing as traditionally operated by, but not limited to, the U.S. postal service. Postal facilities include customer sales, mail sorting, and fleet truck storage.

4. Industrial Use Types:

a. Industrial Services And Sales: Includes the sales, leasing, and/or rental, and repair and servicing of motor vehicles and heavy equipment commonly used in commercial, industrial, or construction enterprises, such as, but not limited to, trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight over two and one-half (2.5) tons, and industrial and business machinery, equipment and/or products. Examples include, but are not limited to, welding shops; machine shops;

repair shops for tools, scientific/professional instruments, and motors; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck body work, salvage, and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance contractors; fuel oil distributions; solid fuel yards; laundry, dry cleaning and carpet cleaning plants; and photofinishing laboratories.

b. Manufacturing And Production:

(1) Light industrial: Includes production, processing, assembling, packaging or treatment of finished products from previously prepared materials or components, and manufacturing, processing, and assembling of semifinished or finished products from raw materials. All activities and storage are contained within buildings, with only limited outside storage of raw materials. Examples include, but are not limited to, the manufacturing and assembly of small scale machinery, appliances, computers and other electronic equipment; pharmaceuticals; scientific and musical instruments; artwork, toys and other precision goods; sign making; catering facilities; food processing; breweries, distilleries, and wineries; production of apparel or textiles; and woodworking, including cabinetmakers.

(2) Heavy industrial: Manufacturing, processing and assembling of semifinished or finished products from raw materials. A substantial proportion of activities and storage may be undertaken outdoors with resulting noise, glare, vibration, and other potentially adverse impacts. Examples include, but are not limited to, production or processing of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; manufacturing and production of large scale machinery; energy production facilities; concrete batching and asphalt mixing; production of metals or metal products including enameling and galvanizing; production of cars, trucks, recreational vehicles, or mobile homes; feed manufacturing; and wood processing.

c. Railroad Yards: A terminus of several railroad lines where the loading, unloading, transshipment, repair, maintenance, and switching of railcars is undertaken.

d. Research And Development: Facility featuring a mix of uses including office, research laboratories and/or prototype manufacturing.

e. Warehouse/Freight Movement: Uses involving the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with semitruck and rail traffic. Examples include, but are not limited to, freestanding warehouses associated with retail furniture or appliance outlets; household and general freight storage; cold storage plants/frozen food lockers; grain storage; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals; bus terminals; grain terminals; and stockpiling of sand, gravel, bark dust, or other aggregate and landscaping materials.

f. Waste Related: Uses involving receiving solid or liquid wastes from others for disposal on the site or transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Examples include, but are not limited to, auto salvage yards, junkyards, recycling/garbage transfer stations; landfills; composting, energy recovery, and sewage treatment plants.

g. Wholesale Sales: Uses involving sales, leasing and/or rental of equipment or products primarily intended for industrial, institutional or commercial businesses. Businesses may or may not be open to the general public, but sales to the general public are limited. Examples include, but are not limited to, the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.

5. Other Use Types:

a. Accessory Structures: A building/structure detached from and located on the same lot or parcel as the principal building/structure, and normally incidental and subordinate to the principal building/structure or use.

b. Cemeteries: Facilities for storing human remains. Accessory uses may include chapels, mortuaries, offices, maintenance facilities, and parking.

c. Detention Facilities: Uses which ~~have the characteristics of group living but~~ are devoted to the housing, training, and supervision of those under judicial detention. Examples include, but are not limited to, prisons, jails, probation centers, juvenile detention homes, and related postincarceration and halfway houses.

d. Heliports: Public or private facilities designed for the landing, departure, storage and fueling of helicopters.

e. Mining: Uses that mine or extract mineral or aggregate resources from the ground for off site use. Accessory uses may include storage, sorting, and transfer facilities.

f. Wind Energy Conversion Systems: Systems including the base, tower, rotor blades, inverters, conductors, etc., as necessary to convert the power of the wind into mechanical or electrical energy.

g. Wireless Communication Facilities: Includes publicly and privately owned towers and related transmitting equipment for television, radio, cellular and two-way radio, microwave transmission, and related ancillary equipment buildings. Does not include radio/television transmission facilities that are part of the public safety network (see subsection B2a, "Basic Utilities", of this section). Does not include amateur (ham) radio antennas or towers. See title 15, chapter 15.42, "Wireless Telecommunications Towers And Facilities", of this code for special standards.

C. Unlisted Use; Authorization Of Similar Use:

1. Purpose: It is not possible to contemplate all of the various uses that will be compatible within a zoning district; therefore, unintentional omissions occur. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with or similar to the listed uses.

2. Process: The director shall render an interpretation, as governed by section 17.02.180 of this title.

3. Approval Standards: Approval or denial of an unlisted use application by the director shall be based on findings of whether:

- a. The use is consistent with the intent and purpose of the applicable zoning district;
 - b. The use is similar to and of the same general type as the uses listed in the zoning district;
 - c. The use has similar impacts as the uses listed in the zoning district; and
 - d. The use has similar impacts on the community facilities as the uses listed in the zoning district. Community facilities include, but are not limited to, streets, schools, libraries, hospitals, parks, police and fire stations, and water, sanitary sewer and storm drainage systems.
4. Other Provisions: The director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zoning district as either a permitted use or a conditionally permitted use.

17.01.170: ADMINISTRATIVE PROVISIONS:

A. Nonconforming Situations: The purpose of this section is to bring nonconforming situations into conformance with this code and the comprehensive plan, allowing them to continue only subject to the standards and requirements of this chapter. Except as otherwise provided in this chapter, any lot, land use, or structure lawfully existing on the effective date of this chapter or subsequent amendments thereto that does not comply with the standards of this chapter shall be known as a legal nonconforming situation. Change of ownership, tenancy, or management personnel in a nonconforming situation shall not affect its legal nonconforming status. The applicant, not the City of Pocatello, has the burden of proving that any nonconforming situation was legally established [by an approved permit or other form of verification as determined by the Planning Director.](#)

- 1. Legal Nonconforming Lots: Lots or parcels legally created but which do not now conform to the legal lot standards of this code may be occupied by uses otherwise permitted if those uses will comply with all other provisions of this code.

[a. The nonconforming property shall not be diminished in size.](#)

[b. Any property reduced by government action that reduces an existing conforming parcel below the required property size shall be deemed as a conforming property for the purpose of development. To be deemed a conforming property, the owner or applicant shall submit documents to the Planning Director proving the following:](#)

[\(1\) The property was in compliance with the minimum property size requirement of the applicable district prior to the decrease in property size; and](#)

[\(2\) The decrease in property size was caused by acquisition through prescription, purchase, or other means by the transportation authority, a utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, state, or federal agency.](#)

- 2. Legal Nonconforming Buildings/Structures/~~Signage~~: A building, ~~structure, or sign~~ that was legally established but no longer conforms to all development standards of this title is considered a legal nonconforming structure. ~~Notwithstanding standards of this section, minor repairs and routine maintenance that do not increase the nonconformity of a legal nonconforming structure are permitted. A legal nonconforming structure that is destroyed by fire or some other calamity, not intentionally caused by the owner, may be replaced. In such case, the replacement structure~~

~~shall not exceed the original dimensions or density of the previous structure, unless through the replacement and expansion process outlined in subsection A2c of this section. Expansion or reconstruction of~~ The following standards shall apply to legal nonconforming structures: ~~shall comply with the following:~~

a. Interior Remodeling: Interior remodeling which does not change the existing use or the extent of the nonconforming use shall be permitted.

b. ~~Replacement;~~ Expansion: Permits to ~~replace or~~ expand existing nonconforming structures ~~by up to a total of fifty percent (50%)~~ of the original building area may be sought through the ~~variance~~ Conditional Use Permit (CUP) process regardless of the underlying zoning district. ~~Any modification to bulk or placement of a nonconforming structure, including increased building height or decreased setbacks, will require a variance~~

(1) Repairs: Ordinary work may be done including repair of a legal nonconforming building/structure so long as such repair work does not change or increase the intensity of nonconformity.

(2) A legal nonconforming structure that is damaged or destroyed by fire, flood, wind, earthquake, or other natural calamity or public enemy, may be restored and the previous occupancy resumed provided that:

(A) Restoration or reconstruction is initiated within a period of one (1) year from the date of destruction and the restoration is completed, in its entirety, within three (3) years pursued to completion. If construction surpasses three (3) years, a CUP shall be acquired;

(B) For signs; restoration or reconstruction is completed within a period of one (1) year from the date of destruction. If construction surpasses one (1) year, a CUP shall be acquired;

(C) The restoration does not increase the extent of the nonconformity beyond that which existed at the time the structure became nonconforming; and

(D) The structure was occupied, or for signs, in use, at the time of such damage or destruction.

