

ORDINANCE NO. 12

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PECK, IDAHO

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ZONING REGULATIONS FOR THE CITY OF PECK, IDAHO; PROVIDING FOR THE TITLE, INTERPRETATION, ENACTMENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE OFFICIAL ZONING MAP; PROVIDING FOR ESTABLISHMENT OF DISTRICTS AND ZONING MAP BOUNDARIES; PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR PERFORMANCE STANDARDS; PROVIDING FOR CONDITIONAL USES; PROVIDING FOR NON-CONFORMING USES; PROVIDING FOR APPEAL, VARIANCE, AND ACTION BY AFFECTED PERSONS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR AMENDMENT; AND PROVIDING FOR EFFECTIVE DATE.

This Ordinance was prepared by the Regional Planning staff of the Clearwater Economic Development Association in cooperation with the Peck Planning and Zoning Commission.

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ARTICLE I.

TITLE, INTERPRETATION, ENACTMENT, PURPOSE

Section A. Title.

This ordinance shall be known as the "Zoning Ordinance of the City of Peck, Idaho." It shall consist of the following text and a zoning map which readily identifies the location of the districts.

Section B. Authority.

This zoning ordinance is adopted pursuant to authority granted by Title 67, Section 65 of the Idaho Code and Article 12, Section 2 of the Idaho Constitution, as amended and codified.

Section C. Provisions of Ordinance to be Minimum Requirements.

In their interpretation and application, the provisions of this ordinance are held to be minimum requirements.

Section D. Interpretation.

The provisions of this ordinance shall be liberally construed in favor of the City of Peck. Whenever the requirements of this ordinance conflict with the requirements of any other lawfully adopted regulations, rules, ordinances, or resolutions, those imposing the higher standards shall govern.

Section E. Severability.

Should any section of this ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any other section of the ordinance.

Section F. Repeal of Conflicting Ordinances.

All ordinances, or parts of ordinances of the City of Peck in conflict with this zoning ordinance are hereby repealed.

Section G. General Purposes.

It is the intent of the Peck City Council to provide uniform, equitable and reasonable standards to govern the usage of land and structures through the provisions of this ordinance. In order to promote the health, safety and general welfare of the residents, the City seeks:

1. To ensure that adequate public facilities and services are provided to residents at a reasonable cost.
2. To protect against fire, nuisances and other hazards.
3. To conserve and stabilize property values.
4. To avoid air and water pollution.
5. To ensure that development of land is commensurate with the physical characteristics of the law.
6. To stabilize expectations regarding future development.

ARTICLE II DEFINITIONS

Section A. Interpretation of terms or words for the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word person includes a firm, association, organization, partnership, trust, company, or corporation, as well as individual;
2. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular;
3. The word ¹¹⁰⁷⁴ "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement;
4. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied"; and,
5. The words used in this ordinance shall be given the usual dictionary definition to them.

Section B. Meanings of Certain Words.

1. "Accessory Building or use shall mean a use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building, provided any such structure is built with or after the construction of the principal building
2. "Alter-Alterations shall mean any change, addition, or modification in construction or occupancy.
3. "Building shall include roofed and unroofed structures over four (4) feet in height designed or intended for the support, shelter, enclosure or protection of persons, animals or chattels.
4. Building height - the height of a building is the vertical distance at the center of the building's principal front measured from the established grade to the highest point of the roof.
5. Commission - the Peck Planning and Zoning Commission.
6. Council - the Peck City Council.
7. Established grade - the average grade at the front property line - in the event of problems in determining the established grade, the Commission will view the property and determine the average grade.

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8. Home occupation - an occupation carried on in a residential dwelling by the residents of that dwelling.
9. Residential dwelling shall include all dwellings intended for permanent human occupancy and built to standards specified by the Uniform Building Code or the Department of Housing and Urban Development.

ARTICLE III

PROVISIONS FOR OFFICIAL ZONING MAP

Section A. Official Zoning Map.

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

Section B. 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:

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 ~~such~~ boundary;
2. Where district boundaries ~~are so~~ indicated that they approximately follow the lot lines, such lot lines shall be construed to be ^{be said} boundaries. ^{ies}
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom 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; and
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

ARTICLE IV.

