

10-6: ZONING USE PERMIT REGULATIONS

10-6-1: GENERAL REQUIREMENTS TO ALL ZONING USE PERMITS.

All zoning use permits shall provide the following site improvements:

- A. Landscape Buffer Requirement: A landscape buffer shall be provided between non-residential uses and residential uses or districts that shall conform to the following:
 1. Non-Residential Use in the Community Market & Mixed-Use Districts shall have a 10 foot buffer between non-residential uses and residential uses or districts.
 2. Non-Residential Use in the Commercial & Industrial Districts shall have a 15 foot buffer between non-residential uses and residential uses or districts.
- B. Exhaust Fans /HVAC Equipment shall be directed away from residential districts and uses. Natural ventilation openings shall be directed away from residential districts and uses to the extent possible as determined by the Administrator.
- C. Any person desiring to obtain a Zoning Use Permit, as herein defined, shall submit all necessary completed applications to the Administrator on forms as provided by the City.

10-6-2: ZONING USE PERMIT LAND USE REQUIREMENTS.

Unless otherwise exempted, all uses requiring a Zoning Use Permit shall comply with the pertinent requirements as outlined in 10-7 of this Title.

10-6-3: AGRICULTURE & ANIMALS:

- A. Community Garden
 1. Criteria applicable to all districts:
 - a. A Community Garden operating plan is required. The plan shall contain the following:
 - i. Fertilizer Storage
 - ii. Waste Plan
 - b. A Community Garden shall not be greater than 2 acres.
 - c. Community Gardens shall use non-potable water, unless otherwise permitted by the City Council.
 - d. The subject property must be designed and maintained so that water and fertilizer will not drain onto adjacent property or public right of way.
 - e. Operating hours are permitted between 30 minutes before sunrise and 30 minutes after sunset.
 - f. Community Gardens shall be limited to the cultivation of fruits, vegetables, herbs, plants and flowers.

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- g. A garden shall not house or support animals including but not limited to chickens, goats, pigs, or other livestock.
- h. Any composting site must be located at least 300 feet from residential uses.

10-6-4: ASSEMBLY

A. Event Center, Major (100-500 People)

- 1. Criteria applicable to all districts:
 - a. Any area or equipment associated with outdoor event operations shall be screened if within 300 feet of a residential use or zone.
 - b. Outside amplified sound shall obtain a Special Use Permit.
 - c. All alcohol served shall be facilitated by those holding a valid alcohol license.

B. Event Center, Minor (<100 People)

- 1. Criteria applicable to all districts:
 - a. Any area or equipment associated with outdoor event operations shall be screened if within 300 feet of a residential use or zone.
 - b. All alcohol served shall be facilitated by those holding a valid alcohol license.
 - c. An Event Center within 300 feet of a residential zone or use shall not operate outdoors between 30 minutes after sunset and 30 minutes before sunrise.
 - d. Outside amplified sound shall obtain a Special Use Permit.

C. Museum / Learning Center, Major (\geq 100 People)

- 1. Criteria applicable to all districts:
 - a. Any area or equipment associated with outdoor operations shall be screened if within 300 feet of a residential use or zone.
 - b. Any outdoor sound equipment will be faced away from adjacent properties and public right of way.
 - c. Any operations within 300 feet of a residential use or zone shall obtain a Special Use Permit.
 - d. Outside amplified sound shall obtain a Special Use Permit.

D. Museum / Learning Center, Minor (<100 People)

- 1. Criteria applicable to all districts:
 - a. Any area or equipment associated with outdoor operations shall be screened if within 300 feet of a residential use or zone.
 - b. Any outdoor sound equipment will be faced away from adjacent properties and public right of way.
 - c. Any operations within 300 feet of a residential use or zone shall obtain a Special Use Permit.
 - d. Outside amplified sound shall obtain a Special Use Permit.

E. Religious Facility

1. Criteria applicable to CMT and AP Districts:
 - a. A property that contains buildings that have a designed occupancy of 300 or greater shall only have vehicle access off a collector or arterial roadway.
 - b. All buildings that have a designed occupancy of 300 or greater must be at least 25 feet away from residential uses.
 - c. A property that contains buildings that have a designed occupancy of 300 or greater shall have a sight-obscuring screening fence on non-street frontage property lines.
 - d. Outside amplified sound shall obtain a Special Use Permit.
2. Criteria applicable to Residential Districts
 - a. A property that contains buildings that have a designed occupancy of 300 or greater shall only have vehicle access off a collector or arterial roadway.
 - b. All buildings that have a designed occupancy of 300 or greater must be at least 25 feet away from residential uses.
 - c. A property that contains buildings that have a designed occupancy of 300 or greater shall have a sight-obscuring screening fence on non-street frontage property lines.
 - d. No amplified sound outside is allowed.

