

CHAPTER 1– SUBDIVISION REQUIREMENTS AND REGULATIONS

Sections:

- 10-1-1: Purpose
- 10-1-2: Applicability
- 10-1-3: Process
- 10-1-4: General Design Standards
- 10-1-5: Blocks
- 10-1-6: Lots
- 10-1-7: Property and Access
- 10-1-8: Alleys, Public, and Private
- 10-1-9: Private and Common Driveways
- 10-1-10: Public and Private Roads
- 10-1-11: Grading and Drainage
- 10-1-12: Easements
- 10-1-13: Watercourses
- 10-1-14: Flood Hazard Overlay
- 10-1-15: Required Improvements and Owner's Responsibility
- 10-1-16: Monument Requirements
- 10-1-17: Streets and Other Improvements
- 10-1-18: Preliminary Plat Specifications
- 10-1-19: Final Plat Specifications
- 10-1-20: Required Findings
- 10-1-21: Vacation, Total or Partial, Of a Recorded Subdivision Plat
- 10-1-22: Surety and Surety Agreement
- 10-1-23: Land Divided by Judicial Court Division (Court Order)

Section 10-1-1: Purpose:

The purpose of this Chapter, Title 10, Chapter 1, is to provide uniform standards for the subdivision of property, to protect property, and to protect the health, safety, and general welfare of the people of Elmore County.

Section 10-1-2: Applicability:

- A. Subdivision in Unincorporated Areas: This Chapter shall apply to the subdivision of all property within the unincorporated area of Elmore County except as may be modified or exempted by this Ordinance.
 - 1. No plat or any instrument passing title to any portion of a plat shall be offered for recording unless approved in accordance with the regulations of this Ordinance; and

2. Within the General Agriculture/Grazing/Forest (AG), Recreation/Tourism District (Rec), and Rural Residential and Mixed use (RR/MU) the applicant may choose to do a cluster subdivision or standard subdivision; and
 3. Prior to application for a subdivision, a Conditional Use Permit must be approved allowing the division of the parcel.
- B. Unlawful: It shall be unlawful to make a subdivision of property until the requirements of this Ordinance are satisfied.
- C. No building permit shall be issued on any property being considered in the subdivision process until: a) the final plat has been recorded, b) assessor's parcel numbers have been assigned, and c) all required public improvements have been constructed and approved by the appropriate authority or a surety agreement and a performance bond have been submitted to and approved by the Director.
- D. Exceptions: The following divisions of property shall not constitute a subdivision:
1. A property boundary adjustment in accordance with the provisions and as defined by this Ordinance; and
 2. An approved one-time division in accordance with this Ordinance; and
 3. The division of property as a result of condemnation, as defined and allowed in Idaho Statute; and
 4. The expansion or acquisition of street rights of way by a public highway agency; and
 5. An approved farm development right in accordance with the regulations of this Ordinance; and
 6. Abutting parcels that qualify as an exception to the contiguous parcel regulation as set forth in this Ordinance; and
 - 7.

Section 10-1-3: Process:

- A. Pre-application Conference: The applicant shall complete a pre-application meeting with the Director prior to submittal of an application for a preliminary plat for the purpose of reviewing the proposed lot layout and discussing the procedures and requirements of this Ordinance. If the subdivision is under 5 lots with no new streets or public improvements the Director may, in his option, determine if Preliminary Plat and Final Plat can be submitted concurrently.

