

# CHAPTER 4 - ZONING DISTRICT PERFORMANCE STANDARDS

## 1.0 Bulk and Placement Standards:

The following table sets forth building bulk and placement standards for the zoning districts.

**Table 2: Setback and lot restrictions for Clark County**

| Zones              | RZD                                      | SCRZD   | RLZD      | CZD   | IZD                                   |
|--------------------|--|---|-----------|---|---------------------------------------|
| Minimum Lot Size   | 1 family: 5,000 SF<br>2 family: 7,000 SF | Within Spencer<br>City Limits –<br>1 family: 5,000 SF<br>2 family: 7,000 SF<br>Outside of Spencer<br>City Limits but<br>within the area of<br>Impact 2.5 or 5.0<br>see Impact Area<br>Ordinance | 2.5 acres | Residential same<br>RZD Other uses:<br>5,000 SF | 5,000 SF                              |
| Min. Lot Frontage  | 50 LF                                    | 50 LF   | 50 LF     | 50 LF   | 50 LF                                 |
| Min. Front Setback | 20 LF                                    | 20 LF   | 20 LF     | Facing Main: none<br>Elsewhere: 20 LF           | Planting<br>Strip/Landscape<br>Buffer |
| Min. Side Setback  | 5 LF                                     | 5 LF  | 5 LF      | Facing Main: none<br>Elsewhere: 5 LF            | 10 LF                                 |
| Min. Rear Setback  | 5 LF                                     | 5 LF  | 5 LF      | Facing Main: none<br>Elsewhere: 5 LF            | 10 LF                                 |
| Max. Lot Coverage  | 40%                                      | 40%   | 30%       | Facing Main: 100<br>%<br>Elsewhere: 70%         | 80%                                   |
| Max. Bldg. Height  | 35 LF                                    | 35 LF   | 35 LF     | 35 LF   | 60 LF                                 |

## 2.0 Exceptions to Minimum Setback Requirements:

The following structures may be allowed to project into, or be constructed in any minimum required setback area as follows: awnings and canopies, not to exceed three feet; bay windows, not to exceed two feet; clotheslines, driveways, fences, walls, and hedges may be constructed or placed in minimum setback areas, provided their installation does not violate any other provision of this Ordinance.

## 3.0 Measurement Procedures:

- A. Height of Building: The vertical distance as measured from the highest point of the roof or the building, not including chimney or vane, down to the point representative of the average finished grade of the land around the perimeter of the building.
- B. Yard, Front: The depth of the yard shall be the minimum distance between the front lot line and the part of a building closest to the front lot line or to the required setback from the street if development is not present.
- C. Yard, Rear: The depth of the required rear yard shall be measured from the nearest point of the rear lot line toward the nearest part of a main building.

- D. Yard Side: The width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest part of a main building.

The following performance standard applies to all uses within all zoning districts.

#### **4.0 Transportation System Capacity:**

Transportation facilities both on and off the site shall have the capability to handle additional traffic generated by the development or shall be improved, at the developers expense, to service the development.

Developments projected to generate 100 or more peak-hour vehicle trips or more than 1,000 average daily vehicles trips (ADT) shall prepare a Transportation Impact Analysis or Study (TIS). Trip generation rates shall be determined using the current edition of the Institute of Traffic Engineers, Trip Generation Manual.

A TIS is a comprehensive study, analyzing all surface transportation modes, including pedestrians, bicycles, vehicles, and other public transportation services, that would be affected by a development. The impact analysis area is generally larger than the immediate area surrounding the development site. The TIS documents the extent of the impact of the proposed development on the transportation system, including additional trips, resulting level of service during AM and PM peaks, and the need for auxiliary lanes or other special capacity or safety features. A TIS also details the transportation improvements necessary to accommodate the traffic volumes generated by the development. These improvements could include, but are not limited to, right and/or left turn lanes, additional through lanes, acceleration lanes, bicycle lanes, bus stops, sidewalks, medians, traffic signals, removal and/or consolidation of existing approaches, etc.

The TIS shall be prepared in accordance with the latest version of Idaho Transportation Board Policy B-12-06, "Requirements for Transportation Impact Study." The document is available from any ITD District office. The developer shall coordinate the study with the Clark County Road and Bridge Department and ITD District Traffic Engineer. The developer shall provide and pay for the study, which shall be conducted by an engineer that is licensed in the State of Idaho.

The developer at his/her expense shall mitigate adverse impacts associated with development and identified within the TIS. The foregoing does not preclude the Clark County, or the State of Idaho, from cost sharing or otherwise participating in transportation improvements.

#### **5.0 Access:**

- A. Access Required - All developments and all lots and parcels within a development shall abut and have safe direct access to a road for a distance of at least 25 feet. All roads serving as access, pursuant to this section, shall meet the design and construction standards of the Clark County Road and Bridge Department or Idaho Transportation Department, consistent with roadway jurisdiction. Roadway improvements, as may be required by Clark County and/or the Idaho Transportation Department, and the provision of access, including but not

limited to driveway improvements, street extensions and street improvements shall be the responsibility of the developer.

- B. The County may approve building permits for lots and parcels that do not meet the standards specified in herein when:
  - 1. The proposed improvement would be solely for nonresidential use, and
  - 2. When the proposed permit would support the use of the parcel or lot for forestry, mining, or agricultural purposes, or
  - 3. The parcel or lot will be exclusively used for public utility facility purposes.
- B. Alternative access as authorized is subject to the following additional standards:
  - 1. The County Commission finds, based upon evidence included in the application that the use and access needs are limited and road standards of this Ordinance are not warranted.
  - 2. A restrictive covenant is recorded with the County Clerk as a deed restriction on the existing and future use of the property consistent with the "proposed use" stated in the application.
  - 3. Such restriction is submitted as a part of the application and is approved by the County Board. The County Board may review, modify, approve, or disapprove the proposed restriction.

County Road Extension or Creation:

No development shall create a new public road or necessitate the extension of an existing roadway maintained by Clark County except upon submission of a study, prepared by competent professionals and at the developer's expense that clearly demonstrates:

- A. The tax revenues generated by the proposed development and directly received by Clark County will be equal to or greater than the costs associated with roadway maintenance, including winter maintenance, and
- B. If the development includes the construction of dwelling unit(s), the tax revenues generated by the proposed development and directly received by the Clark County School District less the average annual educational service cost per pupil, exclusive of transportation services, times the number of proposed dwelling units, will be equal to or greater than the costs associated with the operation of school transportation services based upon:
  - 1. The additional mileage required to serve the area considering the existing bus routes at the time of the proposal, and
  - 2. The school district's cost of student transportation based upon the district-wide operations cost per vehicle mile of travel.
- C. Written evidence that the study has been reviewed and accepted by Clark County Road and Bridge Department and the school district. The Road and Bridge Department and school district may establish joint or individual standards concerning the content, format, and methodology of such studies.

