

ORDINANCE NO. 259

AN ORDINANCE OF THE CITY OF RICHFIELD, IDAHO, PROVIDING FOR THE ESTABLISHMENT OF ZONING REGULATIONS WITH IN THE CITY OF RICHFIELD; PROVIDING FOR THE TITLE, INTERPRETATION AND ENACTMENTS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR ESTABLISHMENT AND PURPOSES OF DISTRICT; PROVIDING FOR OFFICIAL ZONING MAP; PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR OFFICIAL SCHEDULE OF DISTRICT REGULATIONS; PROVIDING FOR OFFICIAL HEIGHT AND AERIAL REGULATIONS; PROVIDING FOR CONDITIONAL USE PERMITS; PROVIDING FOR PLANNED UNIT DEVELOPMENTS; PROVIDING FOR SIGNS; PROVIDING FOR APPEAL, VARIANCE AND ACTION BY AFFECTED PERSONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR AMENDMENT; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF RICHFIELD, IDAHO:

This Ordinance shall be known and may be cited as the Richfield Zoning Ordinance. This Zoning Ordinance is adopted pursuant to authority granted by Idaho Code Section 67-6501 et seq. And Article 12, Section 2 of the Idaho Constitution. It is enacted for the purpose of promoting the public health, safety, morals, comfort, and general welfare; to conserve and protect property values; to secure the most appropriated us of lands' to control the density of population; to prevent undue traffic congestion, to preserve the scenic and aesthetic values of Richfield, to assure the economical provision of adequate public improvements, and to implement the policies set forth in the Richfield Comprehensive Plan, Adopted March 14, 2016.

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

All Ordinances or parts of Ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

This Ordinance shall be in full force and effect upon its passage and publications according to law.

PASSED AND APPROVED by the City Council of the City of Richfield, County of Lincoln, State of Idaho, this 13th day of January 2020.

CITY OF RICHFIELD

BY:

Charles E. Buttane, Mayor
City of Richfield

ATTEST:

Lu Ann Swainston, City Clerk

ORDINANCE NO. 259

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CHAPTER 1. TITLE, PURPOSE, INTERPRETATION AND ENACTMENT

1.1 TITLE: This Ordinance shall be known any may be cited as the Richfield Zoning Ordinance.

1.2 AUTHORITY AND PURPOSE: This Zoning Ordinance is adopted pursuant to authority granted by I.C. Section 67-6501 et seq. and Article 12, Section 2 of the Idaho Constitution. It is enacted for the purpose of promoting the public health, safety, morals, comfort, and general welfare; to conserve and protect property and property values; to secure the most appropriate use of lands; to control the density of population; to prevent undue traffic congestion, to preserve the scenic and aesthetic values of Richfield, to assure the economical provision of adequate public improvements, and to implement the policies set forth in the Richfield Comprehensive Plan, adopted March 14, 2016.

1.3 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of any other lawfully adopted rules, regulations ordinances or resolutions may apply, the most restrictive rules or those imposing the higher standards shall govern.

1.4 PRESERVATION OF PRIVATE PROPERTY RIGHTS: This ordinance shall be interpreted to equally protect each citizen from the undue encroachment of his private property by his neighbors' use of his own private property. Each citizen shall have the maximum use of his property without placing undue burden upon his neighbor. Every resident of Richfield shall at all times have the right to appear in person or by his agent before the Commission to freely petition for the relief of an alleged burden created by this ordinance, and to appeal any decision of the commission pursuant to the procedure stated herein. The enforcement of this ordinance shall apply equally to each person and property in similar circumstances.

1.

1.5: COMBINING OF PERMITS: The Commission is hereby required to

coordinate with other departments and agencies concerning all permits which may be required in the Ordinance and previously or subsequently adopted City Ordinances. A one stop permit application and processing procedure may be developed with the respective departments and agencies of the city.

1.6: SEPARABILITY CLAUSE: Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1.7: REPEAL OF CONFLICTING ORDINANCE-EFFECTIVE DATE

All Ordinances or parts of Ordinance in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall be in full force and effective five (5) days after the date of its publication, as provided by law.

1.8: PROHIBITED USES All uses not permitted under the terms of this ordinance are prohibited.

CHAPTER 2: INTERPRETATION OF TERMS OR WORDS:

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

2.1: The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual of any other entity.

2.2: The present tense includes the future tense, the singular number includes the plural and plural number includes the singular.

2.3: The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.

2.4: The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied" and

2.5: The word "lot" includes the words "plot", "parcel" and "tract".

CHAPTER 3: MEANING OF TERMS OR WORDS:

3.1: ACCESSORY, USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

3.2: ADMINISTRATOR: The Planning and Zoning Commission who is appointed by the Council to administer this Ordinance.

3.3: AGRICULTURE: The use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating or storing that produce. Also the necessary use for animal and poultry husbandry.

A. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and

3.4: AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiway, aircraft storage and tie down area, hangars and other necessary buildings.

3.5: ALLEY: The word "alley" shall mean an public space or thoroughfare twenty feet (20') or less in width which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.

3.6: ALTERATION: The word "alteration" as applied to a building or structure shall mean a change or rearrangement in the structural parts or in the exit facilities or an enlargement whether by extending on a side or by increasing in height, or in the moving from one location of position to another.

3.7: AUTOMOTIVE, MANUFACTURED HOME, RECREATIONAL VEHICLE AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, mobile homes, travel trailers or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

3.8: AUTOMOTIVE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

3.9: AUTOMOTIVE WRECKING: The dismantling or wrecking of two (2) or more used motor vehicles, mobile homes, trailers or the storage, sale of dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

4.0: BASEMENT: A dwelling unit all or partly underground but having at least one-half ($\frac{1}{2}$) of its height below the average level of the adjoining ground.

4.1: BILLBOARD: An advertising display or device designed to inform or attract the attention of persons not on the premises on which the sign is located.

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

4.3: BUILDING, ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

3.

4.4: BUILDING AREA: The term "building area": shall mean the

aggregate of the maximum horizontal cross section area of the main building on a lot, covering the extremes of a building.

4.5: BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and the top of building walls for gable, hip and gambrel roofs.

4.6: BUILDING PERMITS: A document issued by the City of Richfield authorizing the uses of land and structures, and the characteristics of the uses. Permits will become null and void if construction work is not started within 180 days of the date of the permit is issued.

4.7: BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

4.8: CARPORT: A permanent shelter having an unrestricted vehicle entry, either open or closed sided, that is either free standing or attached to another building and has a rigid type roof.

4.9: CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

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

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

4.12: COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally, related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.

4.13: COMMERCIAL USE: The purchase, sale, or other transaction involving the handling or disposition of any article, substance, or commodity for livelihood or profit, or the ownership or management of office buildings, offices, recreation or amusement enterprises, or the maintenance and use of offices by professionals and trades people rendering services.

4.14: COMMISSION: Planning and Zoning Commission appointed or organized by the City Council.

4.

4.15: COMPREHENSIVE PLAN: The plan that has been adopted by the City of Richfield under Idaho Code 67-6508 as it now exists or may be here after amended, or any portion thereof, adopted by the Council.

4.16: CONDITIONAL USE PERMIT: A special use permitted within a zoning district, other than a principally permitted use, requiring a permit and approval of the commission as set forth in Idaho Code, Section 67-6512.

4.17: CONDOMINIUM: A single-dwelling unit in a multi unit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

4.18: COUNCIL: The city of Richfield's City Council.

4.19: DAY CARE: All day care facilities must comply with whatever current statutes are for the State of Idaho.

4.20: DENSITY: A unit of measurement, the number of dwelling units per acre or land.

A. Gross Density: The total area of a development, including public and private rights of way, divided by the total number of dwelling units.

B. Net Density: The number of building units allowed per acre in a subdivision after subtracting the land occupied by public or private rights of way.

4.21: DWELLING UNIT: Space within a building comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family and its household employees.

A. BUILDING, SINGLE FAMILY: A building consisting of a single dwelling unit only, separated from other dwelling units by open space. Minimum lot size is 6,000 square foot lot.

B. BUILDING, DUPLEX: A building consisting of two (2) building units, each unit having a private entrance and sharing at least one common wall. With a minimum lot size of 9,000 square feet.

C. BUILDING, MULTI-FAMILY: A building consisting of three (3) or more building units including apartment houses, with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units. With a minimum lot size of 12,000 square feet.

D. ROOMING HOUSE (BOARDING HOUSES, LODGING HOUSE, DORMITORY): A building or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

4.22: EASEMENT: Authorization by a property owner for the use by another, and for specified purpose, of any designated part of his property.

5.

4.23: FAMILY: One (1) or more persons occupying a single building unit, provided that all members are related by blood, adoption or marriage.

4.24: FENCE: A barrier intended to prevent escape or intrusion or to mark a boundary with can be made out of materials such as wood, wire or synthetics or other similar materials.

4.25: FLOOD PLAIN: The relatively flat area or low land adjoining the channel or a river, stream, lake or other body of water which has been or may be covered by water of a flood of one hundred (100) year frequency. The flood plain includes the channel, flood way and flood way fringe as follows:

A. "Flood of one hundred (100) year frequency:" shall mean a flood magnitude which has a one percent (1%) change of being equally or exceeded in any given year;

B. "Flood:" shall mean the temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water;

C. "Channel:" shall mean a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water;

D. "Flood way:" shall mean the channel or a watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse;

E. "Flood way fringe:" shall mean that part of the flood plain which is beyond the flood way. Such areas will include those portions of the flood plain which will be inundated by a flood of one hundred (100) year frequency.