ESTABLISHMENT OF DISTRICTS AND ZONING MAP BOUNDARIES

Section A. Use Classifications.

For the purpose of this ordinance, the use of land is hereby classified into categories termed "zoning districts" as follows:

Residential	-	Zone R
Commercial	-	Zone C

Section B. Boundaries Established on Zoning Map.

The boundaries of the zoning districts shall be shown on the zoning map as adopted by this ordinance.

Changes in boundaries of zoning districts shall be made by ordinance which amends the provisions of this ordinance and amends the zoning map. Such changes shall come only upon public notice and hearing as defined by Idaho Code 67-6509.

ARTICLE V
RESIDENTIAL ZONING DISTRICT

Section A. Intent.

The intent of the residential classification is to provide for areas of primarily residential uses by separating the more intensive commercial uses from the residential areas. A stable, healthful environment is the goal of this district.

Section B. Primary Uses.

In the residential district the following uses and buildings are permitted, subject to the provisions of this Article and the provisions of Article VII.

1. Residential Dwellings
2. Churches
3. Schools
4. Libraries
5. Museums
6. Parks, playgrounds and swimming pools
7. Firestations

Section C. Secondary Uses.

Secondary uses to the permitted primary uses in the residential district shall include the following:

1. Accessory buildings and uses customarily incidental to a permitted use -- such as, but not limited to private garages, wood sheds and storage buildings.
 2. Home occupations
 3. Small scale horticultural and agricultural activities, except:
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4. Nursery schools and day care centers or similar facilities provided there is established and maintained in connection therewith a fenced outdoor play area on or adjoining the premises.

Section D. Standards.

1. Every building constructed after the passage of this ordinance shall be set back at least twenty (20) feet from the street property line on which the building fronts; provided, however, that in each block in which fifty (50) percent or more of the buildings on the same side of the street have been built in conformity with a fairly even and determinable front building line of less than twenty (20) feet from the street line, all buildings hereafter constructed, established or rebuilt may be in conformity with the established building line. The determination of the building line location shall be made by the City Council and their decision shall be final. No part of the building, except unenclosed and unroofed porches shall extend in front of the set back line.
2. Maximum building height is 28 feet.
3. Buildings shall be set back from side property lines at least five (5) feet.
4. Rear yard of fifteen (15) percent of the lot depth is required.
5. A minimum of 3,800 square feet of lot area is required for one dwelling unit. In the case where more than one dwelling unit is to be constructed on a single lot, the requirement is 3,800 square feet for the first dwelling unit and 1,000 square feet of lot area for each additional unit.
6. Each dwelling unit shall provide a minimum of two (2) off-street parking spaces.

ARTICLE VI.

COMMERCIAL ZONING DISTRICT

Section A. Intent.

It is the intent of the Commercial District to encourage the establishment and location of business uses which meet the daily needs of the community.

Section B. Primary Uses.

In the Commercial District the following uses and buildings are permitted, subject to provisions of this Article and Article VII.

1. Any use permitted in Article VI.
2. Business and Professional Offices.
3. Retail and Wholesale Commercial Business.
4. Places of Amusement.
5. Eating and/or Drinking Establishments.
6. Lumber Yards.
7. Hotels and Motels.

Section C. Conditional Uses.

Other Commercial, Manufacturing or Industrial uses may be permitted in the Commercial district with a Conditional Use Permit. The use must meet the provisions of this Article, Article VII and Article VIII.

Section D. Standards.

1. Maximum building height 28 feet --
Except: For each one (1) foot above 28 feet there must be an additional five (5) feet of open space on all sides of the building.
2. All open storage areas shall be at least gravel covered.
3. Loading Area: At least one (1) loading space is required -- this shall include an adequate area for standing, loading and unloading services in order to avoid interference with the public use of streets and alleys.

ARTICLE VII
GENERAL PROVISIONS

Section A. Purpose.

The purpose of the general provisions is to set specific conditions for areas where problems are frequently encountered. No land or building in any district shall be used or occupied in any manner creating dangerous, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises. However, any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable levels as established by the requirements of this article.

Section B. Environmental Safeguards.

The following standards shall be met within the city limits and the area of city impact.