Extension of Winter Maintenance:

No development shall necessitate extension of winter road maintenance except upon submission of:

- A. A study prepared by competent professionals, at the developer's expense, clearly demonstrating that the tax revenues generated by the proposed development and directly received by Clark County will be equal to or greater than the costs associated with extending winter maintenance, and
- B. Written evidence that the study has been reviewed and accepted by the Clark County Road and Bridge Department. The Department may establish standards concerning the content, format, and methodology of such studies.

Detailed Performance Standards For Access Management:

These performance standards are intended to prevent traffic congestion and avoid the creation of hazardous conditions due to excessive slowing of vehicles and vehicle conflicts associated with turning movements into driveways and intersecting public roads.

- A. Ingress and Egress Permit Required. The modification, location, or relocation of driveways on State highways shall be subject to the standards specified within this Section, and Idaho Transportation Department review and approval. Development subject to Chapter 8 Section 1.0 of this Ordinance, as well as any change in use that creates a significant change in trip generation, shall conform to the standards specified in this Section. Existing driveways as of (date of adoption) that do not conform to the standards herein are considered nonconforming.
- B. Driveways shall be sited consistent with Table 3, Driveway Spacing Standards. If performance standards specified elsewhere in this Development Code are more restrictive, than the most restrictive shall apply.

**Table 3: General Driveway Spacing Standards**

| <b>Street Classification</b> | <b>Minimum Driveway Spacing</b> | <b>Minimum Driveway Separation from Public Street Intersection</b> |
|------------------------------|---------------------------------|--|
| Arterial Street              | 500 <sup>1</sup>                | 190  |
| Collector Street             | 300 <sup>1</sup>                | 150  |
| Local Street                 | 150                             | 75   |

1. Limited to a maximum of three driveways per mile per side.

- C. The distance from an access driveway to an intersection shall be measured from the junction of the corner lot lines at the intersection, to the nearest side of the driveway.
- D. The number of driveways shall be the minimum number necessary to provide reasonable access to the properties, not the maximum available for the frontage. Adjacent developments under the same ownership, group of owners, or consolidated for the purposes of development and comprise more than one building site shall be reviewed as a single property for purposes of determining the number of access points. For single

family and multi-family developments, one driveway is permitted per lot. Larger developments generating 250 vehicle trips per day, commercial, and industrial developments may require more than one driveway but shall be limited to the minimum feasible number.

- E. The County shall require, at a minimum, that driveways be located outside the functional area of the intersection even if such a distance would be greater than set forth in Table 3.
- F. The County may attach conditions to any access to the public roadway system. Additionally, the approval may be temporary including time limits based upon the availability of an alternative access that meets or more closely satisfies the access management policies and standards.
- G. Driveways shall be constructed consistent with the widths specified in Table 4 based upon the posted speeds on the adjacent roadway. If not posted, the approach widths specified for roadways with speeds greater than 35 MPH shall be used.

**Table 4: Approach Widths & Radii**

| Approach Use                               | <35 MPH |         | >35 MPH |         | RADII   |         |
|--|---------|---------|---------|---------|---------|---------|
|  | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum |
| Single Family Residential, Farmyard, Field | 12'     | 40'     | 20'     | 40'     | 20'     | 30'     |
| Commercial & Industrial (one-way)          | 15'     | 30'     | 20'     | 30'     | 30'     | 40'     |
| Commercial & Industrial (two-way)          | 25'     | 40'     | 25'     | 40'     | 30'     | 40'     |
| Joint-Use: Residential/Farm                | 25'     | 40'     | 25'     | 40'     | 20'     | 30'     |
| Joint-Use: Commercial                      | 12'     | 40'     | 20'     | 40'     | 30'     | 40'     |
| Joint-Use: Industrial                      | 12'     | 40'     | 20'     | 40'     | 30'     | 40'     |
| Public Highways                            | 28'     | NA      | 28'     | NA      | 30'     | 50'     |

H. The grade of the driveway shall not exceed eight (8%) percent at any point along its length. The following additional minimum standards apply:

1. Driveways less than 40 feet may have a maximum grade of eight percent.
2. Driveways longer than 200 feet may have grades in excess of eight (8%) percent but no greater than ten (10%) percent. Grades in excess of ten (10%) percent shall account for no more than 100 feet within any 500 lineal feet of driveway. The grade of these longer driveways, at their intersection with the public street and for a distance of 40 feet from the edge of the roadway, shall be no greater than eight (8%) percent.

- I. A minimum 12 inch diameter culvert capable of supporting a load of 40,000 pounds may be required to convey storm water runoff. The size and location of the culvert shall be determined by the relevant roadway jurisdiction, either ITD District 6 or the Clark County Road and Bridge Department. Culverts shall be constructed of corrugated metal pipe or reinforced concrete pipe. Culverts, when required, shall extend a minimum of one (1) foot beyond the edge of fill created by construction of the driveway approach or such other longer distance as may be determined by the relevant roadway jurisdiction.
- J. Driveways serving commercial or industrial uses that include parking areas larger than 1,000 square feet, provide five (5) or more spaces, or include off-street loading berths shall conform to the following standards.
  1. The driveway shall be designed and constructed to facilitate the flow of traffic on or off the site with regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined.
  2. The driveways shall be a minimum 14 feet in length from the edge of the right-of-way, but longer driveways may be required when necessary to ensure that stopping, standing, parking or maneuvering of vehicles does not occur within the right-of-way.
  3. When the adjacent road is paved, the driveways shall also be paved. Driveway paving shall extend a minimum of 14 feet from the edge of the existing pavement. A longer paved driveway may be necessary to ensure that stopping, standing, parking, or maneuvering of vehicles does not occur within the public road right-of-way.
  4. In the rural living zone parking area shall provide adequate aisles or turn-around so that all vehicles may enter the street in a forward manner.
  5. The residential and commercial zones parking areas shall be designed and improved to prevent vehicles from overhanging public walkways, adjacent public or private property, or from restricting the visibility of traffic on a public road. Curbs or wheel stops shall be required when vehicle head-in parking is located adjacent to the sidewalk and not separated by a planting strip.
- K. Properties fronting on US or State Highways are subject to the following additional standards and shall submit written documentation to the County demonstrating that the proposed driveway has been reviewed and approved by Idaho Transportation Department, District 6.
  1. Driveways shall be improved. Improvements shall extend from the edge of the existing highway pavement to a minimum of fourteen (14) feet from the edge of the State Highway right-of-way or greater distance as may be necessary to ensure that stopping, standing, parking or maneuvering of vehicles does not occur within the right-of-way.
  2. Corner lots shall derive access from the side or Minor Street with no driveways connecting to the State Highway.
  3. Normally only one approach will be provided to any single property, tract, or business establishment frontage. Approaches shall be considered per total development, regardless of the number of individual parcels it contains.