F. Any structure placed in the flood plain must meet the most current FEMA Standards.

4.26: FOUNDATION: Foundations are specified by the most current, Division of Building Safety and International Building Code Standard and International Residential Code as adopted by The City of Richfield. Foundations will include footings and stem walls. Footings shall be 16" wide, 8" deep, with 2 #4 rebar. Stem walls shall be 6" wide by 24" high with 2 #4 rebar and #4 rebar vertical 4' on center. Foundations shall have a 24" frost cover with 6" exposed concrete. All foundations shall be of concrete construction according to the International Residential Code, Section R403, R404 as amended. Reference to the Richfield Ordinance No. 211 and 215 the manufactured home foundation.

4.27: GARAGE, SERVICE STATION, CONVENIENCE STORE, MINI MART: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicles accessories may be supplied and dispensed at retail and where other related services including minor motor vehicle repairs are done. Uses permissible at a service station do not include major mechanical body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage nor a body shop.

6.

4.28: GARAGE, PRIVATE: A residential structure made of standard, rigid materials which is enclosed on all sides, having a main doorway, which is intended for the parking or storage of motor vehicles.

4.29: GRANDFATHER USE: Any practice or use in existence at the time of the adoption of this Ordinance. When the property changes ownership, or the use of the property ceases, the grandfather use is no longer valid.

4.30: HEALTH AUTHORITY: The Local District Health Department or State Department of Health and Welfare that has jurisdiction authority.

4.31: HOME BUSINESS: No more than one person, other than members of the immediate family, residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Accessory buildings may be used for this purpose if all other conditions are met. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than a maximum of three signs, not exceeding 12 square feet each. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance, and shall not be located in a required front yard. No equipment or process shall be used in such home occupation which created noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, when the occupation is conducted in a single family residence. In the case of electrical interference, no equipment of process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

4.32: INDUSTRIAL USE: Any manufacturing, processing, or testing of goods and materials, including the production of power, where the by-products of such use including noise, smoke, odor, glare, gas, vibration, dust, light or traffic which may have a detrimental effect on neighboring property.

4.33: INSTITUTION: Building and/or land designed to aid individual in need of mental, therapeutic, rehabilitative counseling or other correctional services.

4.34: JUNK: The word "junk" shall mean any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

4.35: JUNK BUILDING, JUNK SHOPS, JUNK YARDS: Any land, property, structure, building or combination of the same, on which junk is stored or processed.

4.36: KENNEL: Any lot or premises on which three (3) or more feline or

canine animals more than four (4) months of age are housed, groomed, bred, boarded, trained or sold, and which offers provisions for minor medical treatment.

7.

4.37: LOADING SPACE: The term "loading space" shall mean space for the temporary parking of commercial vehicles while loading or unloading merchandise or material, and which abuts upon a street, alley or other appropriate means of access.

4.38: LOT: A lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

A: A single lot of record;

B: A portion of a lot of record; and

C: A combination of complete lots of record, or of portion of lots of record.

4.39: LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under "Yards" in this section.

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

4.41: LOT OF RECORD: A lot which is part of a subdivision recorded in the Office of the County Recorder; or a lot or parcel described by metes and bounds, the description of which has been so recorded.

4.42: LOT TYPES:

A. Corner Lot: A lot located at the intersection of two (2) or more streets;

B. Interior Lot: A lot with only one (1) frontage on a street;

4.43: MANUFACTURING, HEAVY: Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but only at acceptable levels.

4.44: MANUFACTURING, LIGHT: Manufacturing, and or other industrial uses which are usually controlled operations, relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor of dust; operating and storing within enclosed structures and generating little industrial traffic and noise nuisances.

A. Warehousing, wholesaling, manufacturing and/or processing of goods and materials which do not emit offensive odor, dust, smoke, glare, gas, light, noise or vibration which cannot be confined to the site itself.

4.45: MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resources.

8.

4.46: MOBILE/MANUFACTURED/MODULAR HOME: All manufacturing housing place within the city of Richfield, Idaho, shall comply with the following standards and regulations:

(A) A detached single family dwelling unit, constructed according to HUD/FHA mobile home construction safety standards, transportable in one or more sections, which, in the traveling move, is eight (8) body feet or more in width or is forty (40) feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation.

(B) A multi section mobile/manufactured/modular home which consists of more than one section, with a minimum of 1000 square feet. Also constructed according to HUD/FHA mobile home construction safety standards, transportable in more than one section.

(C) Single or multi section mobile/manufactured/modular home are designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detached wheels;

Arriving at the site where it is to be occupied as a dwelling complete except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to utilities and the like.

(D) Have the exterior siding and roofing materials commonly used on residential dwellings within the city and more particularly, siding material shall be wood, stone or brick, metal or vinyl siding and roofing materials shall be wood shake, wood shingle, asphalt composite, or colored metal.