- B. Neighborhood Meeting: The applicant or owner shall conduct a neighborhood meeting according to the regulations outlined in this Ordinance prior to submittal of an application for a preliminary plat.
- C. Application and Fees: All applications and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Department.
1. The County Surveyor and/or Director may require a digital format of the plat, if requested one shall be provided; and
 2. Preliminary plats shall concurrently submit a natural features analysis as set forth in this Chapter; and
 3. Covenants, Conditions, and Restrictions (CC&Rs), if applicable, shall be submitted concurrently with the preliminary plat application; and
 4. The preliminary plat application for subdivisions in an overlay district shall contain any additional reports or materials required by this Ordinance; and
 5. If an applicant or owner intends to complete the final platting of the subdivision in phases, the proposed phasing shall be submitted with the application; and
 6. If an irrigation right exists to the property, the applicant shall submit an irrigation plan that is consistent with Idaho Statute § 31-3805.
- D. Natural Features Analysis: The following features shall be mapped, described, or noted as not applicable in the natural features analysis:
1. Hydrology: Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas or other areas subject to flooding, poorly drained areas, permanent high ground water areas, and seasonal high ground water areas throughout the site; and
 2. Soils: Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on the Elmore County Soils Survey (United States Department of Agriculture, Natural Resources Conservation Service); and
 3. Topography: Analysis of the site's terrain including mapping of elevations and delineation of slope areas greater than twenty-five (25%) percent, between fifteen (15%) percent and twenty-five (25%) percent, between eight (8%) percent and fifteen (15%) percent, and less than eight (8%) percent. Contour lines based on a datum with intervals of not more than five (5') feet for properties with a

general slope of greater than five (5%) percent, or intervals of not more than two (2') feet for properties with a general slope of less than or equal to five (5%) percent. Contour lines shall extend a minimum of three hundred (300') feet beyond the proposed development boundary. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary to include the entire drainage facility as determined or required by the Director and/or County Engineer; and

4. Vegetation: Analysis of existing vegetation of the site including, but not limited to: dominant tree, plant, and ground cover species; and
 5. Sensitive Plant and Wildlife Species: Analysis of sensitive plant and wildlife species of the site including, but not limited to, those species listed in the Idaho Conservation Data Center (State of Idaho Department of Fish and Game); and
 6. Historic Resources: Analysis of existing historic resources as identified on the Elmore County historic resources inventory; and
 7. Hazardous Areas: Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered; and
 8. Impact on Natural Features: The applicant shall provide a written statement explaining how the design of the plat protects or mitigates impacts on the natural features of the site; and
 9. Map Features: The map shall show important features, including, but not limited to, the following: outline of existing structures, watercourses, wetlands, power lines, telephone lines, railroad lines, airport influence areas, any existing easements, municipal boundaries, and section lines; and
 10. Other Supplemental Data: Other supplemental data may be required by the County Engineer including, but not limited to, the following:
 - a. Approximate location of any areas of fill; and/or
 - b. The elevations of all corner points on the boundaries of the proposed plat.
- E. Proposed Plat: The Commission shall apply the design standards, required improvements, and findings listed in this Ordinance.

- F. Approved Preliminary Plat: If approved by the Commission, the preliminary plat for a phased subdivision shall include an approval period in which all final plats shall be completed.
- G. Preliminary Plat Final Decision: A decision of the Commission on a preliminary plat shall be final as to all matters set forth in said preliminary plat. This decision may be appealed under the regulations of this Ordinance.
- H. Final Plat Approval: Following Commission approval of a preliminary plat, the owner may cause the subdivision, or any phase thereof, to be surveyed and prepare a final plat for County approval. The Board shall approve a final plat or plats, in the approved preliminary plat boundary within twenty-four (24) months of the Commission's approval of the preliminary plat. Failure to meet this requirement or the approved phasing plan in which the Commission specified a specific date in which the final phase and plat shall be completed shall void and nullify the preliminary plat approval in whole or for partially final platted subdivisions, those portions not final platted.
- I. Recording Final Plat: The owner shall record the final plat and the CC&Rs with the Elmore County Recorder within thirty (30) days of Elmore County Treasurer signing the Final Plat and after the Board has approved and signed, otherwise, the approval shall become null and void. For phased subdivisions, the Board shall approve final plats for the phases of the subdivision in successive one (1) year intervals. The limits of the preliminary and final plat shall encompass the full extent of the owner's lot or "contiguous parcels", as herein defined. If platting in phases, no reserved parcels shall be allowed; all remainder areas shall be platted as lots that meet the minimum dimensional standards for the district in which they are located.
- J. Time Extension: The applicant or owner may apply for a one-time one-year extension, as set forth in this Ordinance, if needed to extend the time allowed to approve the final plat or phase of a final plat, if applicable.
- K. Platted Lot: Any lot created through an approved subdivision application and duly recorded plat shall thereafter be considered a platted lot.
 - 1. No subdivision plat or dedication, or any instrument passing title to any portion thereof, shall be offered for recording unless approved in accordance with the regulations of this Ordinance.
 - 2. No building permit shall be issued on any property being considered in the subdivision process until:
 - a. The final plat has been recorded; and
 - b. Elmore County Assessor's parcel numbers have been assigned; and