4. Two or more adjacent properties fronting on State Highways without access to an adjacent street (i.e. not a corner lot) shall share an access driveway except where topography or existing buildings preclude common access. The County may waive this requirement when all adjacent properties' driveways (existing as well as those that may be needed in the future) would be more than twice the minimum driveway spacing specified in Table 3, General Driveway Spacing Standards.
5. Driveways gaining access to State Highways shall be located or relocated (at the time of development or redevelopment) to existing property lines. The County may waive this requirement when all adjacent properties' driveways would be more than twice the minimum driveway spacing specified in Table 3, General Driveway Spacing Standards. Owners of new or modified driveways shall be required to:
  - a. Record an easement with the deed allowing cross-access to and from adjacent properties that could potentially be served by the driveway;
  - b. Record an easement with the deed that all remaining access rights, if any, along the State Highway will be dedicated to the County and pre-existing driveways will be closed and eliminated following construction of the driveway in the approved location.
  - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners served by the driveway.
6. Driveways widths shall conform to ITD specifications.
7. Property owners are encouraged to coordinate parking and internal circulation with adjoining property owners in order to maximize the utility of shared access.

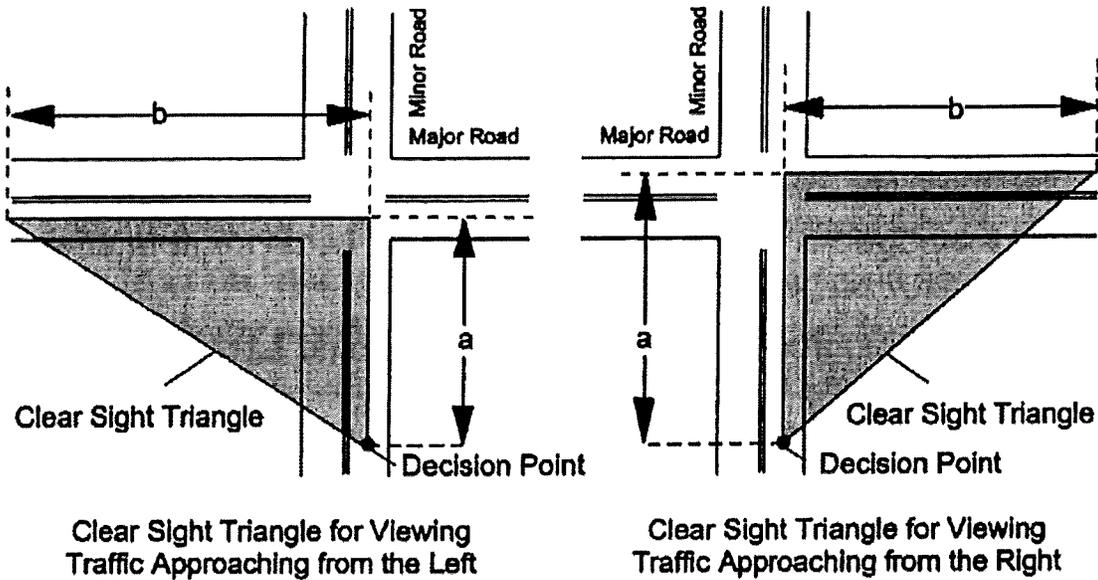
#### **6.0 Sight Triangle on Corner Lots:**

In order to provide a clear view of intersecting streets and driveways for the motorist, there shall be a triangular area of clear vision formed when two streets or a street and a driveway or alley intersect. The size of the triangular area is a function of travel speed on the intersecting roadways and the control type for each intersecting roadway. On any portion of a lot or public right-of-way that lies within the triangular area, as described below, no visual obstruction shall be erected, placed, planted, allowed to grow, or be allowed to remain within the vertical area between two and one-half (2½) feet and ten (10) feet as measured from the height of the top of the curb. On streets without curbs, the height shall be measured from the center (or centerline if one exists) of the adjoining street(s). Clear vision triangles are determined as follows:

The triangular area formed by the following three lines (see Figure 1) shall constitute the clear vision area:

- A. The first line shall be along the "major" roadway. For vehicles approaching the intersection from the left, the measurement shall be along the center of the lane closest to the intersecting approach on the "minor" roadway. For vehicles approaching the intersection from the right, the measurement shall be along the center of the lane closest to the center stripe separating the two directions of travel on the "major" roadway.

- B. The second line shall be along the “minor” roadway. The measurement shall be along the center of the approach lane closest to the direction from which vehicles are approaching on the “major” street.



**A – Approach Sight Triangles**

- C. The third line shall connect the endpoints of the lines described in “1” and “2” above. The point at which the two lines meet within the intersection is referred to as the “intersection point”. The length of lines “1” and “2” are as shown in Table 6 based on the type of use of each intersecting roadway, measured from the “intersection point”.

Figure 1: Sight Distances

| Road Type   | Distance along Specified Lines From Intersection Point <sup>1</sup> |                             |                               |                |
|---|---|-----------------------------|-------------------------------|----------------|
|   | Uncontrolled Intersections  | Controlled Intersections    |                               |                |
|   |   | Yield Approach <sup>2</sup> | Stopped Approach <sup>5</sup> | Major Approach |
| Driveway or Alley   | 70 LF   | 75 LF                       | 18 LF                         | N/A            |
| Local Street (except commercial, Industrial or Frontage Road <sup>3</sup> ) | 115 LF  | 130 LF                      | 18 LF                         | 280 LF         |
| Commercial, Industrial or Frontage Road <sup>4</sup>                        | 165 LF  | 195 LF                      | 18 LF                         | 390 LF         |
| Collector or Arterial Street <sup>5</sup>                                   | 220 LF  | 275 LF                      | 18 LF                         | 500 LF         |
| State Highway <sup>6</sup>  | N/A   | N/A                         | 18 LF                         | 610 LF         |

**Table 6: Sight distances**

<sup>1</sup> For any approach in which the truck percentage is greater than 5 percent, the distances shown shall be increased by 50 percent. Distances are based on values provided in *A Policy on Geometric Design of Highways and Streets 2001* for level roadways; additional adjustments should be made for grades greater than 3 percent.

<sup>2</sup> Measured from the edge of the major approach closest to the stopped approach.

<sup>3</sup> Assumed mid-block speed of 25 MPH. If the approach has a higher speed, use distance for higher classification street that matches the mid-block speed.

<sup>4</sup> Assumed mid-block speed of 35 MPH. If the approach has a higher speed, use distance for higher classification street that matches the mid-block speed.

<sup>5</sup> Assumed mid-block speed of 45 MPH. If the approach has a higher speed, use distance for higher classification street that matches the mid-block speed.

<sup>6</sup> Assumed mid-block speed of 55 MPH. If the highway speed is 65 MPH, measurement shall be increased to 720 feet.

For roadway-rail crossings without active control, the sight triangle shall be determined based on Table 7. Where the grades are not flat or the crossing is skewed, the distances should be increased consistent with the procedures outlined in *A Policy on Geometric Design of Highways and Streets 2001*.