(E) Not including travel trailers.

(F) All certifications required by the secretary of HUD and complies with the standards established under 42 U.S.C. 5401, et. Seq., and all applicable laws of the State of Idaho and The City of Richfield, Idaho.

(G) Foundations as required by Ordinance No. 211 & 215 of the City of Richfield.

(H) A detached single family dwelling or a multi section mobile/manufactured home may be placed in either a designated mobile home park or a residential lot, or a manufactured home subdivision.

4.47: MOBILE/MANUFACTURED/MODULAR HOME PARK: Any site or tract of land under sole proprietorship, partnership or corporate ownership, upon which two (2) or more mobile/manufactured/modular homes for occupancy are parked, with either water, sewer and electricity including propane or natural gas, either free of charge or revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for

use as a part of the facilities of such park.

9.

4.48: MOTEL: A building or group of buildings which contain (a) separate sleeping accommodations, each with its own exterior entrance, offered for rent to the traveling public on a nightly basis, and (b) has on-site office with a person in charge twenty-four (24) hours per day.

4.49: NON-CONFORMING USE: A building, structure or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district in which it is situated.

4.50: NURSERY, PLANT MATERIALS: Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail or whole sale on the premises including products used for gardening or landscaping.

4.51: OPEN SPACE: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts and any other recreational facilities that the Commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.

4.52: PARK: A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

4.53: PARKING SPACE, OFF STREET: For the purpose of this Ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room; shall be located totally outside of any street or alley right of way.

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

4.55: PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlor and similar activities.

4.56: PLANNED UNIT DEVELOPMENT: An area of land in which a variety of residential, commercial and industrial uses developed under single ownership or control are accommodated in a pre-planned environment with flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

4.57: PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by doctors, lawyers, architects, engineers and similar professions.

4.58: PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service.

- 4.59: QUASI-PUBLIC USE: Essentially a public use, although under private ownership or control.
- 4.60: QUORUM: A majority of the authorized members of a board or commission.
- 4.61: RECREATIONAL VEHICLES OR TRAVEL TRAILER PARK: A limited stay facility for use by travelers. Provided water and may have sewer hook-ups or may supply a dump station. This also includes motor homes and pickup campers.
- 4.62: RESEARCH ACTIVITIES: Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering.
- 4.63: RIGHT-OF-WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped area, viaducts and bridges.
- 4.64: ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural or manufactured products whether produced on the site or imported or otherwise brought to the site for resale.
- 4.65: SEAT: For purposes of determining the number of off street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.
- 4.66: SETBACK LINE: A line established by the Zoning Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located, except as may be provided in said code.
- 4.67: SIDEWALK: That portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.
- 4.68: SIGN: Any outdoor advertising display, billboard or device designed to inform or attract.
- 4.69: SITE PLAN: A plan that outlines the use and development of any tract of land.
- 4.70: SNOW LOAD: Minimum snow load on new construction within The City of Richfield. Minimum snow load of 30 pounds per square foot. Referencing Ordinance No. 198 dated February 2001.
- 4.71: STORAGE BUILDINGS: All accessory buildings used for storage or other similar use shall be permitted to be located in any portion of the rear yard or side yard. No storage building shall be located in the front yard.

4.72: STORY: That part of a building between the surface of a floor and the ceiling immediately above it.

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

A. Arterial/Main: A street designated on the Comprehensive Plan for the purpose of carrying fast and/or heavy traffic.

B. Private: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

4.74: STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include building, mobile homes, walls, fences of over ten (10) feet in height and billboards.

4.75: SUBDIVISION: The result of an act of dividing an original lot, into more than two parts for the purpose of; (a) transfer of ownership, or development (b) the dedication of a public street, and (c) the addition to, or creation of, a cemetery.

4.76: SUPPLY YARD: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, similar goods.

4.77: TOWNHOUSE DEVELOPMENT: A planned project of two single family units with a common adjoining wall, each unit being separated from the adjoining unit by a one hour fire resistant wall or walls extending from the basement floor to the roof along the dividing townhouse sub-lot line, each unit having its own access to the outside, and no unit located over another unit in part or in whole. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance. There shall be separate water and sewer connections for each unit.

4.78: TOWNHOUSE UNIT: One or more rooms, including a bathroom, and a single kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse sub lot.

4.79: TRAVEL TRAILER, CAMPING AND TENTS: Any unit operated under its own power or drawn by or mounted on another vehicle that is designed for or used as a temporary living quarter. This definition includes, without limitation, a travel trailer, camping trailer, truck camper, fifth-wheel camper, recreation vehicle also including tents.

4.80: TRUCK: Any vehicle that is 16,000 GVW or larger that is used either for public or private purposes or in a commercial venture.