- c. All required public improvements have been constructed and approved by the appropriate authority or a surety agreement and a performance bond has been submitted to and approved by the Director in compliance with the provisions of this Ordinance.

Section 10-1-4: General Design Standards:

- A. These standards shall be followed in all subdivisions regulated by this Ordinance. In addition to these standards, all subdivisions shall meet the design standards of the applicable zoning district.
- B. Any proposed subdivision in areas of the County where topographical slopes are greater than fifteen (15%) percent or where adverse conditions associated with slope stability, erosion, or sedimentation are present, as determined by the County Engineer, shall conform with the additional hillside regulations set forth in this Ordinance.
- C. Adequate means for eliminating unsuitable site conditions shall be approved by the County Engineer in order to develop property that has been designated in the applicable Comprehensive Plan, in the natural features analysis, or elsewhere, as being unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.
- D. The limits of the subdivision shall encompass the full extent of the owner's lot or "contiguous parcels", as herein defined in this Ordinance. If platting in phases, no reserved parcels shall be allowed; all remainder areas shall be platted as lots that meet the minimum dimensional standards for the district in which they are located.
- E. The decision-making body may require modifications to the plat where, in its opinion, believe the proposed site planning has not sufficiently addressed the existing natural features.

Section 10-1-5: Blocks:

- A. The length, widths, and shapes of blocks shall be determined with due regard to:
 - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated including the base zone requirements as to property sizes and dimensions; and
 - 2. Avoiding double front lots. If unavoidable, one of the frontages shall be restricted from access; and

3. Needs for convenient access, circulation, control, and safety of street traffic. The number of intersecting streets with arterials of all classes shall be held to a minimum; and
 4. The limitations and opportunities of topography.
- B. Residential block lengths should be between four hundred (400') feet and six hundred (600') feet.
 - C. Pedestrian access right-of-way not less than ten (10') feet wide may be required for walkways through or across a block when deemed desirable to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities. Said access right-of-way shall be a separate platted lot.

Section 10-1-6: Lots:

- A. The property size, width, depth, shape, and orientation, and the minimum structure setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. The minimum dimensional standards for all lots shall be in accordance with the applicable base zone. Corner lots in residential zoning districts shall be increased five (5%) percent above the minimum property size of the applicable base zone to permit appropriate front and street side setbacks.
- C. For a distance of fifty (50') feet, side property lines originating at the front of the lot shall be within twenty (20) degrees of right angles or radial to the street providing access.
- D. Through lots shall be avoided except to separate developments from arterial streets or to overcome topographic restrictions. A screening easement or common area lot having a minimum width of ten (10') feet shall be provided along the arterial streets. If unavoidable, one of the frontages shall be restricted from access.
- E. Frontage for lots on a cul-de-sac turnaround shall be measured fifty (50') feet back from the front property line along an arc parallel to the right of way of the cul-de-sac.
- F. Frontage for lots on a knuckle with a landscaped street island separating the through traffic, shall be measured fifty (50') feet back from the front property line along the arc parallel to the right of way of the knuckle.

Section 10-1-7: Property and Access:

- A. All lots shall have access that complies with the regulations of this Ordinance. The arrangement, character, extent, and location of all streets shall conform to the Comprehensive Plan or portions thereof, and shall be considered in their relation to

existing and planned streets, topographic conditions, and in their appropriate relation to the proposed uses of the property to be served by such streets. All required public street improvements and additional design standards are subject to the jurisdiction of the applicable highway district.