**Table 7: Sight distances for uncontrolled railway crossings**

| Train Speed (mph) | Distance along Railroad from Crossing       |       |     |     |     |     |     |
|-------------------|---|-------|-----|-----|-----|-----|-----|
|                   | Vehicle Speed (mph)                         | 10    | 20  | 30  | 40  | 50  | 60  |
| 10                |   | 148   | 106 | 99  | 100 | 105 | 111 |
| 20                |   | 293   | 212 | 198 | 200 | 209 | 222 |
| 30                |   | 439   | 318 | 297 | 300 | 314 | 333 |
| 40                |   | 585   | 424 | 396 | 401 | 419 | 444 |
| 50                |   | 732   | 530 | 494 | 501 | 524 | 555 |
| 60                |   | 878   | 363 | 593 | 601 | 628 | 666 |
| 70                |   | 1,024 | 742 | 692 | 701 | 733 | 777 |
| 80                |   | 1,171 | 848 | 791 | 801 | 838 | 888 |
| 90                |   | 1,317 | 954 | 890 | 901 | 943 | 999 |
|                   |   |       |     |     |     |     |     |
|                   | <b>Distance along Highway from Crossing</b> |       |     |     |     |     |     |
| NA                |   | 71    | 137 | 222 | 326 | 449 | 591 |

Distances are based on values provided in *A Policy on Geometric Design of Highways and Streets 2001* for level roadways and 90 degree crossing; adjustments shall be made to account for skewed crossings or roads that are other than flat.

## 7.0 General Regulations

These general regulations apply to all districts and uses, except as specifically provided herein, in addition to other provisions of the Zoning Ordinance.

### Accessory Uses:

- A. Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district. Any question of whether a particular use is permitted as an accessory use by the provisions of this section shall be determined by the Planning Administrator pursuant to his or her authority to interpret the provisions of the Ordinance.
- B. No accessory use or structure shall be established or constructed unless a building permit evidencing the compliance of such use has been established.
- C. In addition to complying with all other regulations, no accessory use shall be permitted unless it strictly complies with the following restrictions:
  - 1. In the case of all commercial and industrial uses: accessory structures shall maintain the same minimum front, side and rear yard as is required for the principal structure.
  - 2. Setbacks: No accessory structure shall be closer than ten feet to a principal structure or closer than five (5) feet to any other accessory structure, unless it is attached to such principal or other structure.
  - 3. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.
  - 4. Residential accessory uses and buildings may be:
    - a. Permitted after or concurrent with the development of the primary use; a shop or storage shed on a residential lot is an accessory building and cannot be permitted prior to issuance of the permit for the residence.
    - b. Smaller than the primary uses structure in size by at least 25% of the residences "footprint"; accessory buildings exceeding this requirement will require site plan approval by Commission as a business item.
  - 5. Exempt Structures - Garden sheds less than 200 square feet (limit of 1).
  - 6. Detailed Accessory Use Regulations: Commercial Stables:

The following minimum setbacks shall be provided:

    - a. Stables, corrals, piles of manure, and bedding shall be located a minimum distance of 75 feet from any street or non-residential lot line and 100 feet from any residential lot line, in order to minimize odor and nuisance problems.
    - b. Manure piles shall be stored, removed, and/or applied in accordance with District Health Department regulations; however, manure shall not be applied on land that is closer than 100 feet to a residential lot line.
- F. Detailed Accessory Use Regulations: Private Swimming Pools and Tennis Courts:

1. Pools and Courts, included but not limited to aprons, walls, and equipment rooms, shall not protrude into any required setback.
  2. Pools shall be fenced or otherwise protected against intrusion.
  3. Pools and Courts shall not be operated as a business or a private club, unless they are part of a Planned Unit Development or otherwise permitted, see Table 1, Land Uses.
- G. Detailed Accessory Use Regulations: Residence for Caretaker, Watchman, or Guest House:
1. One single-family residence for a caretaker, owner, operator, manager, or watchman and his immediate family is permitted as an attached or detached dwelling for any commercial or industrial use, kennel, stable, or veterinary clinic for purposes of security and protection of the principal use.
  2. A guest house is permitted, provided that the minimum lot size, setbacks, and all other provisions relating to residential buildings are met: has no commercial use such as rental, and that a new deed be recorded which precludes division of the parcel upon which both residences are placed.
  3. The standards applicable to a caretaker's residence shall not differ from those imposed by this Ordinance on any other housing unit of the same type, except the minimum lot size requirement.

Manufactured/Mobile Home Housing Placement:

The following requirements apply to the use and placement of all manufactured/mobile home housing outside of mobile home parks:

- A. The manufactured/mobile home housing unit must be certified as meeting the National Manufactured Home Construction and Safety Standards as administered by the U.S. Dept. of Housing and Urban Development, and built after June 15, 1976.
- B. The manufactured/mobile home shall enclose a space of not less than eight hundred and forty (840) square feet.
- C. It shall be placed on an excavated and backfilled concrete or concrete/cinder block foundation. If approved by a Conditional Use Permit Mobile Homes used for Employee or Care Taker Housing may be considered temporary in nature and do not require a permanent foundation, but shall be properly skirted using commercially available materials as agreed upon in the Conditional Use Permit.
- D. It shall have an exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Commission or designated representative.
- E. It shall have a pitched roof with a minimum of three (3) feet in height for each twelve (12) feet in width.

After obtaining the proper permits, including, but not necessarily limited to, a building permit, a manufactured/mobile housing unit meeting the standards above may be placed

on a lot and used as a single family residence permanently or temporarily. This shall not be construed as abrogating a recorded restrictive covenant. When applying for a building permit, the applicant shall provide a photo of the manufactured home and evidence that the unit meets the other standards as may be requested by the Planning and Zoning Commission.

#### Recreational Vehicles:

The temporary or intermittent recreational use of a Recreational Vehicle is permitted provided the following conditions are met:

- A. The Recreational Vehicle (RV) shall have current registration and shall be in serviceable condition so it can be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho. The RV shall not be set on blocks with the tires or running gear removed.
- B. No decks or additions shall be attached to the RV, nor shall the RV be skirted.
- C. The RV shall not be used as a dwelling. The owners must have a primary residence other than the RV. There shall be no mail service to this type of use. An RV may be used as a dwelling for the owners of the property during construction of a dwelling on the same property as the RV site. Upon completion of the residence or expiration of the building permit for the residence, the use of the RV shall revert to the temporary or intermittent use as allowed under this provision.
- D. The RV must be hooked into a sewage disposal system which meets the requirements of the Southeastern Idaho Health District or shall be totally self-contained and removed from the site to empty holding tanks at an approved location.
- E. The RV shall not be used as a rental property.

#### Home Occupations/Business:

Home occupations are modest accessory commercial activities permitted in zones where the principal uses are not commercial. Permitting home occupations introduces flexibility into the Ordinance by allowing people to conduct a small business from their home. In order to ensure that the business activity does not change the character of a residential neighborhood or interfere with the pursuit of the principal uses permitted in the zone, limitations are placed on the scope and intensity of the business activity. The following provisions are intended to further that purpose.

- A. Business activity must be secondary to primary use of a dwelling.
- B. The limited business activity shall not change the character of the dwelling.
- C. An accessory building may be used to house a home occupation, provided the home occupation does not subject abutting property to noticeable odors, sounds, dust, or debris. The accessory building must comply with the definition of residential accessory buildings above.
- D. Any work operations connected with a home occupation shall be conducted inside the dwelling or within the accessory building.
- E. A home occupation/ business must be owned (and operated) by the resident.