10-6-5: COMMERCIAL SERVICES:

A. Artisan's Workshop - Major

1. Criteria applicable to Mixed Use & Community Market Districts:
 - a. All production, fabrication, assembly, and storage of materials shall be conducted indoors if located within 300 feet of a residential use or district.
 - b. Permitted Hours of operation are between 7:00 AM and 10:00 PM
 - c. Loading docks shall be screened from public right of way, residential uses and residential districts.
2. Criteria applicable to the Central City District:
 - a. All production, fabrication, assembly, and storage of materials shall be screened.

B. Artisan's Workshop - Minor

1. Criteria applicable to all districts
 - a. All production, fabrication, and assembly shall be conducted indoors if located within 300 feet of a residential use or district.
 - b. All storage of materials shall be indoors if adjoining a residential use or district.
 - c. Permitted Hours of operation are between 7:00 AM and 10:00 PM

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- d. Loading docks shall be screened from public right of way, residential uses and residential districts.
- C. Auction Services and/or Public Sales Establishment
1. Criteria applicable to Mixed Use & Central City Districts:
 - a. All auction related items or goods must be stored indoors.
 - i. Vehicles and large implements shall be exempted from this requirement.
 2. Criteria applicable to the Commercial District:
 - a. All auction related items shall be completely screened from public right of way and adjacent properties.
 - i. Vehicles and large implements shall be exempted from this requirement.
- D. Body Art Studio
1. Criteria applicable to all Districts:
 - a. Body art procedures shall not be visible from outside the building or tenant space.
- E. Car Wash
1. Criteria applicable to all Districts:
 - a. Installation of a water discharge monitoring system as determined by the City Engineer.
 - b. Water from the car wash shall not drain across any public or ADA sidewalk or into public right-of-way.
 - c. A car wash facility adjoining a residential use or district shall construct a minimum 6 foot masonry wall.
 - d. Vacuums: Vacuum stations and similar equipment are prohibited on the sides of the principal structure abutting a residential use.
- F. Drive Thru
1. Criteria applicable to all districts:
 - a. If the subject property is adjacent to a residential district or residential use, the following buffer requirements shall be installed along the abutting property lines:
 - i. 6 foot masonry wall.
 - ii. 20 foot landscaped area designed with trees and other plants to assist in dampening light, noise and visual impacts. A landscape plan to be reviewed and approved by consideration of the commission.
 - b. If the drive thru operations are within 300 feet of a residential district or residential use, the following buffer requirements shall be installed between business and residential areas:
 - i. 10 foot landscaped area designed with trees and other plants to assist in dampening light, noise and visual impacts. Landscape plan to be reviewed and

approved by consideration of the commission.

2. Criteria applicable to the Community Market District
 - a. Drive thru hours of operation shall be limited to 7 AM - 10 PM.
 - b. Signage and building lighting shall be dimmed or turned off outside hours of operation.
 - c. Security lighting shall be as minimal as possible to preclude light intrusion on neighboring properties.
3. Criteria applicable to Central City Districts
 - a. If the drive thru operations are within 300 feet of a residential district or residential use a special use permit is required.

G. Equipment & Machinery Sales/Rental, Minor

1. Criteria applicable to all Districts:
 - a. All facility operations shall be indoors.

H. Fuel / Charging Station

1. Criteria applicable to all Districts:
 - a. Within 300 feet of a residential use or district shall require a Special Use Permit.
 - b. Spill Prevention Plan: A spill prevention and counter measures plan shall be provided prior to building plan approval that includes, at a minimum:
 - i. Clean up procedures for fuel (or other hazardous material) spills occurring inside and outside the building;
 - ii. Counter measures for use in preventing fuel (or other hazardous material) spills from entering the stormwater collection system or public right-of-way; and
 - iii. Routine cleanup procedures for work areas and parking areas. Washdown water shall not be permitted to enter the stormwater collection system or public right-of-way.

I. Mortuary

1. Criteria applicable to all Districts:
 - a. All activity relating to the dead shall be handled discreetly and be screened from public view to the maximum extent possible, including delivery and storage of the remains.