- B. Where a subdivision borders a railroad right-of-way or limited access highway right-of-way, a street approximately parallel to such right-of-way, at a distance suitable for appropriate use of the intervening property may be required.
- C. Street layout shall be planned to facilitate future development of abutting areas and the entire neighborhood, and shall provide for adequate access opportunities to abutting lands.

Section 10-1-8: Alleys, Public and Private:

- A. Alleys may be provided in residential, commercial, and industrial-zoned districts as recommended by the Commission and approved by the Board.
- B. The width of an alley shall be not less than twenty (20') feet and shall be paved its entire width.
- C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- D. Dead-end alleys shall be prohibited.
- E. Private Alleys: Private alleys may provide frontage when:
 - 1. The private alleys are located on a lot; and
 - 2. The lots are owned and maintained by the lot owners whose property accesses and fronts on the private alley; and
 - 3. The alley access request shall be accompanied with a perpetual ingress/egress access easement which shall include a maintenance agreement, and shall be recorded prior to the issuance of any building permit for any lot utilizing the private alley; and
 - 4. The CC&Rs shall also indicate ownership, maintenance, and administrative responsibilities of the private alley, which shall be reviewed and approved by the Director.
- F. When applicable, all private alleys shall comply with the minimum design/construction requirements of the applicable fire district or this Ordinance whichever is more restrictive where applicable.

Section 10-1-9: Private and Common Driveways:

All private and common (shared) driveways shall comply with the minimum design/construction requirements of this Ordinance.

- A. A private driveway provides a vehicular ingress and egress route that serves one (1) single family dwelling. A private driveway is a vehicular ingress and egress route that serves at least two (2) and not more than four (4) single family dwellings.
 - 1. Driveway providing access to 1 dwelling- must be twelve (12') feet in width with an approved fire turnaround and constructed and maintained in accordance with 503.1 through 503.13 of IDAPA 18.08.01
 - 2. Driveway providing access to 2 dwellings- must be twenty (20') feet in width with an approved fire turnaround and constructed and maintained in accordance with 503.1 through 503.13 of IDAPA 18.08.01
 - 3. Driveway providing access to 3- 4 dwellings- must be twenty-four (24') feet in width with an approved fire turnaround and constructed and maintained in accordance with 503.1 through 503.13 of IDAPA 18.08.01
- B. See Section 10-8-4 for construction standards.

Section 10-1-10: Public and Private Roads:

- A. All private and public roads shall comply with the minimum design/construction requirements of this Ordinance. All subdivisions with public road, or a private road providing access to five (5) or more lots or parcels shall plan and construct the private road(s) to Collector or Local Residential Road Standards as set forth in the current edition of the Jurisdictional Highway District's Highway Standards and Development Procedures Manual and as required in this Ordinance.
- B. The roadway designation of "public" or "private" shall be declared and a typical roadway drawing shall be included on the Preliminary Plat designed to the minimum standards listed below:
 - 1. Public Roads: Public Roads shall be constructed to meet the requirements of this Ordinance and the applicable highway district.
 - 2. Private Roads: Private roads shall be constructed to meet the requirements of this Ordinance.

Section 10-1-11: Grading and Drainage:

- A. All grading and drainage plans and drainage studies as herein required shall be required and shall be with the preliminary plat.
- B. The drainage study shall be based upon estimates of peak and total discharges and shall provide the following:
 - 1. The drainage study shall identify the essential elements, alignments, and functions of a drainage system; and
 - 2. The drainage study shall show the following site conditions:
 - a. Details of existing site drainage and/or irrigation features including, but not limited to, ditches, watercourses, and drainage structures; and
 - b. The permeability and types of soils and geologic materials; and
 - c. The size of the drainage basin upstream; and
 - d. The topography, slope, and geometry of the site; and
 - e. The proximity of surface water within one hundred (100') feet; and
 - f. The proximity of potable water supply wells within one hundred (100') feet; and
 - g. The proposed use and potential contaminants; and
 - h. The past use and possible soil and/or ground water contamination.
 - 3. Other supplemental data as required by the Director and/or County Engineer.
- C. Grading and Drainage Plans: A grading and drainage plan shall be submitted to the Director for design approval by the County Engineer and Commission with the preliminary plat application and shall include the following, unless otherwise exempt, or not required as evidenced by a signed document from the County Engineer indicating the reasons a drainage plan is not required:
 - 1. The required grading and drainage plans shall be drawn to scale and shall include, but not be limited to, the following:
 - a. All proposed grading to be done on the property; and