- F. Home occupations may only display the following signs:
1. One (1) non-illuminated wall sign of no more than six (6) square feet, and
  2. One (1) non-illuminated on site directional sign of no more than four (4) square feet.
- G. Off-street parking shall be provided for all s and any vehicles associated with the home occupation.
- H. Activities associated with a home occupation should not cause more than incidental on-street parking.

Agricultural Operations:

All farms and ranches in existence upon the effective date of this Ordinance shall be permitted uses. Agricultural lands as defined in Clark County shall be protected under the Idaho Code 67-6529 right to farm provision. However, the subdivision of lands in the rural living district for the purpose of changing land use from agriculture to another use shall be subject to the requirements of this and other county ordinances.

**Idaho OnePlan**

Farmers and agencies can both benefit from reducing duplication of effort, regulatory red tape and cross-agency bottlenecks. The OnePlan coordinates the various conservation requirements of the numerous agencies with regulatory and technical oversight. From the comfort of home or office, you can connect to site specific information tailored to Idaho growers.

Idaho OnePlan provides data and software to help growers develop a single conservation farm plan that can be pre-endorsed by the various agencies, streamlining and simplifying the regulatory process that farmers face.

Idaho OnePlan is a multi-agency project to combine government regulations and current best management practices for agriculture into a single plan, integrating federal, state, and local regulations for:

- Nutrient, Pest and Waste Management
- Water Quality and Wetlands
- Air Quality
- Financial Assistance
- Endangered Species
- Petroleum Storage Tanks

Animal Feeding Operations shall follow all requirements set forth by Idaho Statues and Administrative Rules. For additional guidance see Idaho OnePlan at <http://www.oneplan.org/index.asp>.

Quarry/Gravel Pit/Rock Crushing/Mining:

The purpose of this Section is to provide reasonable assurance that future mining operations will not adversely affect neighboring uses yet provide building materials for development. The following standards are provided:

- A. Roads - No gravel mining shall be permitted where existing roads and/or bridges do not have adequate capacity to support the anticipated truck traffic, unless an upgrade to carry the weight load is completed as determined by the Commission. Dust controls of either asphalt paving or chemical treatment of gravel roads shall also be provided as determined by the Commission. Traffic controls including appropriate signs shall be provided when needed as determined by Commission.

- B. Weed Control - A regular weed control program must be maintained during entire life of pit and until revegetation provided in reclamation plan is established. This program shall be approved by the County Weed Control department.
- C. Buffer - Wherever a proposed mine is within 660 feet of an existing residence or a platted residential subdivision, a buffer area of at least 75 feet shall be provided between all operating areas of the mine, including parking, storage, etc., and the existing residence or residential subdivision. No existing vegetation that has buffering capacity shall be removed from a required buffer.
- D. Operating Hours- Wherever a proposed gravel mine is within 660 feet of an existing residence or a platted residential subdivision, mining operations shall be limited to the daylight hours.
- E. Reclamation- The reclamation plan (reclamation plans are required by Idaho Code 47-1501., et. seq.) for the mine shall show how the site will be reclaimed to a condition where it can be used for a compatible use. Reclamation that fulfills the requirements of state law shall generally be acceptable outside areas of city impact. In those areas of city impact, the reclaimed site shall be suitable for a use permitted by the comprehensive plan.
- F. Air and Water Protection - All operations associated with this operation including the operation of an asphalt hot mix plant shall comply with state and federal environmental regulations. Buffers from surface water must be provided. Should a mining operation be in a location where it may penetrate an aquifer, a professionally prepared plan for the prevention of aquifer pollution shall be prepared and reviewed by the Idaho DEQ for effectiveness and implementation. Any such plan shall, at a minimum, require the diversion of surface runoff from the excavation, the installation and maintenance of vegetative filter strips around the excavation, and the minimization of the area of aquifer surface exposed at any one time.

Junkyards:

The purpose of the requirements for junkyards is to minimize the negative impact of junkyards on the public health, safety, and welfare by damaging the environment, or by reducing property values and the quality of life in the County:

- A. The site plan shall show the location of all buildings and the location of storage areas designed or used for automobiles and other vehicles, parts, lubricants, fuel, and other storage.
- B. Vehicles or other materials listed in the definition of junkyard may not be stored or parked outside the fence or within 40 feet of any road right-of-way.
- C. All lubricant and fuel oil substances which are to be stored on the site shall be stored with all necessary precautions taken to prevent their leakage and/or surface or subsurface drainage into streams or other bodies of water.
- D. All hazardous materials shall be stored in a safe manner and where required, shall not be permitted until after the issuance of a permit for such storage.
- E. Screening: All materials shall be screened by a solid 8 to 12 foot fence or earthen berm. No material enclosed by the fence shall be permitted to exceed the height of the fence. Trees or shrubs may be used in place of, or in conjunction with, the fencing and berms,

provided said trees or shrubs are of a type that is capable of forming a dense, hedge-like screen. Said plant materials may only be used if they are approved by the Planning and Zoning Commission. The approved trees or shrubs shall be vigorous enough to attain a height of at least 8 feet within three years after they are planted. Said trees or shrubs shall be spaced closely enough to achieve branch-to-branch coverage within five years. Said plant materials shall be watered and maintained in a healthy, growing condition, and shall be replaced with living plant materials of similar size and type if they die.

Auto Body and Repair Services:

Inoperative vehicles or vehicles in various stages of repair, and vehicle parts shall be stored or parked in an area screened from view by the public and adjacent uses, by a wall or solid fence. All repairs shall be accomplished inside a structure.

Gas Stations:

- A. All services except fuel sales shall be performed within a completely enclosed building.
- B. Gas stations shall store all refuse and vehicle parts within a completely enclosed building or within an area which is completely screened from the view of the public and neighboring residences.

Nonconforming Uses:

The purpose of these requirements is to keep to a minimum the negative impacts of nonconforming uses on surrounding permitted uses, and to eliminate those nonconforming uses which are most detrimental to the health, safety, and welfare of persons living in residential zoning districts.

- A. Unless otherwise set forth in this Ordinance, legally established uses which were in existence prior to the adoption of this Ordinance, shall be permitted to remain, substantially unchanged, as long as their operation is not discontinued for a period of greater than twelve months.
- B. The applicant or adjacent property owners may appeal the Commission's decision to the Board.

Substandard Lots:

Substandard lots are defined as those created without subdivision review, or the filing of a record of survey. Substandard lots legally created before January 2002 may be developed, provided the lot owner receives a sewer permit from the District Health Department, and that all other development standards in this Ordinance are met.

Expansion and Modification of Conforming Uses:

For land uses which are lawfully in existence at the time of adoption of this Ordinance and are considered to conform to its terms regulating use, any expansion and/or substantial modification of the use shall require compliance with the performance standards in the Ordinance in relation to the degree of expansion or modification which is undertaken. Alteration of existing conditions, which are potentially hazardous to adjacent uses, may be required by Commission in the course of considering plans for expansion or substantial modification of an existing conforming use.