1. Fire hazards - any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such activities shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified by the State Uniform Fire Code.
2. Radioactivity and electrical disturbance - no activity shall emit harmful radioactivity adversely affecting the operation of any equipment at any point other than that of the creation of the disturbance.
3. No use shall generate objectionable noise which is due to volume or frequency. Air raid sirens and related apparatus used solely for public purposes are exempt.
4. Vibration - no vibration shall be permitted which is discernible without instruments beyond the property lines of the lot upon which the use is located.
5. Air pollution - air pollution shall be subject to the requirements and regulations established by the Environmental Protection Agency and the Idaho Department of Health and Welfare.
6. Glare - no direct or reflected glare shall be permitted which is visible outside of a commercial or industrial district.
7. Erosion - no erosion by man, wind, or water shall be permitted which will carry objectionable substances onto neighboring properties.

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8. Water pollution - water pollution shall be subject to the requirements and regulations established by the Environmental Protection Agency and the Idaho Department of Health and Welfare.
9. Measurement procedures - methods for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard procedures published by the American Standards Institute, New York; the Manufacturing Chemists Association, Inc., Washington, D.C.; the U.S. Bureau of Mines; and the Idaho Department of Health and Welfare.
10. Enforcement - prior to the issuance of a permit, the Commission may require the submission of statements and plans indicating the manner in which objectionable elements are to be eliminated, reduced to acceptable limits, or found not to exist.

Section C. General Provisions.

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

1. Conversion of dwellings to more units - a residence may not be converted to accommodate an increased number of dwelling units unless:
 - a. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
 - b. The lot area per family equals the lot area requirement for new structures in that district;
 - c. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
 - d. The conversion is in compliance with all other relevant codes, ordinances, and comprehensive plan.
2. Temporary buildings - temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Commission.

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3. Parking and storage of certain vehicles - automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings or carports. However, one (1) boat and one (1) travel trailer may be stored in the side or rear yard.
4. Required trash areas - all trash and/or garbage collection areas for commercial industrial, and multi-family residential uses shall be enclosed on at least three (3) sides by a solid wall or fence of at least four (4) feet in height or within an enclosed building or structure. Adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Commission shall be provided.
5. Development close to an airport - the location, building height, and lighting of residential and commercial development shall be restricted within airport approach areas as required by the State Department of Transportation, Division of Aeronautics and Public Transportation, and the Federal Aviation Administration.
6. Accessory buildings:
 - a. Will not be located in any required front yard area; and
 - b. Will not be located closer than five (5) feet from any side or rear property line.
 - c. If an alley is at least ten (10) feet wide, the edge of an accessory building may be located on the property line next to the alley provided that no part of the building extends beyond the property line.

ARTICLE VII

CONDITIONAL USE

Section A. General.

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually.

The Commission shall hold a public hearing on each conditional use permit application as specified in Section E. The Commission may approve, conditionally approve, or deny a conditional use permit under the conditions as hereon specified and considering such additional safeguards as will uphold the intent of this ordinance. The recommendation of the Commission shall be forwarded to the City Council for final disposition.

Section B. Contents of Application for Conditional Use Permit.

An application for conditional use permit shall be filed in duplicate with the City Clerk by at least one (1) owner or lessee of property for which such special use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Commission may require to determine if the proposed special use meets the intent and requirements of this ordinance;
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other property in the district; and the relationship of the proposed use to the comprehensive plan; and
8. An environmental evaluation checklist as supplied by the City Clerk.

Section C. General Standards Applicable to all Conditional Uses.

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

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

Section D. Supplementary Conditions and Safeguards.

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

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Section E. Procedure for Hearing, Notice.

Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice shall also be provided to property owners and residents within the land being considered, three hundred (300) feet beyond the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the Commission and/or the City Council. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mailing notification, three (3) notices in the newspaper or paper of general circulation is sufficient; provided, the third notice appear ten (10) days prior to the public hearing.

Section F. Action by the Commission and the City Council.

Within thirty (30) days after the public hearing, the Commission shall recommend that the City Council either approve, conditional approve, or disapprove the application as presented. The City Council shall then either approve, conditionally approve, or disapprove the application. If the application is approved, or approved with modifications, the Council shall issue a conditional use permit listing the conditions specified by the Council for approval.

