

**TITLE 6  
ELMORE COUNTY  
ZONING and DEVELOPMENT ORDINANCE**

**CHAPTER 23 – OPEN SPACE STANDARDS AND DEVELOPMENT  
REQUIREMENTS**

**Sections:**

- 6-23-1: Purpose**
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**Section 6-23-1: Purpose:**

- A. The purpose of this Chapter is to encourage well designed open space within new development, and to provide standards for dedicated open space areas and/or uses approved as part of a development application.

**Section 6-23-2: Applicability:**

- A. These regulations shall apply to all commercial development, industrial development, multi-family or condominium development and subdivision plats as defined in this Chapter. For the purpose of this Chapter multi-family or condominium, shall be where there are three (3) or more dwelling units or apartments located on the same parcel or lot. A multi-family dwelling may or may not be present on the property. Planned communities, planned unit developments, and planned unit development districts shall be exempt from the requirements of this Chapter.

**Section 6-23-3: General Regulations:**

- A. Application: An application and fees, as set forth in this Title, shall be submitted to the Director on forms provided by the Growth and Development Department.
- B. Dedicated Open Space Plan: A dedicated open space plan shall be submitted on the appropriate application and shall include the following information shown on a map of an appropriate scale, as determined by the Director and shall be accompanied by any associated documents as may be necessary or required:
  - 1. A written plan with narrative and maps to include:

- a. The boundary of all dedicated open space area shall be mapped along with all abutting properties within three hundred (300') feet of the open space boundary at a scale and size as required by the Director this map shall be titled " Open Space Boundary"; and
  - b. A printed written legal description and an electronic file of the written legal description shall be submitted with the application. The electronic file shall be submitted in a Microsoft word file format and on an acceptable media as determined by the Director; and
  - c. All existing distinctive natural characteristics contained within the proposed open space areas including, but not limited to, prime agricultural land and topographical elements shall be mapped and thoroughly discussed in the written plan. The map shall be properly labeled with a legend and titled "Existing Distinctive Natural Characteristics"; and
  - d. All existing impervious surfaces and uses including, but not limited to, structure footprints, driveways, roadways, parks, and trails shall be mapped and thoroughly discussed in the written plan. The map shall be properly labeled with a legend and titled "Existing Improved Conditions"; and
  - e. All proposed uses and development including, but not limited to, structures, roadways, parks, and trails surfaces shall be mapped and thoroughly discussed in the written plan. The map shall be properly labeled with a legend and titled "Proposed Improvements"; and
  - f. A written narrative describing how the open space would be conserved and the manner in which the dedicated open space area shall be maintained, managed, and administered.
- C. The open space plan shall include narrative describing a perpetual funding mechanism for the maintenance and any proposed development of the open space. Funding options may include, but are not limited to transfer fees, private donations or CC&R dues. In any event, the funds shall be managed and maintained by a non-profit organization that will distribute the funds when required and as needed to maintain the open space.
- D. Required Dedicated Open Space:
- 1. Commercial and industrial development projects greater that forty (40) acres in size shall designate five (5%) percent of the acreage to be used exclusively for natural and/or developed open space including, but not limited to, animal viewing areas, picnic areas, natural open space, landscaped open space, sporting areas such as volleyball or basketball courts or other active recreational opportunity as approved by the Director.

2. Multi-Family or Condominium development projects shall designate ten (10%) percent of the acreage to be used exclusively for natural and/or developed open space including, but not limited, animal viewing areas, picnic areas, parks, tot lots, barbecue areas, landscaped open space, sporting areas such as volleyball or basketball courts. Multi-Family or Condominium developments meeting the requirements listed above shall also be required to provide a minimum of three amenities within the open space dedicated to active recreational opportunities for its residents. These uses shall include: clubhouse, swimming pool facilities, picnic areas, developed park, tot lot, barbecue area, sporting area such as volleyball or basketball courts or other active recreational opportunity as approved by the Director.
3. Subdivision development projects of ten (10) acres or greater in size shall designate ten (10%) percent of the acreage to be used exclusively for natural and/or developed open space including, but not limited, animal viewing areas, picnic areas, parks, tot lots, barbecue areas, landscaped open space, sporting areas such as volleyball or basketball courts. Subdivision developments meeting the requirements listed above shall also be required to provide a minimum of three amenities within the open space dedicated to active recreational opportunities for its residents. These uses shall include: clubhouse, swimming pool facilities, picnic areas, developed park, tot lot, barbecue area, sporting area such as volleyball or basketball courts or other active recreational opportunity as approved by the Director.
4. Minimum Amenity design standards:
  - a. Dedicated parks shall require a landscaping plan and park benches at a ratio of one (1) bench per one thousand (1,000') sq. ft of park.
  - b. Tot lots shall be required to contain a minimum of three (3) individual play apparatuses or one (1) multi-functional play apparatuses.
  - c. Proposed clubhouses and/or swimming facilities shall be sized appropriately to accommodate the residents.
  - d. Barbecue area shall contain a minimum of two (2) barbecues and two (2) picnic tables.
  - e. Open space plans, where amenities are required, shall contain detailed plans and specification sheets for all proposed amenity fixtures such as tables, benches, barbecues, and play equipment, etc. Such fixtures shall be reviewed and approved by the Director and reviewed by the Commission and/or Board.
5. All required amenities shall be installed and fully operational prior to the first dwelling or unit receiving final occupancy or the issuance for the second dwelling

or unit whichever is more restrictive. For good cause, the applicant/owner may provide a bond or surety for the required amenities with director approval and in compliance with this Title.