## 7.0 Parking:

Every building or portion of a building hereafter erected shall be provided with permanently maintained off-street parking spaces as provided in this section. The parking spaces shall remain available for the use of building occupants or customers for the duration of the building occupancy. The terms of parking utilization shall be disclosed by a landowner at the time of the building permit request and shall be made part of any permit issued in accord with the terms of this Ordinance. Lots for parking six or more cars, in all but the residential zones, shall conform to the standards established by this section. The Clark County Planning and Zoning Commission may make minor modification in the standards contained in this section to avert unreasonable practical difficulties resulting from literal application of the requirements of this section. The following requirements shall apply to all required parking lots for six or more cars in all zoning districts except residential.

- A. Lots shall be designed to facilitate convenient traffic circulation on-site and at junctions of public streets and parking lot circulation lanes.
- B. Entry and exit from parking spaces should be convenient and safe and should not disrupt traffic on public streets.
- C. Maneuvering space for the entry to and exit from parking spaces shall be provided within the parking lot area rather than within a public right-of-way.
- D. Parking spaces shall have a nine-foot effective width and an eighteen-foot length.
- E. Parking lots shall be equipped with appropriate drainage control measures to minimize the effects of storm water on adjacent lands. Drainage plans shall be submitted to the Commission upon request.
- F. Parking lot areas shall be maintained in a dust-free condition.
- G. Parking lot landscaping areas shall be protected from damage by vehicles.
- H. Handicapped parking spaces shall be provided in all parking lots as determined by the Americans with Disabilities Act as amended.
- I. Parking lot placement shall comply with standards set forth in each respective zone standard in Chapter 3.
- J. Lighting of parking lots shall be accomplished in a manner which does not disturb adjacent land uses with unnecessary light. Lighting shall avoid conflict with traffic.
- K. Parking space boundaries and directional traffic arrows shall be marked on the parking lot surface unless waived for cause by Commission.
- L. Parking areas shall be screened from adjacent residential uses by a solid fence or dense, sight-proof hedge unless waived for cause by Commission.
- M. Signs which identify parking lot usage terms and conditions may be required by Commission.
- N. In no case shall any part of a parking area be closer than four (4) feet to any public right-of-way, proposed or established road, bicycle path, pedestrian path or alley.

Joint Use of Parking Facilities:

The shared use of parking facilities by occupancies which have complementary times of use may be permitted by the Commission. The Commission may require alternative plans prior to approving a joint-use agreement and a guarantee of performance should the joint-use agreement appear temporary in nature. A grant of permission for joint use of parking facilities may be conditional by the Commission based upon circumstances surrounding the uses involved. Written agreements must be in place between the parties sharing parking before approval may be granted for a joint parking agreement. Appeals from the Commission's decision may be made directly to the Board.

Standards for Parking Lots:

- A. Parking spaces shall be provided for all land uses governed by this Ordinance. Exemption shall be permitted only for existing lawful nonconforming uses or for uses in zoning districts, which have common parking arrangements. Parking space provision shall be worked out to the satisfaction of Commission prior to issuance of a building permit.
- B. The following table sets forth the parking space requirements for land uses within the jurisdiction of this Ordinance. Fractional numbers of parking spaces shall be increased to the next whole number of parking spaces.

**Table 8: Requirements for parking space per 1000 ft. of commercial floor space**

| <b>Uses</b>   | <b>Minimum Parking Spaces per 10000 Feet of Gross Floor Area</b> |
|---|--|
| Building materials, farm equipment, and furniture                 | 1  |
| Hardware, apparel, and misc., retail uses                         | 3  |
| General merchandise, groceries, bakeries                          | 4  |
| Retail automotive, marine   | 4  |
| Eating and drinking places (with seating area)                    | 6  |
| Financial, real estate, and insurance services, mixed office uses | 3  |
| Business, professional offices, personal services misc. services  | 4  |
| Shopping center, or complex                                       | 3  |
| Health services, medical clinics                                  | 5  |

When a land use is not listed in the Table 5, the parking space requirements shall be determined by the administrator based upon comparison with similar uses and evaluation of possible parking demand associated with the use contemplated. The decision of the administrator may be appealed to the commission in matters of parking space requirements.

Parking Lot Landscaping:

- A. Parking lot landscaping shall be provided where required by this Ordinance. It shall be maintained in a growing and healthful condition from the date of building occupancy. A

sprinkling system shall be provided for all lots for more than thirty cars. All nursery stock shall be healthy.

- B. In Commercial and industrial districts, and for commercial uses in other districts, interior parking lot landscaping shall cover at least five percent of the total parking lot area for lots with fifteen or more parking spaces. One shade tree shall be planted for every one hundred fifty square feet of the interior lot landscaping. All land in the area designated for landscaping shall be covered by growing plants. Rocks and other nonliving materials may be used only for accent in landscaping areas. Plans showing location, size, and type of plant materials for landscaping in parking areas shall be provided when application is made for a building permit. Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which directly adjoin any property used for residential purposes by an acceptably designed wall, fence or planting screen. Such fence wall or planting screen shall not be less than four (4) feet nor more than eight (8) feet in height unless it is in the sight triangle of road intersection and shall be maintained in good condition. The space between the fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy scrubs or evergreen ground cover, and maintained in good condition. An exemption may be permitted by the Administrator if the terrain or other existing features are such that this screening would not serve its intended purpose.

**8.0 Buffering:**

Landscaping requirements are an essential element in mitigating potential land use conflicts and enhancing the visual appeal of the county. The purpose of this section is to assure that the landscaped buffers required by these regulations effectively accomplish those goals.

- A. The width of required buffers shall vary with the nature of the uses being separated, the height of the buildings being separated, and the construction of the buffer, as shown in Table 8.
- B. The basic buffer width given in Table 9 is the width required where the buffer consists of a level or gently sloping area of sod or ground cover and at least four major trees per hundred lineal feet of buffer. The table also shows where a security fence and/or a solid fence, wall, or berm is required as part of a buffer.