Upon granting of a conditional use permit, conditions may be attached to a special use permit including, but not limited to, those:

1. Minimizing adverse impact on other developments;
2. Controlling the sequence and timing of development;
3. Controlling the duration of development;
4. Assuring that development is maintained properly;
5. Designating the exact location and nature of development;
6. Requiring the provision for on-site or off-site public facilities or services; and
7. Requiring more restrictive standards than those generally required in the ordinance.

Prior to recommending approval of a conditional use permit, the Commission may request studies concerning the social, economic, fiscal, and environmental effects of the proposed use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits.

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A conditional use permit is not transferrable from one (1) parcel of land to another.

Upon recommending that an applicant be granted or denied a conditional use permit, the Commission shall specify in a written report:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

When making a decision not in accordance with the Commission's recommendation, the City Council shall specify in a written report:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

Section G. Notification to Applicant.

Within ten (10) days after a decision has been rendered, the City Clerk shall provide the applicant with written notice of the action on the request.

ARTICLE IX
NON-CONFORMING USE

Section A. Intent

It is the intent of the City Council to permit non-conforming uses to continue until they are removed but not to encourage their survival.

Section B. Repairs and Maintenance

On any non-conforming structure, or portion of a structure containing a non-conforming use, work may be done on ordinary repairs and maintenance providing that the cubic content existing when it became non-conforming is not increased.

Section C. Expansion or Enlargement

Non-conforming uses and structures shall not be enlarged or expanded upon except as follows: If the owner of a non-conforming use or structure desires to enlarge or expand, said owner shall submit an application with fees, to the Planning and Zoning Commission. The Commission shall review the application for conformance with the Comprehensive Plan. If the application is in conformance with the Comprehensive Plan, the Commission shall hold a Public Hearing in accordance with the Public Hearing, the Commission shall forward their recommendation to the City Council for final action. If the application is not in conformance with the Comprehensive Plan, the application shall not be approved. The applicant may submit an application along with fees for amendment of the Comprehensive Plan.

ARTICLE X

APPEAL, VARIANCE, AND ACTION BY AFFECTED PERSONS

Section A. Administrative Appeals.

Appeals to the Commission concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority affected by any decision of the Administrative Authority. Such appeal shall be taken within thirty (30) days after the decision by filing with the Commission a notice of appeal specifying the grounds upon which the appeal is being taken.

Section B. Stay of Proceedings.

An appeal stays all proceedings in furtherance of the action taken unless the Commission, after the notice of appeal is filed, that by reason of facts stated in the application, a stay would cause imminent ~~period~~ to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Council or by a court based upon an application.

Section C. Variance.

The City Council may authorize in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship. Variances are to be consistent with the comprehensive plan and in the public interest.

Section D. Application and Standards for Variance.

A variance from the terms of the ordinance shall not be granted by the City Council unless and until a written application for a variance is submitted to the City Clerk containing:

1. Name, address and phone number of applicant(s);
2. Legal description of property;
3. Description of nature of variance requested; and

4. A narrative statement demonstrating that the requested variance conforms to the following standards.
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That the requested use, if established, will not be of a general classification different from the district in which the land or structure is located;
 - e. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district; and
 - f. That granting the variance is not contrary to public interest or the comprehensive plan.

A variance shall not be granted unless the Commission makes specific written findings of fact based directly on the particular evidence presented to it which support conclusions that the above mentioned standards and conditions have been met by the applicant.

Section E. Supplementary Conditions and Safeguards.

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

Section F. Public Hearing.

Upon receipt of the application for appeal or variance, the Commission shall hold a public hearing, publish notice in a newspaper and given written notice to all adjoining property owners as defined in Article VIII, Section E.

Section G. Action by the Commission and the City Council.

Within ten (10) days after the public hearing the Commission shall recommend that the City Council either approve, conditionally approve, or disapprove the request for appeal or variance. The Council shall then act upon this recommendation at its next regularly scheduled meeting.

Upon granting or denying an application the Council shall specify in written form:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

Section H. Notification to Applicant.

Within ten (10) days after a decision has been rendered, the City Clerk shall provide the applicant with a written notice of the action on the request.

Section I. Request for Hearing by Affected Persons.

An affected person shall mean one having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing the development or use.