- 4.81: TRUCK TERMINAL: An off street location that is intended for the storage, parking and/or maintenance of trucks.
- 4.82: USE: The specific purpose for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.
- 4.83: UTILITIES: Installations for conducting water, sewer, gas, electricity, television, storm water, and similar facilities providing service to and used by the public.
- 4.84: VARIANCE: A deviation from the height, bulk, setback, parking or other dimensional requirements established by or as amended. Applicable Zoning Ordinance of the City of Richfield.
- 4.85: VEHICLE: Any motorized equipment recognized by the Idaho Department of motor vehicles for licensed travel on public roadways.
- 4.86: VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.
- 4.87: VICINITY MAP: A drawing which sets forth by dimensions or other means the relationship of the proposed development to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question. This would include ownership.
- 4.88: WALKWAY: A public way, for pedestrian use only, whether or not along the side of a road.
- 4.89: WIND LOAD: The load placed by the wind speed and air density of a building. Referencing the International Residential Code R301.2 (4) B. International Building Code 1609 A.
- 4.90: YARD: A required open space, other than a court, unoccupied and unobstructed by any structure provided, accessories, ornaments and furniture may be permitted in any yard.
- 4.91: ZONING PERMIT: A document issued by the Commission or Board authorizing the uses of land and structures, and the characteristics of the uses.
- 4.92: Unspecified definitions can be found in the currently adopted International Building Code, The International Residential Code, Parts I-IV and IX, and the International Energy Conservation Code, that are approved by the Idaho Building Code by the City of Richfield.

CHAPTER 3: GENERAL PROVISIONS:

The Richfield Planning and Zoning Commission shall operate under Idaho Law and in accordance with the City Code and Ordinances for the purpose of carrying out the provisions of this and other ordinances. The Commission shall consist of five (5) voting members appointed by the mayor. One (1) voting member from the area of impact is appointed by the Lincoln County Commissioners and approved by the mayor. Actions of the Planning and Zoning Commission is subject to the approval by the city council. All appeals shall be according to Idaho Law.

CHAPTER 5: DUTIES OF THE COMMISSION: For the purpose of this Ordinance the Commission shall have the following duties:

5.1: Initiate and recommend amendments to this Ordinance as deemed necessary for the continued growth and safety of the community. Conduct a biannual review of the complete Zoning Ordinance.

5.2: Review all proposed amendments and take appropriate action to remedy its shortcomings.

5.3: Review all planned unit developments.

5.4: Review conditional use permits as specified in the Official Schedule of District Regulations and under the conditions as herein specified with such additional safeguards as will uphold the intent of this Ordinance.

5.5: Recommend such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

CHAPTER 6: CONFLICT OF INTEREST:

A member or employee of the Council or Commission shall not participate in any proceedings or action when the member or employee or his employer, business partner, business associate or any person related to him be affinity or consanguinity within the second degree has an economic interest in the procedure or action. When a member withdraws from consideration of such a matter, a quorum is a majority of the remaining members. Any actual or potential interest in any proceedings shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this section shall be a misdemeanor and the vote cast with such member voting shall be null and void.

CHAPTER 7: ENFORCEMENT

7.1: METHODS OF ENFORCEMENT: The provisions of this Ordinance shall be enforced by the following methods:

1. Requirements of a building permit;
2. Inspection and ordering removal of violations;
3. Criminal liability;
4. Injunction;

7.2: BUILDING PERMITS:

No building shall be erected, moved or structurally altered unless a building permit hereafter has been issued by the Building Inspector or his authorized representative. All permits shall be issued in conformance with the provisions of this Ordinance. Construction must begin within 120 days. Two extensions of 180 days each may be applied for. Only two (2) extensions of 180 days each may be applied for.

7.3: Water & Sewer Maintenance Hook up Fee: An owner of real property who will be connected to the city water or sewer line will pay a maintenance/hook up fee. There will be a \$1,500.00 hook up fee for water and \$1,500.00 hook up fee for sewer. The lines will be taken to the owner's property line to 100 feet out to the main water or sewer connection; for any service line in excess of 100 feet the property owner must pay \$25.00 per linear foot. It is the property owner's responsibility from the property line to the residence or other buildings. According to Ordinance No.252 and No. 253 of the City of Richfield.

7.4: INSPECTION:

The building inspector and his authorized representative are hereby empowered to cause any building, other structure or tract of land to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provisions of this Ordinance. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct or comply with such violation.

7.5: CRIMINAL LIABILITY:

A person may be guilty of a misdemeanor in any case where:

1. Any violation of any of the provisions of this ordinance exists in any building or any other structure or on a tract of land;
2. An order to remove any such violation has been served upon the owner, general agent, lessee or tenant of the building, other structure of land (or any part thereof), or upon the architect, building, contractor or any other person who commits to assists in any such violation; and

Such person shall fail to comply with such order within ten (10) days after service thereof.