**Table 9: Buffering Requirements**

| Type of Use              | Type of adjacent use or area          | Basic Buffer Width (Lineal Feet - LF) | Headlight Buffer | Security Fence required               |
|--------------------------|---------------------------------------|---------------------------------------|------------------|---------------------------------------|
| Industrial               | Residential, platted residential lots | 50                                    | for parking area | yes                                   |
| Industrial               | any public right of way               | 12                                    | no               | yes                                   |
| Industrial               | Commercial                            | 25                                    | no               | optional                              |
| Industrial or Commercial | Scenic Highway                        | 50                                    | for parking area | no                                    |
| Commercial               | Residential, platted residential lots | 20                                    | for parking area | may be for additional screening needs |

| Type of Use  | Type of adjacent use or area          | Basic Buffer Width (Lineal Feet - LF) | Headlight Buffer | Security Fence required |
|--|---------------------------------------|---------------------------------------|------------------|-------------------------|
| Commercial outdoors, materials storage, handling, or sales areas, over 10, 000 sq. ft. | Residential, platted residential lots | 50                                    | yes              | yes                     |
| Commercial outdoors, materials storage, handling, or sales areas, any size             | any public way                        | 12                                    | no               | yes                     |
| High density residential   | lower density residential             | 20                                    | for parking area | no                      |
| Residential  | scenic highway                        | 10                                    | none             | no                      |
| Manufactured homes not meeting the standards and mobile home parks,                    | Residential, platted residential lots | 20                                    | none             | no                      |

- C. Plant materials shall be of native vegetation conducive to the natural environment in Clark County.
- D. Plant materials will be located in such a manner as to reduce impacts of development and enhance the natural beauty of the area. Location and type of vegetation will be dependent upon objective. Trees shall be placed to increase shade and offset visual impacts of buildings from public view. Bushes shall be placed in a manner to reduce glare from headlights onto other structures.
- E. Plant materials installed in required buffers shall be warranted for one year and meet the following specifications:
  1. All trees, major and understory, shall be containerized or bagged and burlap stocked in good condition three (3) feet for coniferous trees; and
  2. All shrubs shall be minimum five gallon containerized stock in good condition.
- F. Perpetual maintenance of required buffers is required.

**9.0 Drainage Ways**

- A. Where a lot is traversed by a water course, drainage way, wet weather line of surface drainage, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course. Such drainage ways shall be preserved as open space. Such areas shall be restricted by reducing the number of roads and structures that are allowed to cross the drainage way, and the site plan shall so indicate.
- B. Alteration, such as regarding, stripping of vegetation, or filling may be permitted in these areas, provided that the drainage is not a riparian area as defined in this Ordinance, and a plan is submitted to and approved by the County. Such plans shall insure that storage capacity and flow is not degraded.

## 10.0 Lighting

Outdoor lighting for commercial and industrial uses shall be reviewed by the Commission. Lighting for all uses must be shielded so that it does not interfere with drivers' sight, illuminate neighboring lands or be directed skyward. Maximum height for lighting fixtures on freestanding pole is 15 feet and 25 feet if building mounted.

## 11.0 Signs

- A. Purpose: This section establishes regulations for the location, type, and size of signs permitted. Any sign not expressly permitted by this section shall require a permit issued by the Administrator, after review by the Commission.

### B. Sign Definitions

AREA: The area of a sign shall be measured as the area of the smallest, straight-sided geometric figure that can be defined by and include the extreme limits of the copy or message (including graphics as well as text) on the sign. Contrasting frames or borders shall be measured as part of the copy or message.

AWNING: A fabric or plastic shelter supported by a noncombustible rigid framework attached to a building.

DIRECTIONAL SIGN: On-site directional signs are used to identify points of access, the direction of travel, and handicapped parking spaces, and to perform similar functions in off-street parking and loading areas. They include no advertising or promotional copy, but may include a log. Off-site directional signs identify and provide directions to an off-highway use. They include no advertising or promotional copy, but may include a logo.

GROUND SIGN: A freestanding sign that does not exceed eight feet (8') in height above grade

HOME OCCUPATION SIGN: See Section 7.0 above.

LOGO: A "logo" is simply graphic symbol used to identify a use.

NAMEPLATE: A wall sign that identifies the occupants and address of a building.

POLE SIGN: Freestanding signs that exceed eight feet (8') in height above grade.

PROJECTING SIGN: A "projecting sign" is attached to the wall of a building and projects away from that wall. Projecting signs may extend no more than seven feet (7') from the building wall, and may not extend to within two feet (2') of the near curb line. Projecting signs do not extend more than three feet (3') above the roof line of the building to which they are attached.

REPLACEMENT: For the purposes of this Appendix, the term "replacement" does not include the temporary removal of an existing sign for repair or refurbishment.

SIGN: See definition of Sign, Chapter 12.0 of this Development Code.

SUSPENDED SIGN: A sign attached to the ceiling of an arcade or canopy and hangs over a sidewalk with a vertical clearance of at least eight feet (8').

TEMPORARY SIGNS: Includes: 1) construction signs; 2) political signs placed no more than sixty (60) days before the election to which they relate and removed within ten (10)

days after that election; 3) real estate signs; 4) window signs; and 5) other temporary signs displaced by commercial or industrial uses. All temporary signs displayed in commercial or industrial zoning districts must fit within the sign size permitted by this section. A "construction sign" is a ground or wall sign that identifies a building under construction. Construction signs include no advertising or promotional copy, but identify the building's planned use, owners or operators, designers, construction contractors, and financiers. Construction signs shall be permitted for all nonresidential construction, but shall not exceed six (6) square feet in the RZ and RLZ Districts. A "political sign" promotes the election of a candidate or support for a political party or position. Political signs may be of any type, but are subject to the time and size limitations of subsection D3a (4) of this Section in the RZ and RLZ Districts. "Real estate signs" are wall, ground, or window signs which indicate that the property on which they are placed is for sale, lease, or rent. Real estate signs are subject to the limitations of subsection D3a (3) of this Section in the RZ and RLZ Zoning Districts. No temporary sign shall remain longer than one hundred eighty (180) days.

**TRAFFIC-CONTROL SIGN:** Standard regulatory signs, including stop and yield signs, speed limit signs, etc.

**WALL SIGN:** Either painted directly on the wall of a building or directly attached to the wall of a building, and parallel with the wall to which they are attached. Directly attached wall signs shall protrude no more than eighteen inches (18") from the building to which they are attached. Wall signs do not extend above the roof line of the building to which they are attached.

**WINDOW SIGN:** "Wall signs" appear within the frame of and are affixed directly to a window. Window displays of merchandise are not signs, provided that no part of the display is affixed to the window.

C. Permit Requirements:

1. Permit Required: A sign permit shall be required for the placement or installation of any sign, including the replacement of any existing sign, except as follows:
  - a. Residential nameplates;
  - b. Temporary signs;
  - c. Traffic-control signs or public notices placed by public agencies; or
  - d. Window signs.