Any affected person may at any time prior to final action on rezone, conditional use, or variance permit, if no hearing has been held on the application, petition the Council in writing to hold a hearing as required in Article XII provided; however, that if twenty (20) affected persons petition for a hearing, the hearing shall be held.

After a hearing, the City Council may:

1. Grant or deny a permit; or
2. Delay such a decision for a definite period of time for further study or hearing.

An affected person aggrieved by a decision may within sixty (60) days after all remedies have been exhausted under local ordinances seek judicial review under the procedures provided by Section 67-5215(b) through (g) and 67-5216, Idaho Code.

ARTICLE XI.

ADMINISTRATION AND ENFORCEMENT

Section A. Permits Required.

No building or other structure shall be erected, moved, added to, or structurally altered without first obtaining a building permit (as defined in the Uniform Building Code, Chapter 3, Section 301). No land shall be established or changed in use without first obtaining a Certificate of Compliance. Permits and Certificates shall be issued only in conformity with the provisions of this ordinance.

Section B. Contents of Application.

Every application must be filed in duplicate on a form provided by the City Clerk. The application shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plan, drawn to scale, showing the actual dimensions and the shape of the lot to be built upon, the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
10. Proposed sewer and water facilities;
11. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance; and
12. On projects that the Commission or City Council deem environmentally significant, the applicant shall also complete an environmental checklist, supplied by the City Clerk.

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Section C. Procedure.

All applications for a building permit and/or Certificate of Compliance shall be filed with the City Clerk, in duplicate, along with the required fees at least ten (10) days before the next regularly scheduled Planning and Zoning Commission meeting. The applicant should be in attendance at the Commission meeting where the Commission shall decide on the applications compliance with this ordinance and the comprehensive plan. The commission will submit its recommendations to the Council at the next regularly scheduled City Council meeting where the Council shall then: approve or disapprove the application in conformance with the provisions of this ordinance and the comprehensive plan. One (1) copy of the application with the plans shall be returned to the applicant marked either approved or disapproved. One (1) copy of the same, similarly marked, shall be retained by the City Clerk.

Section D. Expiration of Permit.

If the work for which a permit has been issued is not commenced within three (3) months after the date of issuance or such longer period as the Council may authorize in writing because of the occurrence of conditions unforeseen at the time of the issuance, such permits shall expire. A new permit shall be obtained before such work is completed.

If the work for which a permit was issued is not completed within one (1) year from the date of issuance of the permit or such longer period as the Council shall authorize in writing, said permit shall expire. No further work shall be undertaken until a new building permit has been obtained.

Section E. Certificate of Occupancy.

It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises, or both, or part thereof thereafter created, erected, changed, converted, or wholly partially altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the City Clerk stating that the proposed use of the building or land conforms to the requirements of this ordinance and with all conditional provisions that may have been imposed.

Section F. Temporary Certificate of Occupancy.

A temporary Certificate of Occupancy may be issued by the City Clerk for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

Section G. Record of Zoning Permits and Certificates of Occupancy.

The City Clerk shall maintain a record of all permits and certificates of occupancy and copies shall be furnished upon request and payment of duplication in cost to any person.

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Section H. Failure to Obtain a Zoning Permit or Certificate of Occupancy.

Failure to obtain a permit or Certificate of Occupancy shall be a violation of this ordinance.

Section I. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates.

Permits or Certificates of Occupancy issued on the basis of plans and applications approved by the City Council authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance.

Section J. Complaints Regarding Violations.

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fulling the causes and basis thereof shall be filed with the City Clerk. The City Clerk shall properly record such complaint, immediately investigate and take action thereon as provided by this ordinance.

Section K. Penalties.

The city attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this ordinance. Penalties for failure to comply with or violations of the provisions of this ordinance shall be as follows:

"Violation of any of the provisions of this ordinance of failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official, or any other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense. Nothing herein contained shall prevent the City Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or of the Idaho Code."

Section L. Schedule of Fees, Charges, and Expenses.

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for permits, amendments, appeals, variances, special use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the City Clerk and may be altered

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Page 4

or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE XII

AMENDMENT

Section A. General.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the City Council may by ordinance after receipt of recommendation thereon from the Commission and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

Section B. Initiation of Zoning Amendments.