J. Paint Booth

1. Criteria applicable to all Districts:
 - a. All paint booth operations shall be indoors.
 - b. All objects, motor vehicles, etc. shall be screened or stored indoors.
 - c. Approval from DEQ shall be submitted to the City prior to issuance of any permit.

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K. Pawn Shop

1. Criteria applicable to all Districts:
 - a. All facilities are limited to operating hours of 6:00 AM to 10:00 PM.
 - b. All facilities shall be 0.5 miles apart.
 - c. A security plan to include the following:
 - i. Security System
 - ii. Security cameras sufficient to monitor all outdoor areas on the property.
 - d. All outdoor storage shall be screened from adjacent properties and public right of way.

L. Payday Loan / Check Cashing Service

1. Criteria applicable to all Districts:
 - a. All facilities are limited to operating hours of 6:00 AM to 10:00 PM.
 - b. All facilities shall be 0.5 miles apart.
 - c. Security Plan which includes:
 - i. Security System
 - ii. Provide security cameras sufficient to monitor all outdoor areas on the property.

M. Pet Grooming

1. Criteria applicable to all Districts:
 - a. Any operations within 300 feet of residential uses shall require a Special Use Permit.
 - b. All animals shall be indoors at all times, except when being exercised. At such times, animals shall be under the supervision and direct control of a caretaker
 - c. A waste disposal plan is required.
 - d. Services cannot be provided for livestock or large animals, such as cattle, horses, sheep, etc.

N. Retail Shop

1. Criteria applicable to all Districts:
 - a. Trash and disposal areas shall be located at the rear of subject property and be screened from adjacent properties and public right of way.
 - b. If an ancillary storage yard is included the storage yard cannot be greater than 1,000 square feet and shall be completely screened from adjacent properties and public right of way.
 - c. All external lighting associated with the Retail Shop shall be turned off from 10:00

PM to 6:00 AM.

- d. A retail shop adjoining a residential use or district shall construct a six foot masonry wall.

O. Retail Store - Minor

1. Criteria applicable to all Districts:
 - a. Located within 300 feet of residential use or district a Special Use Permit is Required.

P. Vehicle Sales

1. Criteria applicable in all Districts:
 - a. Vehicles shall not be displayed in required landscaping.
 - b. All other uses (car wash, vehicle repair, etc) shall meet each of their respective standards.

Q. Vehicle Sales – Temporary

1. Criteria applicable in all Districts:
 - a. Vehicles shall not be displayed in landscaping.
 - b. Vehicle temporary sales event shall not operate for more than ten consecutive days.
 - c. A single temporary vehicle sales event is permitted per lot and/or property, once per quarter.
 - d. Shall follow the Regulations found in Idaho Statute for “Temporary Supplementary Sales Lot”

10-6-6: HEALTH/HUMAN CARE:

A. Daycare Facility

1. Criteria applicable in all Districts:
 - a. Daycare Facilities are exempted from Required Improvements as defined in section 10-7-1 (A)-2 & 10-4-2 of this Title.

10-6-7: INDUSTRIAL:

A. Vehicle Repair Services, Minor

1. Criteria applicable to all Districts:
 - a. Outdoor storage of parts, materials, or equipment is prohibited except for licensed vehicles awaiting repair or repaired vehicles awaiting pick up.
 - b. All repair, assembly, disassembly or maintenance of vehicles shall occur indoors. Minor maintenance including tire inflation, adding oil, wiper or battery replacement, glass repair or replacement, paintless dent repair and other similar services as determined by the Administrator is exempted from the indoor operation requirement.

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10-6-8: LODGING:

- A. Reserved

10-6-9: RECREATION/ENTERTAINMENT:

- A. Fun Center - Major

- 1. Criteria applicable in all Districts:
 - a. Outdoor components of the Fun Center within 300 feet of residential uses or districts shall require a special use permit.