- b. Essential elements, alignments, and functions of the proposed drainage system including, but not limited to, septic, sewers, storm drains, catch basins, pumps, and seepage beds; and
- c. The grading and drainage plans shall indicate by contours and spot elevations, where storm water will be routed for the property. It must show the location and size of any flows onto the site from outside the property boundaries as well as any discharges leaving the site; and
- d. The proposed use and potential contaminants; and
- e. When drainage courses and irrigation facilities exist on site, the owner and/or applicant shall provide documentary evidence of consent to rerouting by all interested landowners and drainage and irrigation entities affected and having rights to, and in, such facilities; and
- f. Other supplemental required by the Director or County Engineer.

Section 10-1-12: Easements:

- A. There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right-of-way and subdivision boundaries, and other easements when considered necessary as determined by the Director or Commission. Easements, shall where considered necessary be centered on the interior property lines. Said easements shall have a minimum width of ten (10') feet or greater as determined by the Director or Commission. There shall be a twelve (12') foot in width easement from the exterior of the property line for all property lines fronting a public or private road, street or prescriptive easement.
- B. Where a subdivision is traversed by a watercourse, appropriate easements shall be provided.
- C. Appropriate easements shall be provided for access to parks, trails, trail head parking shared driveways, private alleys and other easements when considered necessary as determined by the Director or Commission.

Section 10-1-13: Watercourses:

- A. There shall be a minimum structural setback of thirty (30') feet from the normal high-water line of all watercourses, whether covered or uncovered. For open watercourses, normal high-water line shall be as determined by a licensed surveyor or engineer.
- B. Only when required by the Commission or Board shall watercourses within an urban setting or district be covered or fenced, agricultural uses shall be exempt from this requirement. Fencing shall meet the following requirements:

1. Proposed fences in a designated flood hazard area shall comply with the regulations of this Ordinance.
2. Unless otherwise specified by this Ordinance, fences shall be a six (6') foot barrier that meets the barrier requirements for swimming pools as set forth in this Ordinance.
3. Proposed covers or fences involving an irrigation distribution system shall have the prior approval of the affected irrigation district.

Section 10-1-14: Flood Hazard Overlay:

All proposed subdivisions in a flood hazard overlay shall comply with the requirements of Title 8 Chapter 2.

Section 10-1-15: Required Improvements and Owner's Responsibility:

The owner is responsible to complete the improvements required by this Ordinance and any additional improvements that may be required as a condition of approval.

Section 10-1-16: Monument Requirements:

The owner shall comply with the requirements of Idaho Statute §§ 50-1302, 50-1303, 54-1227, and 55-1608, and any work required shall be verified by the County Surveyor prior to certification of the plat. Monuments in the field shall agree with those shown on the plat at the time of inspection. The regulations of such Sections as to monuments, stakes, and other markings shall be considered minimum requirements, and the County Surveyor may establish higher standards.

Section 10-1-17: Streets and Other Improvements:

- A. Prior to acceptance and signing of any final plat the following requirements shall be satisfied as applicable:
 1. Public streets shall be accepted by the applicable highway district.
 2. Approved private roads shall be completed in accordance with requirements of this Ordinance
 3. All new developments shall have adequate sewage facilities as required and provided for in this Ordinance and Idaho Statute.
 4. Storm water facilities and drainage improvements shall be constructed by the applicant or owner and approved by the County Engineer or Highway District, whichever is applicable.

5. Streetlights shall comply with the lighting regulations set forth in this Ordinance or as may be required by the Director or Commission.