- E. Other Allowed Open Space Uses: Other allowed open space uses for residential development shall include, but not be limited to, the following:
1. Natural areas; and/or
  2. Agriculture; and/or
  3. Community garden plots for cultivation by residents; and/or
  4. Recreational areas designed for specific passive and/or active recreational uses, golf courses, tennis courts, football and ball fields; and/or
  5. Floodways identified on the adopted pathway plan; and/or
  6. Lawns or ground cover with or without trees; and/or
  7. Riding trails and common pasture; and/or
  8. Use associated with an historic structure; and/or
  9. Any combination of uses listed above.
- F. Required drainage areas, swales, or drainage retention areas shall not be considered as active open space areas used to house amenities.
- G. Required setback areas shall not be used in the calculation of required open space.
- H. Term and Form of Restrictions for Dedicated Open Space:
1. All development restrictions shall be noted and/or shown on the final plat and shall be recorded as either a deed restriction or a conservation easement prepared subject to the regulations of Idaho Code section 55-2105.
- I. Ownership: Dedicated open space shall be held in one or more of the following methods of ownership:
1. Condominium: If ownership of the proposed development is held as a condominium in conformance with Idaho Code, Ordinance 55, Chapter 15, the dedicated open space may be held as a common area of the condominium.

2. All Other Development: The dedicated open space may be held in common ownership by an incorporated homeowners' or property owners association.
- J. Maintenance Standards: All open space passive or active shall be maintained in good condition and shall not create any nuisance, fire hazards or be detrimental to the public health, safety, and welfare of those using the space and/or any other standards as imposed by this Chapter and Title.
- K. Maintenance Requirement: In the event any dedicated open space fails to be maintained in accordance to the standards of this Chapter and in compliance with Chapter 12, Fire Prevention And Wild Fire Mitigation Standards And Regulations Applying To All Districts, Elmore County may in accordance with this Title with reasonable notice, demand that deficiency of maintenance be corrected and/or enter the dedicated open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the dedicated open space.
- L. Improvements: Required improvements including, but not limited to, landscaping and recreation facilities within the dedicated open space areas shall be provided by the applicant or owner. A surety agreement, as set forth in this Title, may be required to cover costs of installation or maintenance of such improvements.

**Section 6-23-4: Design Standards:**

- A. Consistent with Adopted Plans: The design shall be consistent with adopted regional or local open space and recreation plans including the Comprehensive Plan.
- B. Accessibility: The dedicated open space shall be easily accessible.
- C. Roadways: The number of private or public roadways that divide the dedicated open space shall be limited to those necessary for proper traffic circulation, and the roadways shall not detract from the efficient use of the open space.
- D. Structures: The dedicated open space shall be free of all structures, except those that enhance the use of the dedicated open space including, but not limited to, structures related to outdoor recreational use, well houses, and storm water retention basins.
- E. Storm Water Basins: Storm water retention or detention basins designed and approved as part of the storm water management system for the property may be located within the dedicated open space area but shall not be utilized for active amenities as required by this Chapter.
- F. Impervious Surface: No more than ten (10%) percent of the dedicated open space shall be impervious surface.

G. Additional Standards for Dedicated Open Space in a Subdivision:

1. Dedicated open space shall not be less than one hundred (100') feet in width at any point and not less than twenty thousand (20,000') square feet of contiguous area, except when part of a trail system or pathway network; and
2. All residential lots shall be clustered into designated development areas to enable the most efficient use of the dedicated open space as noted in the open space plan.

H. Additional Standards for Dedicated Open Space:

1. The dedicated open space shall be connected to open space areas on neighboring properties wherever possible including provisions for pedestrian walkways to create linked walkway or pathway systems; and
2. Required parking areas for outdoor amusement or recreation facilities shall be required to conform to the standards of this Title; and
3. When children's play equipment, benches, barbecues or picnic tables are proposed, a minimum of two (2) shade trees shall be planted to shade the play equipment, benches, barbecues or picnic tabled on the west and southern exposures. Additional trees shall be at the discretion of the applicant.

- I. Alternative Open Space Plan: The Director may approve, or recommend approval of an alternative open space plan when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this Chapter and shall not be detrimental to the public health, safety, and welfare.