~~c. Criteria For Nonconforming Structure Expansion Or Replacement: Variance applications for expansion or replacement of a nonconforming structure shall meet the following criteria:~~

~~(1) The lot or parcel was legally created.~~

~~(2) All bulk and placement standards of Pocatello Municipal Code such as height, setbacks, etc., shall be met, except as specifically varied through this process.~~

~~(3) The proposed development shall not adversely impact the public's health, safety, or general welfare and the visual appearance of the development will not produce an effect inconsistent with adjacent and surrounding architecture and site development patterns.~~

3. Legal Nonconforming Uses: A use that was legally established but no longer complies with the allowed uses or restrictions of this title is considered a legal nonconforming use. ~~If the structure housing a legal nonconforming use is destroyed by fire or some other calamity, not intentionally caused by the owner, it may be replaced and the use continued. In such case, the replacement structure shall not exceed nor the use intensify beyond the original dimensions, density, or operational characteristics, unless through the expansion or change process outlined in subsection A3c of this section.~~

a. Interior Remodeling: Interior remodeling to the building housing the legal nonconforming use, which does not change or intensify the nonconforming use, shall be permitted.

b. Expansion or Change: Permits to change or expand existing nonconforming uses, ~~by up to a total of fifty percent (50%) of the original building or~~ land area or density may be sought through the conditional use permit process regardless of the underlying zoning district. Further, any site modifications that could change or intensify a nonconforming use such as, but not limited to, parking spaces, traffic circulation, ingress/egress, curb cut location, landscaping removal, or similar items of change will require a conditional use permit.

(1) A structure housing a legal nonconforming use that is damaged or destroyed by fire, flood, wind, earthquake, or other natural calamity or public enemy, may be restored and the previous occupancy resumed provided that:

(A) The structure was occupied at the time of such damage or destruction;

(B) Restoration or reconstruction is initiated within a period of one (1) year from the date of destruction and the restoration is completed, in its entirety, within three (3) years pursued to completion. If construction surpasses three (3) years, a CUP shall be acquired;

(C) The restoration does not increase the floor space devoted to the nonconforming use beyond that which existed at the time the use became nonconforming.

(2) Repairs: Notwithstanding standards of this section, repairs may be made to any structure occupied by a nonconforming use provided that such repairs shall not have the effect of increasing the floor space devoted to the non-conforming use, capacity or volume of business.

~~c. Criteria For Nonconforming Use Expansion Or Change: Conditional use permit applications for expansion, change, or intensification of a nonconforming use shall meet the criteria:~~

~~(1) The lot or parcel was legally created.~~

~~(2) New development shall comply with the current standards set forth by this code, except as specifically varied through this process.~~

~~(3) The proposed expansion or change shall be designed to minimize potential impacts on public health, safety, and general welfare and shall be within the following parameters:~~

~~(A) The degree of noise, vibration, dust, odor, fumes, glare, or smoke created by the use will not be increased;~~

~~(B) The number and kinds of vehicular trips associated with the use shall not be changed so as to cause additional impacts on surrounding properties unless mitigating measures are taken;~~

~~(C) The amount and nature of outside storage, loading, and parking shall not be changed so as to cause increased adverse impacts;~~

~~(D) The visual appearance of the development shall be designed to be compatible with the adjacent and surrounding architecture and site development patterns;~~

~~(E) The hours of operation shall not be increased unless specifically altered through this process and adverse impacts minimized.~~

d. Termination Of Nonconforming Uses: Legal nonconforming use status will be lost as prescribed by Idaho Code section 67-6538, or as amended.

4. Completion of A Nonconforming Development: A development lawfully under construction, for which a permit has been issued, or for which a land use application has been accepted on the date this chapter is adopted may be completed even if not in compliance with this chapter. The development would be considered legal nonconforming and may be used for the purpose for which it was designed, approved, intended, and arranged.

~~B. Proportionate Compliance: When a change in use is proposed for existing structures and/or site, proportionate compliance with parking and landscaping standards set forth in this title shall be allowed. Proportionate compliance denotes the difference in these standards to the extent that use or area is changed. These are outlined below:~~

Condition	Status
New construction	Full compliance
Replacement by conforming use	Existing can remain
Replacement by nonconforming use	Existing can remain
Expansion of conforming use <50%	Proportionate compliance
Expansion of conforming use >50%	Full compliance
Expansion of nonconforming use	See subsections A2 and A3 of this section

B. Required Improvements: All building permits and developments shall be brought into full compliance with current landscaping and parking standards except where additional parking spaces would be required and as determined by the Planning Director or their designee.

C. Enforcement: The mayor, or his designee, shall be the enforcement officer of this title.

1. Violation; Penalty: Any person who fails to comply with or violates any of the provisions of this title may be charged with a misdemeanor violation, and upon conviction thereof, shall be subject to a fine of not more than one thousand dollars (\$1,000.00), or imprisonment for a period not exceeding six (6) months, or both. Each day on which the violation occurs shall be deemed a separate offense.

~~2. Civil Enforcement: Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure, or premises; and these remedies shall be in addition to the penalties described in this chapter.~~

Violation; Withholding: The City may withhold any approval and/or permit for any and all proposed activities or uses on any real property with outstanding violations of this title, except that such approval and/or permit shall not be withheld where such withholding would adversely affect the public health, safety, or general welfare.

3. Civil Enforcement: Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure, or premises; and these remedies shall be in addition to the penalties described in this chapter.

D. Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this title should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this title, which shall remain in full force and effect; and to this end the provisions of this title are hereby declared to be severable.

17.02.120: COMPREHENSIVE PLAN AMENDMENTS:

~~A comprehensive plan, dated January 2003 (as may be amended from time to time), is adopted as the comprehensive plan for the city of Pocatello. The comprehensive plan ("plan") is adopted by resolution as a guideline or reference for the application of provisions of this title.~~ The City's most recently adopted Comprehensive Plan, as well as the Future Land Use Map within said plan, may be amended from time to time with the following provisions:

- A. Application: A comprehensive plan amendment application shall be filed and include all information and fees outlined on the application form.
- B. Hearings And Notices: Upon receipt of a complete comprehensive plan amendment application, hearing dates shall be set, notices of the hearings provided, and hearings held in the manner required by section 17.02.300, "Decision Making Procedures/Public Hearings", of this chapter.
- C. Criteria For Review: Proposed amendments to the comprehensive plan shall be reviewed according to the following criteria:
 - 1. To correct errors in the plan;
 - 2. To recognize substantial changes in the actual conditions of the area.
- D. Frequency Of Future Land Use Map, Plan Text Amendments: The Planning & Zoning eCommission may recommend amendments to the future land use map component not more frequently than every six (6) months on a single parcel. Amendments to the text of the plan may be recommended by the commission at any time.
- E. Hearing To Be Held Prior To Commission Recommendation: Prior to recommending the adoption, denial, or revision of any comprehensive plan amendment, the planning and zoning commission shall

hold a public hearing in accordance with the provisions of Idaho Code section 67-6509 and section 17.02.300, "Decision Making Procedures/Public Hearings", of this chapter. The commission's recommendation and findings of fact shall be submitted to the city council for hearing and decision.

17.02.130: CONDITIONAL USE PERMITS (CUP):

G. Conditional Use Permit Expiration: Uses for which a conditional use permit has been granted shall be established within ~~one year~~ two (2) years from the date of approval, including meeting all conditions, unless otherwise provided for in the CUP approval. Should the conditional use and conditions not be established within this period of time or as provided in the CUP approval, the conditional use permit shall become null and void, unless the applicant has been granted a time extension. In addition, a conditional use permit that has expired according to the provisions of this section shall not be reestablished without a new conditional use permit being approved.

H. Time Extension: An applicant that has been granted a CUP may request a time extension that is not to exceed an additional one (1) year period. The director may grant the request if filed ~~thirty (30) days~~ prior to the expiration of the permit and provided the applicant demonstrates good cause for the delay. Time extensions that are denied by the director may be appealed through the usual appeal process.

17.02.160: VARIANCES:

I. Variance Expiration: Authorization for an approved variance shall be valid for a period of ~~one year~~ two (2) years from the date of approval. ~~The applicant must initiate implementation of the approved variance within one year from the date of approval.~~ The approval shall become null and void in the event implementation of the variance and all conditions is not ~~initiated~~ established within ~~a two~~ one (2) year period. A variance permit that has expired prior to implementation shall not be reestablished without a new variance being approved. The time period for an approved permit may be extended subject to subsection J of this section.