7.6: INJUNCTION:

In addition to any of the foregoing remedies, the City Attorney, acting in behalf of the City Council may maintain an action for an injunction to restrain any violations of this Ordinance.

7.7: PENALTY:

Any person, firm or corporation violating any provisions of this Ordinance, upon conviction thereof, shall be fined not more than \$300.00, for each offense. Each day during which the illegal erection, construction, alteration, maintenance or use continues may be deemed a separate offense.

7.8: INTENT:

The following zoning districts are hereby established. For the interpretation of this Ordinance the zoning districts have been formulated to realize the general purposes as set forth in this Ordinance. In addition, the specific purpose of each zoning district shall be as stated.

CHAPTER 8: ZONING DISTRICTS

8.1: Agricultural district (A): The purpose of the Agricultural District is to recognize the existing agricultural uses on the land within the city and in the city's area of impact and to preserve and protect this interest as long as it is used substantially for agricultural purposes.

8.2: Residential (R): The purpose of the R1 District is to permit the establishment of residential dwellings. It is required that water and sewer facilities are centralized with city facilities. Minimum lot size shall be six thousand (6,000) square feet. Minimum off-street parking shall be one (1) space.

8.3: Commercial (C): The purpose of the C District is an establishment or business that generally has retail or wholesale sales, office users, or services, which do not generate noise or other impacts considered incompatible with less intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

8.4: Light Manufacturing District (LM): The purpose of the LM District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare that is operated entirely within enclosed structures and generate little industrial traffic. This district is not intended for residential purposes, and no develop able residential density is assigned within it. However, it can be designed to operate compatibly in close proximity to adjoining commercial or residential uses. Minimum off-street parking shall be determined on a case-by-case presentation.

8.5: Public Use District (PD): The purpose of the Public Use District is to establish areas for gatherings of people, both public and private, and to protect these areas from encroachment from other zoned uses. Minimum off-street parking shall be determined on a case-by-case presentation.

CHAPTER 9: OFFICIAL ZONING MAP

The districts established in Chapter 9 of this Ordinance as shown on the Official Zoning Map, together with all explanatory matter thereon, are hereby adopted as part of this Ordinance.

CHAPTER 10: BOUNDARIES

The boundaries of the zoning district within the city limits of the city are hereby established as shown on a map title "Zoning Map" of the City of Richfield which is on file in the office of the city clerk.

CHAPTER 11: INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following shall apply:

11.1: Where district boundaries are indicated as approximately following the center line of street lines, highway right-of-way lines, streams, lakes or other bodies of water, the center line shall be construed to be such boundary;

11.2: Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;

11.3: Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

CHAPTER 12: COMPLIANCE WITH REGULATIONS

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

12.1: No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;

12.2: No building or other structure shall be erected or altered:
1. To provide for greater height or size;
2. To accommodate or house greater number of families;
3. To occupy a greater percentage of lot area; or
4. To have narrower or smaller yards or other open spaces;
than herein required, or in any other manner be contrary to
the provisions of this Ordinance;

12.3: No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or are below the minimum requirements set forth herein, and

12.4: Manufactured Housing: All manufactured housing placed within the City of Richfield, Idaho, shall comply with the following standards and regulations:

(A) Manufacturing housing must meet all minimum standards of the State of Idaho, the United States of America, including without limitation, the Department of Housing and Urban Development (HUD) and the Federal Housing Administration (FHA), and applicable building, fire and safety codes of the City in effect at the time of the issuance of a building permit.

(B) RV Recreational Vehicle, Motor Home: Shall not be used as a dwelling unless a conditional use permit is applied and granted by the Planning and Zoning Commission and Richfield City Council.

CHAPTER 13: SET-BACKS

Set-backs for the City of Richfield in areas Zoned Residential, Agricultural, Commercial, Light Industrial and Public Use shall be as follows:

Residential and Agricultural: 8 feet set back from property line
And alleys

Commercial, Light Industrial and Public Use: No set backs on the front or sides. Alley is 8 feet

CHAPTER 14: VARIANCES

The City Council shall have the following authority to vary the application and terms of this Ordinance subject to the laws of the State of Idaho and subject to appropriate conditions and safeguards in harmony with the purpose and intent of this Ordinance with the public interest and the most appropriate development of the neighborhood:

18.

To hear and decide appeals from and review any order, requirement,

decision or determination made by any administrative official charged with enforcement of the regulations established by this Ordinance: and to authorize, upon appeal in specific cases, variances from the terms of this Ordinance, where by reason of exceptional narrowness, shallowness, or steepness of slope or other physical condition applying to a lot or building, the strict application of any regulation enacted herein would result in a exceptional difficulty or unnecessary hardship which would deprive the owner of the reasonable use of the land or building involved. Such relief may be granted provided it does not substantially impair the intent and purpose of this Ordinance, and provided no variance shall authorize any use in a zoning district other than a use specifically permitted in such zoning district.