- B. Sport Shooting Range - Indoor

- 1. Criteria applicable in all Districts:
 - a. Site Location: A shooting range shall be located: not less than 500 feet from any property in an existing residential district, with the exception of parks, open space, stormwater management areas, or similar lands reserved for uses that do not include dwellings.
 - b. Indoor Range Design: Indoor ranges shall be designed so projectiles cannot penetrate the walls, floor or ceiling, and ricochets or back splatter cannot harm range users. Considerations should be made for cleaning of all surfaces and handling of hazardous wastes.
 - c. Staffing: Sport Shooting Range staff must always be present on the subject property when the shooting range is in use.
 - d. Shooting Range Operation Plan: Each range shall provide an operation plan. A copy of the operation plan shall be filed with an application for a conditional use permit. The operation plan shall include:
 - i. Site Plan
 - ii. Building Plans & Elevations
 - iii. Safety Plan
 - iv. Outside Security Plan
 - v. Copy of liability insurance
 - vi. Other plans and/or information, as may be reasonably requested by Staff to verify compliance with this Ordinance or unique conditions that apply to the site.
 - e. The application shall include a sound study prepared by a licensed sound engineer that demonstrates how the proposed use will address the impact of noise on adjoining uses. Any adverse effects shall be mitigated through setbacks, buffers, sound mitigation and/or hours of operation.
 - f. Alcohol Sales Prohibited: Indoor gun ranges shall not sell or dispense alcoholic beverages, nor shall they be in a building which contains a business that sells or dispenses alcoholic beverages. Alcoholic beverages are not allowed on the premises of the Sport Shooting Range - Indoor at any time.

- g. Receive permission from the City for the ability to discharge firearms within City Limits in accordance with City Code 6-2-1-D

10-6-10: RESIDENTIAL

A. Detached Accessory Building

- 1. Criteria applicable in all Districts:
 - a. Detached accessory buildings are not allowed to be placed within platted easements.
 - b. Building heights that are 15 feet tall or less shall have the following setbacks:

ZONING DISTRICT	MINIMUM SETBACKS			MAXIMUM HEIGHT
	Front	Side	Rear	
TN1	20'	3'	3'	15'
TN2	20'	3'	3'	15'
TN3	20'	3'	3'	15'
All other districts	20'	3'	3'	15'

- i. All detached accessory buildings designed for vehicular parking/access shall maintain a 20 foot setback from public streets, and 10 foot minimum setback on public alleys.
 - c. Buildings that are over 15 feet tall shall have the following setbacks:

ZONING DISTRICT	MINIMUM SETBACKS			MAXIMUM HEIGHT
	Front	Side	Rear	
TN1	20'	7'	20'	35'
TN2	20'	5'	15'	35'
TN3	20'	5'	15'	35'
All other districts	20'	5'	15'	35'

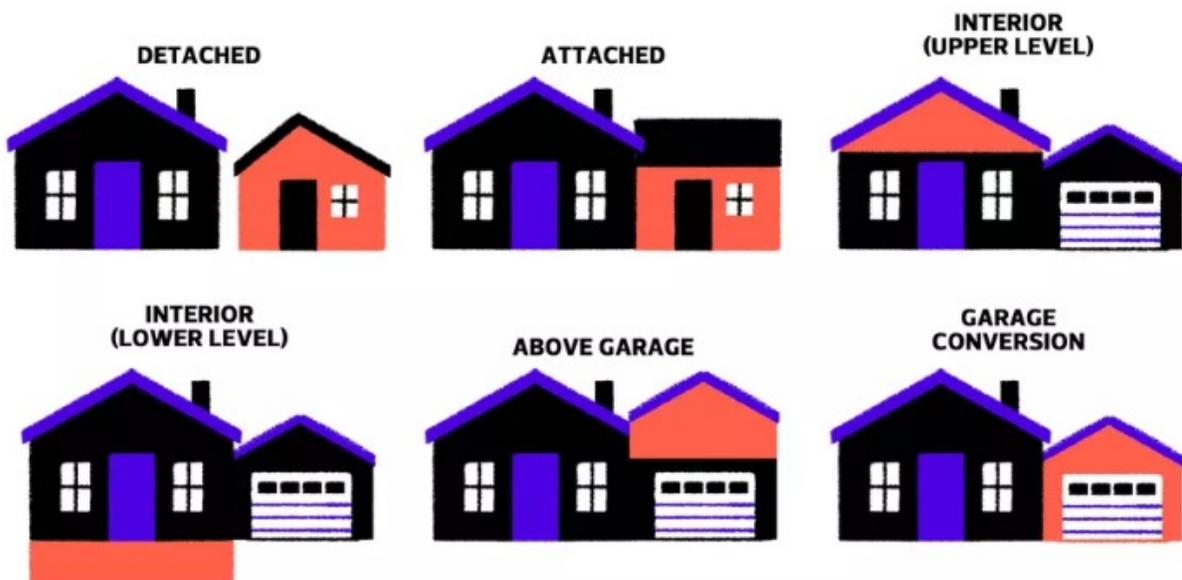
- d. Zoning Permit not required for detached accessory buildings when all the following conditions are met:
 - i. Under 200 square feet in size; or as otherwise exempted from the International Residential Code per Idaho Statute, as amended.
 - ii. Single story and under 15 feet tall.
 - iii. Storage only, no habitable space allowed.
 - iv. Property owner is responsible to follow the property lines setbacks contained herein.
 - v. Property owner is responsible to move/relocate any accessory building found to be in violation of this section.