J. Time Extension: An applicant who has been granted a variance may request a time extension that is not to exceed an additional ~~six (6) month~~ one (1) year period. A request for a time extension must be submitted in writing ~~at least thirty (30) days~~ prior to the expiration of the approved variance permit. The director may grant the request provided the applicant demonstrates good cause for the extension of the approved permit. Only one extension may be granted. A time extension request that is denied by the director may be appealed pursuant to section 17.02.400 of this chapter.

17.02.300: DECISION MAKING PROCEDURES/PUBLIC HEARINGS:

A. Purpose, Application, And Public Notice Requirement:

1. Purpose: The purpose of this chapter shall be to provide interested persons an opportunity to be heard, to provide a clear and open decision making process, and to satisfy the requirements of Idaho Code.

2. Decisions And Public Hearings: All public hearings shall comply with the standards set forth by this chapter and the provisions of Idaho Code. Decision making responsibility for land use decisions and requirements for public hearings are set forth in the following matrix:

DECISION AND PUBLIC HEARING MATRIX

H = Hearing before the review body

R = Recommendation by the review body

D = Final decision by the review body

Land Use Process	Director or Designee	Historic Preservation Commission (HPC)	Hearing Examiner	Planning And Zoning Commission (P&Z)	City Council (CC)	Appeals
Interpretations (section 17.02.180 of this chapter)	D					City Council
Time extensions (sections 17.02.130, 17.02.160 of this chapter)	D					City Council
Certificate of Appropriateness (section 17.04.210 of this title)	D (as determined by Table 17.04.210 of this title)	H/D (as determined by Table 17.04.210 of this title)				HPC/City Council/District Court
Sign exception ¹ (section 15.20.260 of this Code)			H/D			City Council/ District Court
Variance (section 17.02.160 of this chapter)			H/D			City Council/ District Court
Conditional Use permit (section 17.02.130 of this chapter)			H/D			City Council/ District Court
Public lands/facilities use proposal				H/R	D	District Court

(section 17.03.420 of this title)						
Zoning text/map amendment (section 17.02.170 of this chapter)				H/R	H/D	District Court
Planned unit development (section 17.02.140 of this chapter)				H/R	H/D	District Court
Neighborhood refinement plan (section 17.02.150 of this chapter)				H/R	H/D	District Court
Annexation (section 17.02.110 of this chapter)				H/R	H/D	District Court
Vacation (Idaho Code 50-311 or 50-1306A)					H/D	District Court
Comprehensive Plan amendment (section 17.02.120 of this chapter)				H/R	H/D	District Court
Subdivision Preliminary Plat ²				H/D		City Council/ District Court
Subdivision Final Plat ²					D	District Court
Subdivision Short Plat ²					D	District Court
Wireless communications facilities (title 15, chapter 15.42 of this Code)	D			H/D		City Council/ District Court

Wind energy conversion system (section 17.06.600 of this title)	D		H/D			City Council/ District Court
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Notes:

1. Governed by title 15, chapter 15.20, "Sign Code", of this Code.
2. Governed by title 16, "Subdivision Regulations", of this Code. Preliminary plat subdivisions are subject to notification procedures as outlined by title 16.20.040. D.

3. Notification Procedures:

a. Variances: Prior to hearing a variance request, notice shall be provided to property owners adjoining the parcel under consideration. Notice shall also be posted on the premises. The posting of notice on the premises shall be accomplished according to Idaho Code and the notice to adjoining property owners shall occur at least fifteen (15) days prior to the hearing.

b. Conditional Use Permits, Rezoning, Neighborhood Refinement Plans, Planned Unit Development, Comprehensive Plan Amendment, And Annexation: Prior to hearing a conditional use permit, rezoning, planned unit development, or annexation request, notice shall be published in the newspaper of general circulation within the jurisdiction. Notice shall be posted on the premises as required by Idaho Code and shall be provided by mailing to property owners or purchasers of record within the land being considered and within three hundred feet (300') of the external boundaries of the land being considered. All notices herein described will be provided at least fifteen (15) days prior to the hearing or as otherwise required by Idaho state code.

c. Vacation: Prior to hearing a vacation request (including plats, rights of way, and easements), notice shall be published in the newspaper of general circulation within the jurisdiction fifteen (15) days prior to the public hearing and a second time no less than seven (7) days prior to the hearing. Notice shall also be provided, by certified mail, to property owners within the land being considered and within three hundred feet (300') of the external boundaries of the land being considered. Notice by certified mail shall occur at least fifteen (15) days prior to the hearing.

d. Certificate of Appropriateness; Commission Level Review: Prior to hearing a Certificate of Appropriateness, notice shall be published in the newspaper of general circulation within the jurisdiction. Notice shall be posted on the premises as required by Idaho Code and shall be provided by mailing to property owners or purchasers of record within the land being considered, within three hundred feet (300') of the external boundaries of the land being considered. All notices herein described shall be provided at least fifteen (15) days prior to the hearing or as otherwise required by Idaho State Code.

d.e. Requirements For When Notice Required To Two Hundred Or More Property Owners: When notice is required to two hundred (200) or more property owners or purchasers of record, then the city,

in lieu of posted or mailed notice, shall publish such notice twice in the "Idaho State Journal" in both the display ad and legal notice sections, the first publication at least fifteen (15) days prior to the hearing, and the second seven (7) days prior. Said notice shall state the time, place, and subject of the hearing. In addition to the published notice, the city shall provide the same information to local television stations, the local public access television station, and local radio stations and request inclusion in their public announcements or newscasts. All costs associated with such notice shall be paid by the applicant and payment shall be submitted prior to the processing of the application.

B. Applicant's Ownership Responsibility: No application shall be accepted without written evidence presented by the applicant that he or she possesses any of the following:

1. A freehold interest in the subject land;
2. An interest qualifying the applicant for exclusive possession of the land;
3. A contract interest specifically enforceable on the subject land.

C. Conduct Of Hearings And Standards For Oral And Written Testimony: The following rules and standards for hearings and testimony are created to establish and maintain control of the proceedings, and provide equal and reasonable opportunity for all to be heard:

1. Public Hearing: Public hearings shall include:
 - a. Hearing is opened by presiding officer.
 - b. Presentation by applicant.
 - c. Explanation of the subject of the hearing by city staff.
 - d. Submittal of written testimony.
 - e. Testimony from audience in favor of, against, and/or neutral on the proposal.
 - f. Rebuttal by applicant.
 - g. Questioning of involved parties by presiding body.
 - h. Closure of oral testimony from applicant and audience.
 - i. Discussion of hearing subject by presiding body; questions may also be directed to city staff and/or others during this period.
 - j. Conclusion of the hearing process.
2. Time Limitations On Hearing Testimony: The presiding officer may limit the time allotted to presentation of oral testimony in a public hearing.
3. Standards For Oral Testimony: Oral testimony made at a public hearing shall comply with the following standards. If oral testimony fails to comply with these standards, it shall be permitted for the presiding officer to declare such testimony out of order and require it to cease.
 - a. Testimony, including questions, should be directed to the presiding body.

- b. Testimony should directly address the subject at hand.
- c. Testimony should not be repetitious with other entries into the record.
- d. Testimony should not be personally malicious.
- e. Testimony shall comply with time restrictions established by the presiding officer.

4. Standards For Written Testimony: Written testimony to be admitted at a public hearing shall comply with the following standards. If written testimony fails to comply with these standards, it shall be permitted for the presiding officer to declare such testimony inadmissible.

- a. Written testimony containing more than two (2) pages must be submitted at least five (5) working days prior to the date of the pertinent public hearing.
- b. Written testimony shall include the signature and address of the submitteer.
- c. Written testimony should address the issue at hand.
- d. Written testimony should not be personally malicious.
- e. Written testimony of less than two (2) pages may be submitted at a public hearing. The presiding officer may require an oral reading of such written testimony if deemed beneficial or if requested by a party interested in the proceedings.

D. Overrule Of Rulings By Majority Vote: Rulings made by the presiding officer of any board conducting a public hearing may be overruled upon a majority vote of the board members present.

17.02.400: APPEALS:

A. Purpose: The purpose of this section is to clarify procedures for appeals. Decisions made by the Director, Hearing Examiner, [Historic Preservation Commission](#), or the Planning and Zoning Commission may be appealed by any person having standing to file an appeal under this code and Idaho Code section 67-6535, or as amended.