Amendments to this ordinance may be initiated in one (1) of the following ways:

1. By adoption of a motion by the Commission;
2. By adoption of a motion by the City Council; and
3. By the filing of an application by a property owner or a person who has existing interest in property within the area proposed to be changed or affected by said amendment.

Section C. Contents of Application.

Applications for amendments to the official zoning map adopted as part of this ordinance shall contain at least the following information:

1. Name, address, and phone number of applicant;
2. Proposed amending ordinance, approved as to form by the Council;
3. Present land use;
4. Present zoning district;
5. Proposed use;
6. Proposed zoning district;
7. A vicinity map at a scale approved by the City Clerk showing property lines, thoroughfares, existing and proposed zoning, and such other items as the City Clerk may require;
8. A list of all property owners and their mailing address who are within three hundred (300) feet of the external boundaries of the land being considered;

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Page 2

9. A statement on how the proposed amendment relates to the comprehensive plan, availability of public facilities, and compatibility with the surrounding area.

Section D. Transmittal to Commission.

Zoning districts shall be amended in the following manner:

1. Requests for an amendment to the zoning ordinance shall be submitted to the Commission which shall evaluate the request to determine the extent and nature of the amendment requested;
2. If the request is in accordance with the adopted comprehensive plan, the Commission may recommend and the City Council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
3. If the request is not in accordance with the adopted comprehensive plan, the request shall be submitted to the Planning or Planning and Zoning Commission or in its absence the City Council, which shall recommend and the City Council may adopt or reject an amendment to the comprehensive plan under the notice and hearing procedures provided in Section 67-6509, Idaho Code. After the comprehensive plan has been amended, the zoning ordinance may then be amended as hereinafter provided for.

Section E. Commission Public Hearing.

The Commission shall hold a public hearing and make recommendations on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

1. Zoning ordinance text amendment. The Commission, prior to recommending a zoning ordinance text amendment to the City Council shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. Following the Commission's hearing, if the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards the amendment with its recommendation to the Council.
2. Zoning ordinance map amendment: The Commission, prior to recommending a zoning ordinance map amendment that is in accordance with the comprehensive plan to the City Council, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and

the amendment shall be published in the official newspaper or newspaper of general circulation within the jurisdiction. Additional notice shall be provided by mail to property owners and residents within the land being considered; three hundred (300) feet of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Commission. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mail notification three (3) notices in the official newspaper or paper of general circulation is sufficient, provided that, the third notice appears ten (10) days prior to the public hearing. Following the Commission's hearing, if the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards the amendment with its recommendation to the Council.

Section F. Recommendation by Commission.

Within sixty (60) days from the receipt of the proposed amendment, the Commission shall transmit its recommendation to the City Council. The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The Commission shall insure that any favorable recommendations for amendments are in accordance with the comprehensive plan and established goals and objectives.

Section G. Action by City Council.

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

The Council shall accept the recommendation of the Commission's report unless rejected by a vote of one-half ($\frac{1}{2}$) plus one (1) of the members.

Upon granting or denying an application to amend the zoning ordinance, the City Council shall specify in writing:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

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Page 4

In the event the City Council shall approve an amendment, such amendment shall thereafter be made a part of this ordinance upon the preparation and passage of an ordinance.

Section H. Resubmission of Application.

No application for a reclassification of any property which has been denied by the City Council shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one (1) year from the date of such final action; unless there is an amendment in the comprehensive plan which resulted from a change in conditions as applying to the specific property under consideration.

Section I. Zoning Upon Annexation.

Prior to annexation of an unincorporated area, the Council shall request and receive a recommendation from the Planning and Zoning Commission of any proposed comprehensive plan and/or zoning ordinance changes for the unincorporated area. The Commission and the City Council shall follow the notice and hearing procedures provided in Article VIII, Section E. Concurrently or immediately following the adoption of an ordinance for annexation, the Council shall amend the comprehensive plan and zoning ordinance accordingly.

ARTICLE XIII

EFFECTIVE DATE

Section A. Effective Date.

This ordinance shall be in full force and effect upon publication following passage and approval.