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- e. If a Detached Accessory Building does not require a building permit, then it may be built up to the side or rear property line, provided all of the following conditions are met:
 - i. Written permission of adjacent property owner is obtained, including a recorded access easement for maintenance of the structure.
 - ii. Firewalls as required by the building code are constructed.
 - iii. There is no water runoff from building onto adjacent property.
 - iv. The Detached Accessory Building is not located closer than 10 feet to a main building.
 - v. There is no architectural projection, or rain gutters, beyond the property line.
- f. Accessory buildings are exempted from section 10-7-1 (A)(2) & 10-6 of this Title.

B. Accessory Dwelling Unit (ADU)

1. Purpose: The purpose of allowing ADU's is to:
 - a. Provide a means of obtaining rental income, companionship, security, and services for residents, particularly seniors, single parents, and families with grown children.
 - b. Create new housing units while respecting the physical attributes of single-dwelling development while increasing the housing stock of existing neighborhoods in a manner that is less intense than alternatives.
 - c. Provide a broader range of accessible and more affordable housing.
 - d. Protect neighborhood stability, property values, and the single household residential appearance of the neighborhood by ensuring ADU's are installed under the conditions of this chapter.
2. Accessory Dwelling Unit Examples:



3. Criteria applicable in all Districts:

- a. Applicability: Accessory Dwelling Units (ADUs) are permitted upon a legal lot, or parcel, containing a legal single household dwelling unit. Only one ADU shall be allowed per legal lot, or parcel.
- b. Accessory Dwelling Unit Development Standards:
 - i. Accessory Dwelling Unit Size: ADU's shall not exceed forty-five percent (45%) of the square footage of the living space for the principal residence.
 - ii. Height:
 - A. Attached ADU's shall follow the height limit listed for the principal residence as required for the base zoning district.
 - B. Detached ADU's shall follow the height limit listed for Detached Accessory Buildings.
 - iii. Setbacks: ADU's shall follow the property line setbacks for the principal building.
 - iv. Types: the ADU may be added to, included within the principal residence, or located in a detached accessory building.
 - v. Additional Design Criteria:
 - A. Additions to an existing structure, or newly constructed detached structures, created for the purpose of developing and accessory dwelling unit, shall be designed consistent with the existing roof pitch, siding, and windows of the principal dwelling unit.
 - B. Conversion of Existing Structures: Any existing structure converted into an ADU must meet all of the requirements of this section.
 - vi. Parking: One additional parking space shall be provided for exclusive use of the accessory dwelling unit.
 - vii. Utilities: Accessory Dwelling units shall receive water, sewer, and sanitation services from the primary dwelling. Additional service lines and/or meters shall not be installed.

C. Attached Single Dwelling Unit (Townhome)

1. Criteria applicable in all Districts:
 - a. Applicants shall go through the Planned Townhome Subdivision process (see 10-12).
 - b. Rear or side of townhome buildings may not be located on collector/ arterial streets. If a project is situated at the intersection of a collector and an arterial, the rear shall not be on the arterial.
 - c. Developments shall be located on and access to collector/arterial streets only.
2. Criteria applicable in the TN-1 District:
 - a. No more than 4 units in a building block.