B. Appeals of Hearing Examiner, [Historic Preservation Commission](#), and Planning and Zoning Commission Decisions: The Hearing Examiner, [Historic Preservation Commission](#), or Planning and Zoning Commission shall issue a written decision that includes a reasoned statement explaining the criteria and standards considered relevant, the contested facts relied upon, and the rationale for the decision based on the applicable provisions of the state code, comprehensive plan, this title, and factual information contained in the record. A copy shall be ~~mailed~~ [transmitted](#) to the applicant and made available to other affected persons (according to the provisions of Idaho Code section 67-6535), who may, within fourteen (14) days of the availability of the decision, file a written appeal with the director in a form determined by the director, with fees as set by the city council. If an appeal is filed, the director shall set a date before the appropriate appellant board for their consideration, and notify the appellant, applicant (if not the appellant), and the property owners originally noticed of the date, time, and place of the hearing. Notification procedures as outlined under section 17.02.300 of this chapter shall be followed. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request of reconsideration or the request is deemed denied.

C. Appeals Of City Council Decisions: Appeals of city council decisions shall be filed, within twenty-eight (28) days, with the appropriate court pursuant to Idaho Code section 67-6535.

17.03.500: DISTRICT USE TABLE:

TABLE 17.03.500

USE TABLE

Use Category	RE	RL	RMS	RMM	RH	RCP	CG	CC	OP	LI	I
Residential:											
Home Occupation	R ⁸²	R ⁸²	R ⁸²	R ⁸²	R ⁸²	R ⁸²⁻⁵⁴	R ⁸²⁻⁵⁴	R ⁸²⁻⁵⁴	N	N	N
Household Living	P	P	P	P	P	P	R ⁷⁶	R ⁷⁶	N	R ⁷⁶	R ⁷⁶
Residential Care Facility	C	C	C	P	P	P	R ⁷⁶	R ⁷⁶	N	R ⁷⁶	R ⁷⁶
Residential Daycare	PR ⁴³	PR ⁴³	PR ⁴³	PR ⁴³	PR ⁴³	R ⁴³⁻⁵⁴	R ⁴³⁻⁵⁴	R ⁴³⁻⁵⁴	N	N	N
Shelter Housing	N	N	N	N	C	C	P	R ⁷⁶	N	N	N
Housing Types:											
Accessory Dwelling Units	PR ⁹⁸	PR ⁹⁸	PR ⁹⁸	PR ⁹⁸	PR ⁹⁸	PR ⁹⁸	PR ⁵⁶⁻⁹⁸	PR ⁵⁶⁻⁹⁸	N	N	N
Bed and Breakfast	C ⁴⁴¹⁰	C ⁴⁴¹⁰	C ⁴⁴¹⁰	C ⁴⁴¹⁰	C ⁴⁴¹⁰	PR ⁴⁴¹⁰	N	N	N	N	N
Boarding/Rooming Houses	N	N	N	R ²¹	R ²¹	R ²¹⁻⁷⁶	R ²¹⁻⁷⁶	R ²¹⁻⁷⁶	N	R ⁷⁶	R ⁷⁶
Manufactured Home Units	PR ⁸⁷	PR ⁸⁷	PR ⁸⁷	PR ⁸⁷	PR ⁸⁷	PR ⁸⁷	N	N	R ²⁵²⁴	R ²⁵²⁴	R ²⁵²⁴
Manufactured/Mobile Home Parks	N	N	C ⁴⁸¹⁷	C ⁴⁸¹⁷	C ⁴⁸¹⁷	N	N	N	N	N	N
Multi-family Dwelling Units	N	N	N	P	P	P	R ⁷⁶	R ⁷⁶	N	R ⁷⁶	R ⁷⁶
Residential Condominium	N	N	N	PR ⁶⁵	PR ⁶⁵	P	R ⁷⁶	R ⁷⁶	N	R ⁷⁶	R ⁷⁶
Single-Family Dwelling Units, Detached	P	P	P	P	P	P	N	N	R ²⁵²⁴	R ²⁵²⁴	R ²⁵²⁴
Townhomes	N	P	P	P	P	P	N	N	N	N	N

Two-Family Units (Duplex)	N	P	P	P	P	P	N	N	N	N	N
Zero Lot Line Dwelling Units	N	N	N	N	P	P	N	N	N	N	N
Civic (institutional):											
Basic Utilities	R ²⁰¹⁹	R ²⁰¹⁹	R ²⁰¹⁹	R ²⁰¹⁹	R ²⁰¹⁹	R ²⁰¹⁹	R ²⁰¹⁹	R ²⁰¹⁹	P	P	P
Colleges	C	C	C	C	C	CP	CP	CP	CP	N	N
Community Recreation	PR ₄₀₉	PR ₄₀₉	PR ₄₀₉	PR ₄₀₉	PR ₄₀₉	P	P	P	N	N	N
Cultural Institutions	N	N	C	C	C	P	P	P	C	C	N
Emergency Services	CP	CP	CP	CP	CP	P	P	P	P	P	P
Medical Centers	N	N	N	C	C	C	C	C	P	N	N
Public/Social Support Facilities	N	N	N	N	C	C	P	P	C	C	C
Religious Institutions	P	P	P	P	P	P	CP	CP	N	N	N
Schools	C	C	C	C	C	P	CP	CP	N	N	N
Social/Fraternal Clubs/Lodges	N	N	N	N	N	P	P	P	N	N	N
Commercial:											
Commercial Lodging	N	N	N	N	N	R ⁴⁴¹⁰	P	P	R ²⁶²⁵	C	N
Eating and Drinking Establishment	N	N	N	C ⁴²¹¹	C ⁴²¹¹	PR ₂₄₂₀	P	PR ₂₄₂₃	R ²⁶²⁵	R ²⁶²⁵	R ²⁶²⁵
Entertainment Oriented:											
Adult Entertainment	N	N	N	N	N	N	R ²²²¹	R ²²²¹	N	N	N
Indoor Entertainment	N	N	N	N	N	PR ₂₄₂₀	P	P	P	N	N
Major Event Entertainment	N	N	N	N	N	N	C	C	N	N	N
General Retail:											
Outdoor Entertainment	N	N	N ⁴⁹¹⁸	N	N	PR ₂₄₂₀	P	C	C	N	N
Animal Related	N	N	N	N	N	N	P	P	N	P	P
Consumer Services	N	N	N	C ⁴²¹¹	C ⁴²¹¹	P	P	P	R ²⁶²⁵	R ²⁶²⁵	R ²⁶²⁵

WECS	R ⁴⁷¹⁶	R ⁴⁷¹⁶	R ⁴⁷¹⁶	R ⁴⁷¹⁶	R ⁴⁷¹⁶	R ⁴⁷¹⁶	R ⁴⁷¹⁶	R ⁴⁷¹⁶	R ⁴⁷¹⁶	R ⁴⁷¹⁶	R ⁴⁷¹⁶
Wireless Communication Facilities	R ⁴⁶¹⁵	R ⁴⁶¹⁵	R ⁴⁶¹⁵	R ⁴⁶¹⁵	R ⁴⁶¹⁵	R ⁴⁶¹⁵	R ⁴⁶¹⁵	R ⁴⁶¹⁵	R ⁴⁶¹⁵	R ⁴⁶¹⁵	R ⁴⁶¹⁵

Notes:

~~1.~~ See Idaho Code section 67-6531.

~~2.~~1. Permitted subject to meeting all standards of section 17.06.500 of this title and obtaining a boarding house permit and license pursuant to title 5, chapter 68 of this code.

~~3.~~2. Permitted subject to requirements of section 17.06.400, "Home Occupations," of this title.

~~4.~~3. Permitted subject to requirements contained in title 5, chapter 28, "Childcare," of this code and elsewhere in this title.

~~5.~~4. Permitted only in, or accessory to, existing residential structures.

~~6.~~5. If built side by side, then minimum lot size requirements according to standards for attached dwelling units (townhouses) apply; otherwise, the maximum number of dwelling units per acre for the subject zoning district apply.

~~7.~~6. Residential uses are permitted outright, provided that buildings maintain ground floor commercial storefronts to all adjacent public streets. For Industrial and Light Industrial districts, residential uses are further restricted to the designated Warehouse Historic District.

~~8.~~7. Limited to multisectional manufactured homes meeting the standards of subsection 17.06.300D, "Manufactured Homes On Individual Lots," of this title, provided a moving and installation permit has first been obtained from the building department and all requirements of Idaho Code title 67 are satisfied.

~~9.~~8. Permitted subject to the requirements of section 17.06.100, "Accessory Dwelling Units," of this title.

~~10.~~9. Recreational trails are a permitted use. City owned recreation lands and facilities are permitted subject to compliance with applicable development standards. [All other Community Recreation uses may be approved through the conditional use permit process.](#)

~~11.~~10. Bed and breakfast facilities with five (5) or fewer guestrooms are conditionally permitted subject to 17.05.500, "Off Street Parking And Loading Standards," of this title. Bed and breakfast facilities with five (5) or fewer guestrooms are permitted in the RCP zoning district. Other types of commercial lodging are not permitted.