D. Performance Standards:

1. Placement of Signs: No sign shall be placed:
  - a. In or over any public right of way, except as provided in subsection D2 of this Section;
  - b. On any tree, cliff, or other natural feature; or on a utility pole;
  - c. On a vehicle or trailer parked in a visible location for the primary purpose of displaying the sign; or

- d. Where it creates a traffic safety hazard by obscuring traffic-control signs or signals, or obstructing vision at intersections or driveways.
2. Signs in Public Rights Of Way: No sign shall be permitted in any public right of way, except traffic-control signs and public notices placed by public agencies. No sign shall extend over a public right of way, except that awnings and projecting signs may extend up to seven feet (7') over a public sidewalk (measured from the face of the supporting building), but shall not extend to within more than two feet (2') of the near curb or property line. Suspended signs may extend over a public sidewalk that is covered by an arcade or canopy. Any awning or sign extending over a public sidewalk shall have a minimum clearance of eight feet (8').
  3. Permitted Signs:
    - a. RZ District: The following signs shall be permitted in the RR Zoning District:
      - (1) Traffic-control signs or public notices placed by public agencies.
      - (2) One nameplate of no more than six (6) square feet for each dwelling.
      - (3) One real estate sign, of no more than sixteen (16) square feet, for each lot or building currently offered for sale, lease, or rent.
      - (4) Political signs totaling no more than sixteen (16) square feet, provided that such signs are placed no more than sixty (60) days before the election to which they relate and removed within ten (10) days after the election.
      - (5) Home occupation signs, as permitted by Section 7.0 this Chapter.
      - (6) Any dwelling may also display two (2) temporary signs, of no more than six (6) square feet each, announcing the short-term sale of used household goods (a garage or yard sale), provided those signs are placed no more than two (2) days before the sale and removed within one day after the sale, that the sale lasts no longer than three (3) days, and that no more than two (2) such sales are conducted at any one dwelling within any twelve (12) month period.
      - (7) Special permit use may display a single nameplate of no more than twenty four (24) square feet and directional and traffic-control signs of no more than six (6) square feet each, as necessary to ensure safe circulation.
    - b. RLZ, CZ, IZ Districts: The following signs shall be permitted.
      - (1) Traffic-control signs or public notices placed by public agencies.
      - (2) For residences, the signs permitted in the RR Zoning District.
      - (3) On-site directional and traffic-control signs, as necessary to ensure safe circulation.
      - (4) Any combination of the following kinds of signs: wall signs, projecting signs, one ground or pole sign for each road frontage of no more than fifty feet (50') in height; and temporary signs.
      - (5) Awnings may display the name or logo of the owner or operator.

- (6) Buildings with canopies or arcades may use one suspended sign or no more than four (4) square feet for each use or occupancy with access from the canopies area or arcade.
  - (7) Industrial and commercial uses may display two (2) off-site directional signs.
  - (8) Large off- and on-site billboards must conform to State and Federal guidelines and be approved by Clark County Planning and Zoning Commission.
4. Illuminated Signs: Signs with a constant source of illumination shall be permitted in all zoning districts. No flashing, blinking, or moving signs are permitted. Spotlights or other fixtures used for the illumination of a sign shall be placed in compliance with the provisions of this Development prohibiting light or glare that constitutes a nuisance and shall not constitute a traffic hazard.
  5. Identification of Signs: All permanent signs shall bear a weatherproof label identifying the owner, including the owner's name, mailing address, and telephone number. Identification labels may be attached to the sign or its supporting structure.
  6. Maintenance of Signs: All signs and their supporting structures shall be maintained so as not to create a health or safety hazard.
  7. Abandoned Signs: Abandoned signs shall be removed within sixty (60) days of the adoption of this Development Code, or within sixty (60) days of the abandonment of the use to which the sign is appurtenant. Abandonment shall not be a matter of the owner's intent, but shall be considered to occur whenever a use ceases operation for more than twelve (12) months. Any sign that is not structurally sound or that no longer serves to inform or attract the public shall be considered abandoned and its removal required.

## 12.0 Towers

- A. Towers, including Wireless Communications, Meteorological, and Wind Turbines, should not be erected on prime agricultural land in a manner that may inhibit aerial applicators' access and ability to treat the land.
- B. Tower Permits: A Tower Permit allowing constructing of towers in all Zoning Districts is required in Clark County, the City of Dubois, and the City of Spencer where the tower exceeds the heights listed in Table 5.1 in Chapter 5 "Titled Requirements for WCF Height in Feet". For all types of towers at/or over 200 feet (~61 meters), as part of the permit application, the applicant shall demonstrate compliance with all Federal Aviation Administration (FAA) regulations for Lighting and Marking found in FAA Advisory Circular AC 70/7460-1K, "Obstruction Marking and Lighting".

The information in the permit shall include the proposed location of:

- Each turbine generator
- Each meteorological tower including the height to be associated with the wind farm
- The distribution sub-station and any connecting power lines from the generators
- Power lines connecting the sub-station to the existing electrical power grid.

- C. If a proposed tower is to be constructed on agricultural land or in the vicinity of such land in way that may inhibit an aerial applicator's access, person(s) that own and/or farm such land should be made aware by the entity responsible for that tower that it may result in the land no longer being accessible to aerial applicators and in the event of a pest outbreak or plant disease a crop on such land may be put in jeopardy of not being treated.
- D. In the event that a proposed tower is constructed on agricultural land or in the vicinity of such land, towers should be freestanding and without guy wires; furthermore, towers should be well lit and properly marked so they are clearly visible to aerial applicators.
- E. Towers erected with guy wires, including meteorological testing towers, should be marked with four high-visibility cable balls on the outer guy wires (one on each at 120 feet [approximately half way up the tower] with a diameter of 20 inches). These towers should also be equipped with 16 high-visibility flags installed on the outer guy wires (four per wire, 2.5 feet long and 1.5 feet wide). In addition, these towers should be equipped with 16 high-visibility sleeves, one per each anchor and one installed at 25 foot height on each of the outer guy wires. These marking mechanisms must be maintained frequently to ensure their visibility and attachment to the wires.
- F. In the event that a number of proposed towers are to be constructed on agricultural land or in the vicinity of such land, the towers should be constructed in a linear pattern, rather than a random, clustered pattern that would make an area completely inaccessible by air.
- G. During construction and upon completion, the operator of the wind farm should provide detailed field layout information to the Clark County Planning and Zoning Commission and make this information available to those working in close proximity to that area.
- H. Removal of Obsolete Towers: Obsolete or unused towers and accessory structures shall be removed from any site within twenty four (24) months of discontinuance of the use thereof. Owner of the site shall notify the County in writing within thirty (30) days of the discontinuance of the use of such tower or facility. Failure to notify and/or remove the obsolete or unused tower or facility or failure to restore their system to operating condition within six (6) months shall be a violation of this law. If the owner is not in compliance with this section he shall be required, at his expense, to remove the tower.
- I. Decommissioning Bond Required:
  - 1. Applicants are required to hold a performance bond, completion bond, decommissioning bond or other financial assurance with an A rated firm in the amount of five percent (5%) of the tower's value.
  - 2. A detailed decommissioning and reclamation plan in accordance with state and federal law. The owner/operator of commercial tower facilities is responsible for removing the towers and related facilities when no longer useful. They must remove the towers and facilities within two (2) years of the end of use unless a new plan is proposed to reuse the towers. Reclamation shall be restored to its original state before tower facility site construction.
  - 3. Decommissioning requirements, transfer with ownership of the tower facility.

### **13.0 Other**

- A. Outdoor commercial structures (bleachers, movie screens, permanent rides) and outdoor seating area shall be at least 25 feet from any lot line.
- B. Campsites and recreational vehicle campgrounds are subject to the building setback regulations of the zoning district in which they are located.
- C. Any outdoor display of vehicles for sale or storage shall be at least 10 feet from any road right-of-way line.
- D. Any pumps, underground fuel storage tanks, and islands, including any canopies, shall be at least 20 feet from any road right-of-way.