CHAPTER 15: PROCEDURE

The P&Z Commission and the City Council shall hold a Public Hearing on all applications for appeal, review and/or variances with the following special conditions required:

For application for variances to this Ordinance the Richfield Planning and Zoning Commission and the City Council of the City of Richfield shall mail a written notice of said hearing at least fifteen (15) days prior to the hearing date to the applicant and to owners of property adjacent to the property in question. The expenses will be paid by the applicant. Failure to mail such notice to every property owner due to clerical omission shall not affect the validity of any hearing or determination of the City Council. At least fifteen (15) days prior to the public hearing date, notice of the time and place of such hearing shall be given by at least one (1) publication in a newspaper of general circulation within the City of Richfield.

For applications for variances to this Ordinance, the applicant shall be charged all costs incurred in advertising and processing.

Unless otherwise stated in the City Council's minutes, all variance permits shall be issued and work shall commence within six (6) months from the date that such variance is granted; otherwise, the variance permit shall no longer be considered valid.

CHAPTER 16: OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

District regulations shall be as set forth in the Official Schedule of District Regulations and in the Performance Standards. The Official Schedule of District Regulations is divided into five (5) land use groups: Agricultural, Residential, Commercial, Light Manufacturing and Public Use.

To determine in which district a specific use is allowed:

- A. Find the appropriate land use in one of the groups;
- B. Read across the chart until either "P" (Permitted) or "C" (Conditional) appears in one (1) of the columns; if the space is left blank, then it is not permitted.

19.

C. The Commission shall interpret the appropriate district for land uses not specifically mentioned by determining the district in which

similar uses are permitted. When several combined land uses exist, or are proposed, the most intensive land use shall be considered as the primary activity.

A= AGRICULTURAL

R= RESIDENTIAL

C= COMMERCIAL

LM=LIGHT MANUFACTURING

PU=PUBLIC USE

LAND USES

	A	R	C	LM	PU
AMUSEMENT CENTERS		C	C	C	C
APARTMENTS	C	C	C		
ASPHALT PLANT				C	
AUTO SALE, SERVICE, STORAGE, RENTAL			P	C	
BAKERY OR BAKERY GOODS STORE			P	C	
BANK OR SAVINGS AND LOAN			P	C	
BARBER OR BEAUTY SHOP		C	P	C	
BEVERAGE BOTTLING PLANT				C	
BILLBOARDS	C	C	C	C	C
BOWLING ALLEY			P	C	
BUILDING SUPPLY OUTLET			P	C	
CABINET SHOP			C	C	
CAR WASH			P	C	
CEMENT OR CLAY PRODUCTS MANUFACTURING				C	
CEMETERY	C	C	C	C	C
CHEMICAL STORAGE AND MANUFACTURING				C	
CHURCHES		C	C		C
CLEANING, LAUNDRY AGENCY			P	C	
CONCRETE BATCH PLANT				C	
CONTRACTOR'S STORAGE YARD			C	C	
DAIRY	C				
DAIRY PRODUCTS PROCESSING				C	
DANCE, MUSIC, VOICE STUDIO		C	P	C	
DRIVE-IN RESTAURANT FOOD STAND			P	C	
DRUG STORE			P	C	
ELECTRICAL SUBSTATION				C	
EQUIPMENT RENTAL AND SALES YARD			C	C	
FOOD PROCESSING PLANT				C	
FOOD STORE, DELICATESSEN			P	C	
FROZEN FOOD LOCKER			P	C	
FUEL YARD				C	
FURNITURE REFINISHING			C	C	
FURNITURE SHOP			P	C	
GARAGE, PRIVATE	P	P	P	C	
GIFT SHOP			P	C	

20.