~~12.~~11. Limited to multi-family projects, not to exceed ten percent (10%) of total gross square feet of the project buildings.

~~13.~~12. Only park and ride and other transit related facilities are permitted conditionally, all other accessory parking facilities are not permitted.

- ~~14~~.13. Permitted subject to requirements of section 17.06.200, "Accessory Structures," of this title.
- ~~15~~.14. Heliports are a conditional use permitted only for medical centers.
- ~~16~~.15. See title 15, chapter 15.42, "Wireless Telecommunications Towers And Facilities," of this code for requirements for permitted and restricted facilities.
- ~~17~~.16. Subject to the requirements of section 17.06.600 of this title.
- ~~18~~.17. Subject to the requirements of section 17.06.300 of this title.
- ~~19~~.18. The Juniper Hills Country Club exception: The uses, improvements, developments and activities associated with the Juniper Hills Country Club golf course and facilities are permitted subject to compliance with applicable residential zone development standards per section 17.05.610 and table 17.03.600 of this chapter.
- ~~20~~.19. The following are permitted outright: water lines, storm sewer lines, water quality swales, sanitary sewer lines, and local electrical, gas, cable, or telephone lines or conduit. Specifically excluded are uses such as, but not limited to, substations, satellite facilities, and utility operation centers; all others shall be by conditional use permit in the CG, RCP and CC zoning districts.
- ~~21~~.20. Uses operating before six o'clock (6:00) A.M. and after ten o'clock (10:00) P.M. and drive-up windows are permitted by conditional use, as governed in section 17.02.130, "Conditional Use Permits (CUP)," of this title.
- ~~22~~.21. Subject further to provisions of title 5, chapter 5.60 of this code governing adult entertainment.
- ~~23~~.22. Limited to ten thousand (10,000) gross square feet in size, except retail grocery outlets, which are limited to forty thousand (40,000) gross square feet; all others shall be by conditional use permit.
- ~~24~~.23. Drive-through operations are allowed through the conditional use permit process.
- ~~25~~.24. A single-family detached dwelling or single-family manufactured home is allowed for one (1) on site caretaker residence when located on the same lot as the permitted use and occupied exclusively by the caretaker and family.
- ~~26~~.25. These limited uses, separately or in combination, may not exceed twenty five percent (25%) of the entire square footage within a development complex. No retail uses shall exceed thirty thousand (30,000) square feet of gross leasable area per building or business.
- ~~27~~.26. Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.
- ~~28~~.27. Office uses are permitted in LI and I zoning districts as accessory uses up to thirty percent (30%) of the entire square footage within a development complex only as accessory uses to a principal use; all others shall be by conditional use permit.
- ~~29~~.28. Warehouse/freight movement uses are permitted in OP zoning districts only as accessory uses to a principal use; all others shall be by conditional use permit.

17.03.600: DIMENSIONAL STANDARDS

TABLE 17.03.600

DIMENSIONAL STANDARDS TABLE

Standard	RE	RL	RMS	RMM	RH	RCP ²	CG	CC	OP ⁹	LI	I
Maximum number of dwelling units per acre ¹				12	30						
Minimum lot size						None	None	None	None	None	None
Single-family	15,000 sq. ft.	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	4,200 sq. ft.						
Two-family		12,000 sq. ft.	8,000 sq. ft.	8,000 sq. ft.	6,720 sq. ft. ¹²						
Townhomes		6,000 sq. ft.	4,000 sq. ft.	3,630 sq. ft.	3,630sq. ft.						
Condominiums or multi-family				3,630 sq. ft.	1,452 sq. ft.						
Minimum setbacks⁴											
Front yard	25 ft.	20 ft.	20 ft.	15 ft.	10 ft.	10 ft. ³	10 ft. ³	0 ft. ³	30 ft. ³	10 ft. ³	10 ft. ³
Any street frontage						10 ft. ³	10 ³	0 ft. ³			
Garage (facing any street)	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.						
Side facing street on corner and through lots	20 ft.	20 ft.	15 ft.	15 ft.	10 ft.				20 ft. ¹⁰	10 ft. ¹⁰	10 ft. ¹⁰
Side yard	10 ft.	7 ft.	6 ft.	6 ft.	6 ft.	0 ft. ^{3,8}	0 ft. ^{3,8}	0 ft. ^{3,8}	10 ft. ¹⁰	0 ft. ¹⁰	0 ft. ¹⁰
Rear Yard	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.	0 ft. ³	0 ft. ³	0 ft. ³	10 ft.	0 ft. ¹⁰	0 ft. ¹⁰
Rear Yard: Attached (townhomes) residential				10 ft.	10 ft.						

condominiums and multi-family											
Alley loaded garage	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.						
Side or rear yard abutting RE, RL or RMS zoning district				10 ft.	10 ft.						
Minimum parking lot setbacks											
Front Yard	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft. ³	10 ft. ³	10 ft. ³			
Any Street frontage	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft. ³	10 ft. ³	10 ft. ³			
Side yard ⁸	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft. ³	0 ft. ³	0 ft. ³			
Rear Yard	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft. ³	0 ft. ³	0 ft. ³			
Minimum landscaping requirement (% of parking lot) ^{7,11}	10%	10%	10%	10%	10%	10%	7%	0%	25%	5%	5%
Maximum height	35 ft.	35 ft.	35 ft.	35 ft.	45 ft.	45 ft.	105 ft. ⁶	120 ft. ⁶	105 ft. ⁶	105 ft. ⁶	120 ft. ⁶

Notes:

- Does not include area devoted to streets for townhomes, residential condominiums or multi-family development.
- Residential uses in the RCP zoning district shall meet bulk and placement standards of the RH zoning district.
- Greater setback requirements apply when abutting a residential zoning district. See transitional buffers, section 17.05.270 of this title.
- Building projections such as eaves, bay windows, and chimneys may extend a maximum of two feet (2') into designated setbacks (side, rear or front). Non-enclosed porches, steps and decks less than thirty inches (30") in height from finished grade may extend a maximum of six feet (6') or fifty percent (50%), whichever is less, into the required front and rear setbacks, and may extend a maximum of two feet (2') into required side yard setbacks.
- For attached townhomes, side yard setbacks are required only for end units.
- Building Heights:

a. The maximum height of any building in the Commercial or Industrial zoning districts within one hundred fifty feet (150') of any residential zoning district shall not exceed forty five feet (45') measured from the proposed structure to the residential zoning district boundary.

b. The maximum height of any building in the Commercial or Industrial zoning districts between one hundred fifty-one feet (151') to three hundred feet (300') from any residential zoning district shall not exceed seventy-five feet (75') measured from the proposed structure to the residential zoning district boundary.

c. The maximum height of any building in the Commercial or Industrial zoning districts within one hundred fifty feet (150') of the Residential-Commercial-Professional (RCP) zoning district shall not exceed seventy-five feet (75') measured from the proposed structure to the RCP zoning district boundary.

d. The maximum height of any building within the Historic Preservation Overlay (HPO) district shall not exceed seventy-five feet (75').

e. Height may be increased in Central Commercial (CC) and Industrial (I) zoning districts up to one hundred fifty feet (150') with a Conditional Use Permit. Height may be increased for Civic Uses in Residential and Residential/Commercial/Professional (RCP) zoning districts with a Conditional Use Permit.

7. Does not include required setback landscaping.

8. Including adjacent alleyways.

9. Minimum parcel size is five (5) acres, prior to subdividing to create the office park.

10. In the OP, LI and I zoning district, no side or rear yard setback shall be required except where the district abuts a residential zoning district. When adjacent to a residential district, a setback as required under transitional buffers section 17.05.270 of this title shall be maintained.

11. In the OP, LI and I zoning districts landscaped setbacks may be counted toward the total requirement, however, parking lot landscaping shall not be counted. All parking lot landscaping shall be contained within the parking area.

12. A two-family home shall be permitted where enough lot area would be available for a triplex or fourplex.

17.04.210: HISTORIC PRESERVATION OVERLAY (HPO):

G. Certificate of Appropriateness; Required:

1. In order to preserve the integrity of historic buildings and structures within a designated historic district, and to ensure that any new buildings, signs, or structures constructed within a designated historic district shall be compatible within such district, no exterior portion or feature of any building, site, structure or object sign within the district shall be demolished or altered, no new construction shall be undertaken, and no outdoor sign shall be erected following the designation of a historic property, until after an application for a Certificate of Appropriateness has been submitted to and approved by

the Historic Preservation Commission or the Planning Director or their designee as set forth in Table 17.04.210 of this chapter.