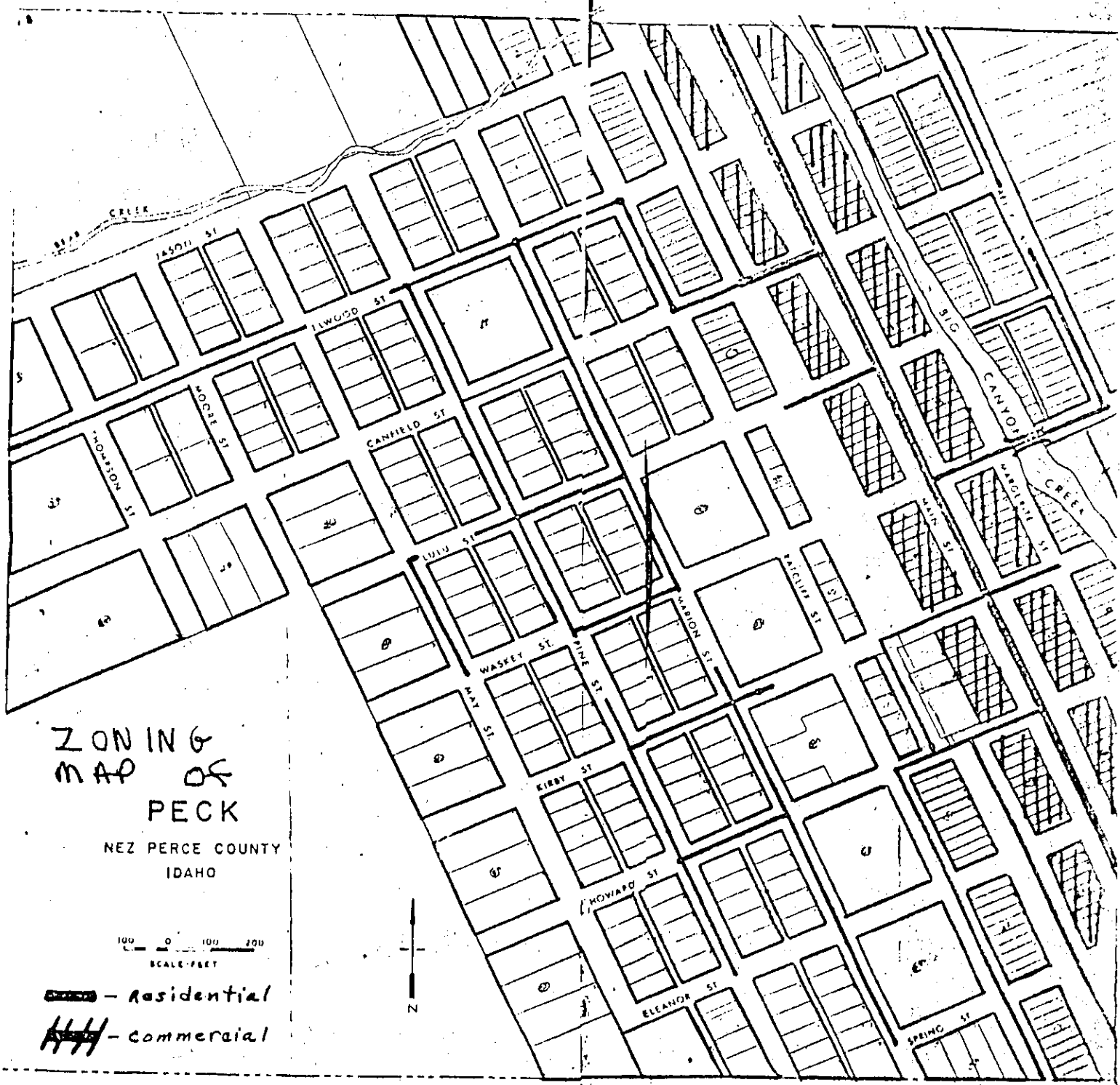
11th Regularly passed and approved by the Peck City Council on this
day of April, 1982.

APPROVED:

Roy Greedy
Roy Greedy, Mayor
City of Peck

ATTEST:

Ann Hessen
Ann Hessen, City Clerk
City of Peck



ZONING
MAP OF
PECK

NEZ PERCE COUNTY
IDAHO

100 0 100 200
SCALE-Feet

 - Residential
 - Commercial