LAND USES: A= AGRICULTURE
R= RESIDENTIAL
C= COMMERCIAL

LM= LIGHT MANUFACTURING
 PU= PUBLIC USE

A	R	C	LM	PU				
GRAIN STORAGE								C
HOME BUSINESS					C	C	P	C
HOSPITAL, CLINIC, KENNEL							C	C
ICE MANUFACTURING, COLD STORAGE								C
JUNK YARD								C
LABORATORY, MEDICAL, DENTAL, OPTICAL							C	C
LAUNDRY, COMMERCIAL PLANT							C	C
LAUNDROMAT, SELF SERVICE CLEANER							P	C
LUMBER YARD, RETAIL/WHOLESALE							C	C
MACHINE SHOP							C	C
MEAT PACKING PLANT							C	C
MOBILE HOME PARK/SUBDIVISION					C	C	C	C
MONUMENT WORKS, STONE							C	
MORTUARY							C	
MOTEL							C	C
MULTI-FAMILY DWELLING					C	C	C	
NURSERY FOR FLOWERS AND PLANTS					P	C	P	C
NURSING HOME FOR AGED/ASSISTED LIVING							C	C
OFFICE, MEDICAL AND PROFESSIONAL							C	P
PARKING LOT, GARAGE OR FACILITY							C	C
PARKS, PUBLIC					C	C	C	C
PETROLEUM STORAGE							C	C
PHOTOGRAPHIC STUDIO							C	P
PLANNED UNIT DEVELOPMENT					C	C	C	
PRESCRIPTION PHARMACY							C	P
PRINTING AND BLUE-PRINTING							C	P
PUBLIC AND/OR PRIVATE MEETING HALLS					C	C	C	C
PUBLIC UTILITY YARD								C
RAILROAD YARD OR SHOPS								C
REDUCING SALON, MASSEUR							C	P
RECREATIONAL VEHICLE MOTOR HOME					C	C	C	C
RESTAURANT AND BAR							P	C
RETAIL STORES AND SERVICES							P	C
ROADSIDE STAND					C		C	C
ROOMING-BOARDING HOUSE					C	C	C	
SCHOOLS, ELEMENTARY AND/OR SECONDARY					C	C	C	C
SCHOOLS, PRIVATE					C	C	C	C
SERVICE STATION							P	C
SINGLE FAMILY, DWELLING					P	P	P	C
SHOP FOR BUILDING CONTRACTOR					C	C	C	C
SIGN SHOP							C	C
STORAGE BUILDINGS					P	P	P	C
THEATER							P	C
TIRE SHOP, INCLUDING RECAPPING							C	C
TRAILER, MOBILE HOME, FARM IMPLEMENT SALES YARD							P	C
TRUCK, TERMINAL							C	C
WAREHOUSING/WHOLESALE							C	C
21.								
WOOD PROCESSING PLANT							C	C
WRECKING YARD								C

CHAPTER 17: SUPPLEMENTAL GENERAL PROVISIONS:

The City of Richfield reserves the right to regulate parking and use of City Streets by any and all motor vehicles, or significant part thereof, through the use of signs, barricades or directional markers by following legal requirements as set out by state statutes governing the control, regulation, speed, parking and safe handling of all motor vehicles.

CHAPTER 18: PROVISIONS FOR COMMERCIAL AND LIGHT MANUFACTURING USES:

No vehicle or building in any district shall be used or occupied in any manner which creates dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established.

CHAPTER 19: STANDARDS:

All building and structures shall meet or exceed all applicable state building, plumbing and electrical codes. The State, County, and/or City Building Inspector shall determine if these conditions have been met.

CHAPTER 20: INTENT:

The purpose of this Chapter 21- 24 of this ordinance is to promote and protect the public health, welfare and safety by regulating outdoor advertising signs and outdoor signs of all types, proposed and constructed after the passage date of this Ordinance. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public property, provide more open space, curb the deterioration of the natural environment and enhance community development.

CHAPTER 21: GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS:

The regulations contained in this Chapter shall apply to all signs and all use districts.

21.1: In no event shall an illuminated sign or lighting device be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises to cause glare or reflection that may constitute a traffic hazard or nuisance;

22.

21.2: All writing, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code in effect at the time of installation;

21.3: The lowest part of any sign shall be a minimum of eleven (11)

feet off the ground over public sidewalks. The signs may not protrude past the owners property line. Circumstances beyond this will require a conditional use permit. Support structures shall be placed only on private property. Maximum height of a sign cannot exceed over 2 feet above building structure.

21.4: No sign or any classification shall be installed erected or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape;

21.5: All signs hung and erected shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign;

21.6: Should any sign be or become unsafe to be in danger of falling, or allowed to deteriorate to the point that it detracts from the appearance of the city and becomes a nuisance, or be of a design or content that is contrary to the community's moral standards, the owner thereof or the person maintaining the same shall, upon receipt of a written notice from the City, proceed at once to put such sign in a safe and secure condition, paint or other wise maintain to an attractive state, or remove the sign as is proper for the situation;

21.7: Signs along interstate and primary highways shall conform to the Idaho State Transportation Department regulations.

CHAPTER 22: APPEALS PROCESS:

The Applicant or any affected person who appeared in person or in writing before the Administrator may appeal the decision of the Administrator to the City of Richfield Mayor and City Council, provided the appeal is submitted to the Mayor and Council within fifteen (15) days from the Administrator's action. Within fifteen (15) days after the appeal has been filed, the Mayor and Council shall set a hearing date to consider the appeal. During the hearing, City Staff may be available to present the application and answer questions. The Mayor and Council shall consider such findings, report, minutes of the Administrator's last Commission meeting and hearing comments and recommendations as are forwarded to them by the Administrator. The Mayor and Council may uphold, uphold with conditions, or overrule the Administrator's decision. The Mayor and Council shall overrule the Administrator by a favorable vote of a majority of the full council.