~~2. No building or sign permits may be issued for exterior remodeling, rehabilitation, or renovation of any property or landmark situated within a designated historic district without proof that a certificate of appropriateness has been issued.~~

~~3.2.~~ No person may commence construction, remodeling, rehabilitation, renovation, demolition, alteration, signage, or the like, nor be issued any building or sign permit within a designated historic district or ~~to~~ for a historic ~~property or landmark~~ building or structure, without having first received a Certificate of Appropriateness for such work, regardless of whether or not a ~~building~~ permit is required for such work.

3. All applicable permits shall be required in addition to a Certificate of Appropriateness.

TABLE 17.04.210

CERTIFICATE OF APPROPRIATENESS REQUIRED

<u>Reason for Certificate of Appropriateness</u>	<u>HPC Level Review</u>	<u>Staff Level Review</u>	<u>No COA Required</u>
<u>Variance from Historic Design Standards</u>	<u>X</u>		
<u>Premature Alterations</u>	<u>X</u>		
<u>Demolitions</u>	<u>X</u>		
<u>New Construction</u>		<u>X</u>	
<u>Exterior Alterations (includes windows, doors, signage, etc.)</u>		<u>X</u>	
<u>Interior Alterations</u>			<u>X</u>
<u>Window Signage</u>			<u>X</u>
<u>Sign Face Change</u>			<u>X</u>
<u>Repairs (see 17.04.210.J)</u>			<u>X</u>

~~4. No certificate of appropriateness is required for interior work on any historic structure or any structure within a historic district, except as provided in this subsection. The historic preservation commission shall have no jurisdiction over any work regarding the interior of any such structure or building, unless in the judgment of the building official, a contemplated remodeling project could affect structural integrity, in which case the building official may deny the permit or require a certificate of appropriateness from the Historic Preservation Commission.~~

H. Certificate of Appropriateness; Application ~~Process~~:

~~1. An application for a new construction or an alteration certificate of appropriateness within a designated local historic district shall contain the following information:~~

- ~~— a. A clear statement of the proposed work, including colors, materials, landscaping, canopies, and signs;~~
- ~~— b. Plans illustrating the size, height and completed appearance of the proposed work;~~
- ~~— c. A site plan showing all existing buildings and structures and the proposed work;~~
- ~~— d. Any other project information deemed necessary by the historic preservation commission.~~

1. A completed Certificate of Appropriateness application on a form furnished by the City and applicable fee(s) set by resolution of the City Council together with technical information published and updated from time to time by the City shall be filed by the applicant. The City may request modifications to or additional information for any application for purposes of achieving compliance with this chapter. Fees are not refundable.

~~—2. The historic preservation commission shall consider all applications for certificates of appropriateness within forty five (45) days of receipt by the planning and development services department of a complete application and all supporting materials.~~

2. Staff Level Review: The City shall approve, approve with conditions, or deny the Certificate of Appropriateness application. The applicant may appeal staff's decision to the Historic Preservation Commission by written request within fourteen (14) days of the date of the written decision. Appeals to the Commission shall require additional fee(s) set by resolution of the City Council.

3. Historic Preservation Commission Level Review: Upon receipt of a completed Certificate of Appropriateness application and applicable fee(s), a hearing date shall be scheduled, notice of hearing provided, and a hearing held in the manner required by section 17.02.300 of this title. The historic preservation Commission shall approve, approve with conditions, or deny the Certificate of Appropriateness application. The applicant or other affected persons may appeal the Commission's decision to the City Council by written request within fourteen (14) days of the date of the written decision. Appeals to City Council shall follow the provisions outlined in section 17.02.400 of this title. ~~may issue a certificate of appropriateness either with or without conditions to further the purposes of this section or decline to issue one.~~ The Historic Preservation Commission shall state, for inclusion in the minutes as well as in the findings, the reasons for its decision. The decision shall be in the form of written findings, which shall be transmitted, ~~along with~~ as part of the eCertificate of Appropriateness, if issued, to the applicant, ~~no later than ten (10) days following the conclusion of the meeting at which the decision was made. The applicant may appeal the Historic Preservation Commission's decision to the City Council by written request submitted to the planning and development services department within fourteen (14) days of the date of the written decision.~~

I. Certificate of Appropriateness; Standards For Review: ~~In reviewing applications for certificates of appropriateness for new construction or alterations of buildings, sites, structures, and objects within a historic district, the criteria for review are as follows:~~ The standards for review of a Certificate of Appropriateness application as identified in the Pocatello Downtown Historic District Design Standards shall apply.

~~1. Adverse impacts to the historical integrity of the property or structure shall be minimized.~~

~~—a. Changes to the defining characteristics of the building or site shall be minimized.~~

~~—b. Removal of historic materials and features of the building or site shall be avoided.~~

~~—c. Historic materials shall be retained where possible. Where not feasible, compatible materials shall be encouraged.~~

~~—2. The proposed work shall be compatible with the property or structure itself, as well as the surrounding neighborhood or district. Consideration shall be given to exterior design, site layout, proportion, detail, scale, color, texture, and materials.~~

~~—3. Landscaping shall be compatible with the historic character of the property itself, as well as with the surrounding neighborhood or district.~~

~~—4. The style, materials, size and location of signs shall be compatible with the historic character and scale of the property or structure as well as to the surrounding neighborhood or district.~~

~~—5. The historic preservation commission must consider the property's suitability for preservation or restoration; educational value; cost for preservation or restoration; cost of acquisition, restoration, maintenance, operation, or repairs; possibilities for adaptive or alternative use of the property; appraised value and administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs.~~

~~—J. Demolition; Procedures; Hearing Required:~~

~~—1. Applications for total or partial demolition of a locally designated historic property shall be submitted by the owner of the property to the planning and development services department and shall contain all information required for a certificate of appropriateness as set forth in this chapter. In addition, demolition applications must be accompanied by a detailed structural analysis conducted by a licensed architect or structural engineer. The reasons for the building's demolition and the urgency, if any, for so doing must be fully set out in writing. Any emergency demolition, as required by currently adopted building codes, ordered by the building official could take place without review by the historic preservation commission, but the building official shall notify the historic preservation commission of any such order.~~

~~—2. The historic preservation commission shall hold a public hearing within forty five (45) days after the planning and development services department's receipt of the demolition request. Notice of the time, place, and purpose of such hearing shall be given at least fifteen (15) days prior to the hearing by one publication in a newspaper of general circulation in the city and by written notice by regular first class mail to the applicant and property owners within a three hundred foot (300') radius of the applicant's property lines.~~

~~—3. The historic preservation commission may, at its own expense, secure its own professional evaluation of the building. The owner must provide access for such an evaluation during regular business hours or at such other time as is mutually agreeable, or the request may be denied.~~

~~—4. Following completion of such hearing, the historic preservation commission shall approve, approve with conditions, or deny the application for a demolition permit based on the testimony and materials presented. In the case of approval, or approval with conditions, additional bond coverage or irrevocable letter of credit or other appropriate guarantee deemed acceptable by the city may be required to ensure completion of the work as approved, including removal of debris and restoration of the land to a neat and orderly condition. All demolition decisions of the historic preservation commission shall be in writing and include findings of fact and conclusions of law and a copy shall be sent to the applicant and a copy transmitted to the building department of the city, which department shall issue any permit approved by the historic preservation commission, providing applicable state, federal, and city regulations have been complied with.~~

~~—5. Extension of this time period may only occur by mutual consent of the owner and the historic preservation commission.~~

~~—6. Any affected person aggrieved by a determination of the historic preservation commission may appeal to the city council by written request submitted to the planning and development services department within fourteen (14) days of the date of the written decision.~~

~~KJ.~~ Repairs: Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature of a historic building, ~~landmark, or~~ structure, or sign within a historic district that does not involve a change or alteration in design, or material, ~~color, or outer appearance thereof~~. Minimal repairs to masonry, including cleaning and repointing, are permitted without review ~~by the historic preservation commission~~ only if historically appropriate techniques are employed (i.e., no sandblasting, sealants, or Portland cement).

~~LK.~~ Property Maintenance:

1. The neglect of any locally designated historic property or any property within a locally established historic district is expressly prohibited. The owner of a designated historic property, ~~landmark,~~ structure, or sign, ~~or area~~ shall not permit it to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce a detrimental effect upon the character of the district as a whole, or upon the life and character of a building, structure, or sign site, ~~or landmark~~.

2. The Historic Preservation Commission ~~may~~ shall cooperate with city staff responsible for property maintenance enforcement to ensure the preservation of designated historic properties. City staff may provide ~~quarterly~~ an annual reports to the Historic Preservation Commission regarding the compliance of historic buildings or structures with ~~this code's provisions relating to structural integrity and aesthetic standards.~~ the provisions of this chapter.