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3. Criteria applicable in the TN-2 & CMT Districts:
 - a. No more than 6 units in a building block.
 4. Criteria applicable in the TN-3, MU, & CC Districts:
 - a. No more than 8 units in a building block.
- D. Home Occupations:
1. Criteria applicable in all Districts:
 - a. The presence or pursuit of the home occupation shall not result in any nuisance condition or excessive noise, as defined by this Title, nor shall the approval of Zoning Permit allow circumvention of any other city codes.
 - b. All facilities are limited to operating hours of 7:00 AM – 8:00 PM
 - c. The dwelling unit must be suitable for use for the home occupation without modifications except as specified hereafter. Remodeling or modification of any portion of the dwelling unit or accessory structure to be used in the course of the home occupation shall be prohibited if it would change the character, use, or occupancy classification of the dwelling as set forth in the currently adopted building code. Remodeling and modifications necessary to accommodate handicapped persons shall be allowed, provided applicable building permits have been issued.
 - d. No oversized vehicle as defined in section 9-6-8 of city code, or any vehicle which by virtue of dimensions, gross vehicle weight or declared use as required by Idaho Code to display, or does display, commercial or apportioned registration plates, may be used or stored on site or on street in carrying out the home occupation.
 - e. No assets, inventory, equipment, or raw materials used in a home occupation shall be displayed or stored outdoors. No hazardous materials/quantities, as determined by the Twin Falls fire department, may be stored at the site of the home occupation.
 - f. Sales and services to patrons shall be arranged by appointment and scheduled so that no more than 6 patron vehicles are in attendance at any one time.
 - g. Delivery vehicles must meet all truck route regulations of this code.
 - h. Prohibited Uses: The following uses shall not be permitted as a home occupation: auto repair; adult entertainment; manufacturing type uses, any use that creates hazardous or biomedical waste, and those of similar classification as determined by the Administrator.
 - i. Home Occupations are exempted from section 10-7-1 (A)(2) & 10-6-2 of this Title.

10-6-11: OTHER

A. Adult Establishments

1. Purpose: The purpose of these regulations is to regulate the location of adult-oriented businesses within the City in a manner that will protect property values, neighborhoods, and residents from the potential adverse secondary effects of sexually oriented businesses while providing to those who desire to patronize adult oriented businesses such an opportunity in appropriate areas within the City.

It is not the intent of this Title to suppress any speech activities protected by the First Amendment of the United States Constitution. It is the intent to impose content-neutral regulations that address the adverse secondary effects of sexually oriented business may have on adjoining properties and the immediate neighborhood.

2. Development Standards:
 - a. Adult Establishment Location:
 - i. Adult Establishments shall not be located within 1320 feet of a school, daycare, public park or playground, religious facility, or another Adult Establishment.
 - ii. Adult Establishments shall not be developed on a lot or parcel within 750 feet of a residential use or zone.
 - iii. Adult Establishments shall not be developed on a lot or parcel within 200 feet of the following roadways:
 - A. Pole Line Road from Rock Creek to Eastland Drive North
 - B. Blue Lakes Boulevard North from Perrine Bridge to Falls Avenue
 - C. Washington Street South from Park Road to 3400 North
 - D. Kimberly Road from Eastland Drive to 3300 East
 - E. Addison Avenue East from Eastland Drive to 3300 East (Champlin Way)
 - F. Orchard Drive from Grandview Drive South to Washington Street South
 - G. Grandview Drive South from Orchard Drive to Addison Ave West
 - H. Orchard Drive from Hankins Road S to 3300 East
 - I. 3300 East (Champlin Way) from Addison Ave East to Orchard Drive (3700 North)
 - iv. The disposal of waste and debris containing sexually explicit materials must be in a secure trash receptacle.
 - v. Required Signage: Signage prohibiting minors on the premises shall be visibly posted on all building entrances and exits. Signs shall be 1' x 1' in size.

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- vi. A security plan addressing the following items is required when alcohol is being served on the premises:
 - A. Number and location of Security personnel.
 - B. Security System.
 - C. Security cameras sufficient to monitor all outdoor areas on the property.
 - D. Identification Check system to verify ages of patrons.
 - vii. Admission/entrance queue located parallel to and against the structure while maintaining adequate pedestrian passage on any accessible paths.
 - b. Adult Establishment Administrative Staff Contact Information.
 - c. Any other information deemed necessary by the Administrator.
- B. Telecommunication Facility – Colocation
- a. Criteria applicable in all Districts:
 - i. Shall be in compliance with 10-11 of this Title.
- C. Telecommunications Tower - Stealth, or Alternative Design
- a. Criteria applicable in all Districts:
 - i. Shall be in compliance with 10-11 of this Title.
 - ii. Height shall be limited to the base zoning district.
 - iii. Stealth designs shall be designed to blend into the context which it resides.
 - A. Water tower;
 - B. Architectural elements such as steeples, crosses, bell towers, clock towers, etc.;
 - C. Trees shall be decorated with lights at night during holiday season November – January; or
 - D. Re-creation of historic buildings, structures, scenes that are meaningful to the area.
- D. Utility Collection/Distribution Facility – Minor
- 1. Criteria applicable to all Districts:
 - a. Facilities shall be screened or wrapped. Should the facility be wrapped, it shall be approved by the Twin Falls Arts Commission.
 - b. Minor Utility Collection/Distribution Facilities are exempted from section 10-7-1 (A) (2) & 10-6-2 of this Title.