~~ML.~~ Building And Health Codes Exemption:

1. In order to promote the preservation and restoration of historic properties within the city, a historic property ~~or landmark,~~ or structure within a historic district may be exempted from the application of such standards contained in the city health or building codes if, upon recommendation from the Historic Preservation Commission, it shall be determined such application would otherwise prevent or seriously hinder the preservation or restoration of said historic property, ~~landmark,~~ or structure; provided, that the restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation standards, than the existing building.

2. A historic building or structure shall comply with the provisions regarding historic buildings of the adopted edition of the International Existing Building Code (IEBC) relating to their repair, alteration, relocation and change of occupancy.

17.04.220: ORIGINAL TOWNSITE OVERLAY (OTO):

A. Purpose: The purpose of the original townsite overlay (OTO) is to fulfill the following objectives:

1. Encourage development to be compatible with existing development patterns to take advantage of existing infrastructure and services such as, but not limited to, streets, water, sewer, and solid waste disposal;

2. Encourage infill development to use land efficiently and reduce sprawl; ~~and~~

3. Maintain and enhance the existing pedestrian friendly development pattern-; and

4. Enhance the City's downtown and facilitate coherent transitions between each downtown district as identified by the Pocatello Downtown Development Plan.

B. Application: The provisions of the OTO overlay shall apply to all areas designated as such on the adopted zoning map which are part of the original Pocatello townsite. The provisions of the OTO are to be applied in conjunction with the provisions of the underlying zoning district. Where the provisions of the OTO and the underlying zoning district conflict, the requirements of the OTO shall apply.

C. Permitted Uses: Permitted, restricted, conditionally permitted, and nonpermitted land uses shall be as listed in the underlying zoning district.

D. Development Standards:

1. Lot Requirements: Lot requirements, including minimum lot size, density standards, lot width, and lot coverage shall be as listed in the underlying zoning district. Existing, legally created lots are exempted from this standard.

2. Setback Requirements: Setbacks shall be as follows.

Standard	Residential Uses	Nonresidential Uses
Front (except garage)	15 feet or the average of the existing setbacks of the abutting block face, or as otherwise determined by the Director or their designee	0 feet, and a maximum setback of 10 feet, or as otherwise determined by the Director or their designee
Interior side	5 feet	0 feet of 5 feet if abutting a residential zoning district
Corner street side	10 feet; unless built on only one OTO lot as originally platted, then 5 feet	0 feet, and a maximum setback of 10 feet, or as otherwise determined by the Director or their designee , all applicable site triangle standards shall apply
Rear	10 feet	0 feet
Alley loaded garage	10 feet	
Front loaded garage	20 feet or 5 feet more than front setback, whichever is greater	

3. Building Height: The maximum height of the principal building shall not exceed the maximum height permitted in the underlying zoning.

4. Parking: For single-family and two-family dwellings, when alley access is available, off street parking spaces shall be accessed from the adjacent alley. On street parking spaces aligning with the property street frontage may be counted toward up to 50% of the required off street parking requirements. For other use types, off street parking and loading shall be provided in accordance with section 17.05.500 of this title, with the following exceptions and additions:

a. Reduction: Off street parking requirements may be reduced by up to thirty percent (30%) for development with a building footprint of less than five thousand (5,000) square feet, or a maximum of six (6) on street parking spaces abutting the development may be counted toward required off street parking requirements.

b. Waiver: Off street loading requirements shall be waived for developments with a building footprint of less than ten thousand (10,000) square feet, except for motor vehicle sales.

c. Rounding Down: If any use requires one-half ($\frac{1}{2}$) or more of a parking space, the parking requirement shall be rounded down to the lesser number of spaces.

d. Location of Parking Facilities: Parking areas, [traffic circulation, and drive-thrus](#) shall not be located between the front building [line facade](#) and the [primary access street front lot line](#). Required parking spaces may be located on another parcel not farther than four hundred feet (400') from the building or use they are intended to serve, measured in a straight line in any direction from the building.

e. Development shall have a minimum parking lot setback of five feet (5') on the side yard and rear yard setbacks.

5. Landscaping: Landscaping shall be provided in accordance with the following standards:

a. Except where crossed by driveways and pathways, all residential front yards and areas visible from the public streets shall be landscaped. Nonvegetative ground cover shall not exceed fifty percent (50%) of the total landscape areas.

b. Driveways and other impervious surfaces shall cover no more than one-third ($\frac{1}{3}$) of the front yard area.

c. Gravel or unimproved driveways or parking areas shall not be permitted.

d. Planting strips are required and shall be landscaped, including one shade tree that is one and one-half inch (1-1/2") caliper in size or larger for every thirty feet (30') of property frontage. The required width of the planter strip shall be determined by the Director or their designee and Public Works Engineering staff. Tree species and varieties, in accordance with the planter strip width requirements, shall be chosen from the list of city approved street trees.

6. Street Orientation: The [front door principal entrance](#) of the [building structure](#) shall face the public street on which the building is addressed. For commercial development when located adjacent to multiple public streets, the [front door principal entrance](#) shall orient towards the nearest adjacent public street. A pedestrian walkway shall connect the public sidewalk to the [front door principal entrance](#). No street facade shall contain blank walls wider than thirty (30) linear feet. Street facade walls wider than thirty (30) linear feet shall contain windows or entrances to break up blank wall surfaces.

7. Lighting: Lighting shall be no taller than fifteen feet (15') and shall be shielded and directed away from adjacent uses and/or public right of way.

E. Downtown Development Standards:

1. Lighting: Street lighting shall be provided in accordance with the Light Plan of the Pocatello Downtown Development Plan. The required lighting shall be placed in the required planter strips, unless authorized elsewhere on the project site as approved by the Planning Director or designee.

17.05.100: SLOPE DEVELOPMENT STANDARDS:

17.05.130: REVIEW PROCESS:

A. Preapplication Conference: The applicant shall meet with planning and public works staff prior to submittal of development applications. The purpose of the conference shall be to determine the applicability of the provisions of this chapter, the need for specific geologic or other studies, and identify the applicable review process.

B. Required Development Submittals: In addition to other information required by this code, applicants must include the following additional information in their submittal. All documents and/or other required submittals shall be prepared by an appropriately licensed individual. The submittal shall consist of a combination of textual and graphical information necessary to assess the development suitability of the site. For subdivision applications, this information shall be submitted at the preliminary plat stage. The following are minimum submittal requirements:

1. Geological Studies: Plans for review for all development of lands when any topographical slope exceeds fifteen percent (15%) shall include a geotechnical evaluation and report performed by a registered professional geologist or engineer, licensed in the state of Idaho. This evaluation and report shall include all current city requirements, including a plan of mitigation for any geotechnical problems identified during the evaluation. The report shall be prepared at the applicant's expense. A designated city official shall review the geotechnical report. If the city accepts the report, a development proposal may proceed through the review process. If the designated city official determines a more detailed analysis is necessary, a revised geotechnical report must be submitted for approval.

Any project which includes a grading or earthwork component in the city of Pocatello shall require construction material testing and ongoing risk assessment, performed by a registered professional geologist or engineer, licensed in the state of Idaho, during grading and construction of infrastructure.

2. Slope Analysis: A slope analysis submitted on a topographic map with a contour interval of two feet (2') or less, indicating the location and amount (in acres) of land included in the following slope categories: zero to 14.9 percent, fifteen (15) to 24.9 percent, twenty five (25) to 34.9 percent, and thirty five percent (35%) or greater. The map shall be made by a professional land surveyor who shall ensure that the quality of the map meets the standards of the American Council Of Surveying And Mapping and the American Society Of Civil Engineers. [When preparing the slope analysis, areas of un-natural slope and/or which have been previously disturbed as verified by an appropriately licensed individual and accepted by the Director or designee, may be excluded from the calculations set forth in Table 17.05.140 Density and Disturbance Standards.](#)

3. Geologically Hazardous Areas: Location of areas where landslides or avalanches pose a moderate or severe risk or other areas characterized by unstable slopes, unstable soils, underlying geology (such as rock outcroppings), or geologic faults.

4. Soil Types: Identification of soil types and soil maps with descriptions of limitations for all soils found on the site. Where loess soils are identified, the geological assessment shall include measures necessary to avoid hydrocompaction.

5. Hydrology: A description of streams, ravines, drainageways, surface water and wetlands, and patterns of natural drainage and floodplains.

6. Natural Features: Topographic features and natural landforms, such as ridgelines, ravines, and canyons, or highly visible natural features and features that are designated to be preserved or protected according to the natural features overlay map of the comprehensive plan shall be identified in the application.

7. Vegetation: The extent and type of existing vegetative cover shall be identified. A vegetation protection plan, including a revegetation plan based on existing vegetation shall be submitted.

8. Grading: A preliminary grading plan including a line showing limits of areas proposed to be disturbed and the total number of acres to be disturbed and the finished grade of all lots and all proposed public or private streets.

9. Erosion: Erosion and sediment control plan.

10. Site Constraints: Description of how the proposed development is designed to address site constraints identified in the required geological assessment and a description of any proposed mitigation.

C. Required Subdivision Submittals: Applications for subdivisions of lands when any topographical slope exceeds fifteen percent (15%) must submit an application meeting the requirements of title 16 of this code in addition to the provisions set forth in this section.

17.05.250: STREET FRONTAGE/SETBACK AREA LANDSCAPING:

A. General: All areas within the required setbacks from street rights of way in all zoning districts shall be landscaped except where crossed by driveways or walkways. No parking shall be allowed on landscaped areas. In addition to the required trees as noted in each district, said landscaping shall consist of vegetative cover including, but not limited to, decorative grasses, shrubs, or other low water vegetative ground cover. The remaining ground cover may consist of non-vegetative cover such as decorative rock, bark, or drought tolerant grass. Kentucky bluegrass is allowed but more drought tolerant/low [water](#) grasses are encouraged.

B. Residential Zoning Districts: In RE, RL, RMS, RMM, and RH zoning districts [shall meet the following: all vehicular use areas or paved parking areas serving more than two \(2\) dwelling units shall be landscaped as required above, and shall include at least one tree of minimum one and one-half inch \(1.5"\) caliper for every thirty-five feet \(35'\) of street frontage.](#)

[1. For single-family and two-family \(duplex\) lots; landscaping shall include at least one tree with a minimum of one and one-half inches \(1.5"\) in caliper, selected from the city's approved planting list. For lots with thirty-five feet \(35'\) or more of street frontage, then landscaping shall include one tree with a minimum of one and one-half inches \(1.5"\) in caliper for every thirty-five feet \(35'\) of street frontage, selected from the city's approved planting list.](#)

[2. For townhome structures/buildings; landscaping for each end unit lot shall include at least one tree with a minimum of one and one-half inches \(1.5"\) in caliper, selected from the city's approved planting list.](#)

[3. For multi-family lots; landscaping shall include at least one tree with a minimum of one and one-half inches \(1.5"\) in caliper for every thirty-five feet \(35'\) of street frontage, selected from the city's approved planting list.](#)

C. Commercial Zones: In the CG, CC, RCP, ~~NC, and OP~~ zoning districts the landscaping shall include [at least one tree at least with a minimum of one and one-half inches \(1.5"\) in caliper for each every thirty-five feet \(35'\) linear feet of street frontage, selected from the city's approved planting list.](#)

D. Industrial Zones: In all OP, LI and I zoning districts the landscaping shall include at least one tree ~~at least~~ with a minimum of one and one-half inches (1.5 ~~1/2~~") in caliper for each fifty feet (50') ~~linear feet~~ of street frontage, selected from the city's approved planting list.

E. Plant Specifications: Required planting shall adhere to requirements set forth in section 17.05.240, "Planting Specifications And Plant Substitutions", of this chapter.

17.05.600: DISTRICT DEVELOPMENT STANDARDS:

17.05.610: RESIDENTIAL DEVELOPMENT STANDARDS:

A. Compliance Required: All development shall comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances in accordance with section 17.02.160, "Variances," of this title;

2. All other applicable standards and requirements contained elsewhere in this title.

B. Development Standards: Development standards in residential zoning districts are as follows:

1. No building permits will be issued for any structures or improvements upon any lot or parcel prior to the final recording of an approved land division and the approved installation of required public improvements pursuant to title 16 of this code.

2. For single-family and two-family dwellings (duplex), a minimum of forty five percent (45%) of the front yard area shall be completed with landscaping. The "front yard area" is defined as the area extending the full width of the lot from the front property line to the front of the dwelling.

~~a. Driveways and/or additional parking areas may cover a maximum of fifty five percent (55%) of the front yard area.~~

~~b. The required off street parking spaces for the use shall be paved (i.e., asphalt, concrete or pavers) or surfaced with composite permeable pavers, porous pavement or porous concrete, or open celled paving grid systems installed per industry standards.~~

~~c. Additional parking areas located within the front yard area may be paved or surfaced with permeable or impermeable materials or gravel.~~

~~d. If a residential home includes a garage, then the parking spaces located in front of the garage door(s) are considered to be the "required" spaces and shall be subject to subsection B2b of this section.~~

~~e. Compliance with the provisions of this section will be reviewed in conjunction with the review of required building permits for new residential construction, additions or accessory structures.~~

3. For townhome structures/buildings, each end unit shall include a minimum of forty-five percent (45%) of landscaping in the front yard area.

4. The required off street parking spaces for the use shall be paved (i.e., asphalt, concrete or pavers) or surfaced with composite permeable pavers, porous pavement or porous concrete, or open celled paving grid systems installed per industry standards.

5. Additional parking areas located within the front yard area may be paved or surfaced with permeable or impermeable materials or gravel.

6. If a residential home includes a garage, then the parking spaces located in front of the garage door(s) are considered to be the "required" spaces and shall be subject to subsection B4 of this section.

7. Compliance with the provisions of this section will be reviewed in conjunction with the review of required building permits for new residential construction, additions or accessory structures.

~~3.8.~~ For single-family, ~~and~~ two-family, ~~dwellings,~~ and townhome structures/buildings, when alley access is available, off street parking spaces shall be accessed from the adjacent alley: with the following exception:

a. Not applicable when off street parking for fifty percent (50%) or more of properties of the abutting block face is accessed from the street.

~~4.9.~~ The ~~front door of the structure~~ principal entrance of a building shall face the public street on which the building is addressed, or as otherwise determined by the Director or their designee.

17.06.400: HOME OCCUPATIONS:

A. Intent: The intent of this section is not to allow circumvention of zoning restrictions on commercial activity within a residential zoning district. Rather, the intent is to provide, under limited circumstances, for the additional use of residential properties for certain nonresidential activities. In general, a residential structure or accessory to the residential structure within a residential zoning district may be used for limited business purposes only if the premises are primarily a residence whose occupants are also conducting limited commercial activities at that location. The commercial activity must be such that it can be conducted without negatively impacting the health, safety or general welfare of the neighborhood, unduly increasing traffic or noise, or substantially changing the residential character of a neighborhood. If the home occupation does not meet these general criteria and the standards set out below, the use is not permitted.

B. Standards: All home occupations shall be subject to the following standards:

1. A home occupation certificate must be filed with the planning and development services department.

2. The presence or pursuit of the home occupation shall not result in any nuisance condition or excessive noise, as defined by this code, nor shall the approval of a home occupation certificate allow circumvention of any other city codes.

3. All persons involved in carrying out the home occupation, whether family members, proprietors, partners, or co-equal shareholders, must have as their primary residence the same dwelling unit as that housing the home occupation, with no on site assistance from other persons or employees. Employees

who meet the business owner off site to perform work related activities shall be permitted, provided they do not come to the home.

4. The dwelling unit must be suitable for use for the home occupation without modifications except as specified hereafter. Remodeling or modification of any portion of the dwelling unit or accessory structure to be used in the course of the home occupation shall be prohibited if it would change the character, use, or occupancy classification of the dwelling as set forth in the currently adopted building code. Remodeling and modifications necessary to accommodate handicapped persons shall be allowed, provided applicable building permits have been issued.

5. No oversized vehicle as defined in section 10.08.090 of this code, or any vehicle which by virtue of dimensions, gross vehicle weight or declared use is required by Idaho Code to display, or does display, commercial or apportioned registration plates, may be used or stored on site or on street in carrying out the home occupation.

6. No assets, inventory or raw materials used in a home occupation shall be displayed or stored outdoors. No hazardous materials, as determined by the Pocatello fire department, may be stored at the site of the home occupation.

7. Hours of operation shall be limited to no earlier than six thirty o'clock (6:30) A.M. and no later than nine o'clock (9:00) P.M. Outdoor activities of the home occupation, if any, shall not be permitted earlier than eight o'clock (8:00) A.M. or later than seven o'clock (7:00) P.M.

8. Sales and services to patrons shall be arranged by appointment and scheduled so that no more than one patron vehicle is on the premises at any one time.

9. Delivery vehicles must meet all truck route regulations of this code.

C. Prohibited Uses: The following uses shall not be permitted as a home occupation: ~~retail sales~~; auto repair; manufacturing; adult entertainment; and those of similar classification [as determined by the Planning Director](#).

D. Enforcement: In addition to the other remedies contained within this title, any violation of the terms of an approved home occupation certificate shall result in revocation of the certificate.