Section 10-1-18: Preliminary Plat Specifications:

- A. Drawing Specifications: All mapped information shall be prepared in a neat and legible manner and drawn to a scale of not more than one hundred (100') feet to the inch or as directed by the Director or County Engineer. A smaller scale or different size may be used for large developments with prior written approval from the Director.
- B. Drawing Continents and Limits: Limits of the drawing shall include an area not less than three hundred (300') feet beyond boundaries of the proposed development, and shall show:
 1. The subdivision boundary shall be based on an actual field survey, and shall include the stamp and signature of a licensed professional land surveyor certifying that the boundary survey shown on the plan is accurate and correct. Boundary problems shall be resolved prior to submission and non-buildable remnant properties shall be prohibited. The certification, signature, and stamping of the plan by the professional land surveyor is intended to pertain only to the boundary survey; and
 2. The name of the owner; and
 3. The name of the person or firm responsible for the drawing; and
 4. The name of the proposed subdivision in accordance with Idaho Statute § 50-1307; and
 5. The date, graphic scale, true north arrow, vicinity map, Section, Township, and Range; and
 6. Ties to all controlling corners; and
 7. The names of neighboring subdivisions; and
 8. The names of owners of neighboring properties as listed in the Assessor's files, and the boundaries of all neighboring properties; and
 9. The name, location, width, direction of slope, centerline and right of way of all existing and proposed public streets and private roads; and

10. The proposed offsite improvements pertaining to streets, water supply, sanitary sewer systems, storm water systems, fire protection facilities, and proposed utilities; and
 11. The lot layout with lot and block numbers, lot dimensions, and lot area in square feet; and
 12. The minimum setbacks from the front, the side, and the rear property lines; and
 13. Areas of special use, such as parks and schools, shall be appropriately labeled; and
 14. Other appropriate elements as required by the Director on a case-by-case basis.
- C. Separation of Information: Information may be combined if the Director determines the information is legible. The Director may require separation of information to a separate drawing(s) to assist in delineation of specific information.

Section 10-1-19: Final Plat Specifications:

- A. The final plat shall be prepared as provided by, and include the items required by, Idaho Statute § 50, Chapter 13 and related State law, and the following additional requirements:
1. The final plats shall be eighteen (18") inches by twenty-seven (27") inches in size, with a three and one-half (3 ½") inch margin at the left end for binding and a one-half (1/2") inch margin on all other edges. No part of the drawing or certificates shall encroach upon the margins. Signatures shall be in reproducible black ink. The sheet or sheets which contain the drawing or diagram representing the survey of the subdivision shall be drawn at a scale suitable to insure the clarity of all lines, bearings and dimensions. In the event that any subdivision is of such magnitude that the drawing or diagram cannot be placed on a single sheet, serially numbered sheets shall be prepared and match lines shall be indicated on the drawing or diagram with appropriate references to other sheets. The required dedications, acknowledgements and certifications shall appear on any of the serially numbered sheets. The letters, numbers, and notes shall be of such size and scale to clearly show on microfilm copies, reproducible copies, and prints of the recorded documents.
 2. The drawing page(s) shall show exterior boundary and property lines, right of way lines, streets, street islands, existing and new easements, all accurately dimensioned with bearings to the nearest one second and distances to the nearest one-hundredth (1/100') of a foot. The dimensions shall provide a minimum lot and boundary survey closure of one to ten thousand (1:10,000). The

drawing page(s) and owner's certificate shall show or contain all related curve data including radius, length, central angle, long chord, and long chord bearing.

3. Permanent monuments, magnetically detectable, marked with the license number of the surveyor, shall be set for all the following:
 - a. All lot corners and exterior boundary corners; and
 - b. Street centerline angle points, point of curvatures, point of tangencies, intersecting street centerlines, and places where street centerline changes directions; and
 - c. Street islands, radius points for cul-de-sacs, and lot controlling corners that control the location of the boundary.
4. In places that are impossible or impractical to set the monument, a witness corner or reference monument shall be set and dimensioned accordingly. Such monument shall be of the same size and marking required for the monument it is replacing. A witness corner monument shall be set on the lot line or property line. A reference monument shall be set with a bearing and distance tie to the actual corner.
5. All monuments found, existing or accepted and used in the survey shall be marked with the license number of the surveyor.
6. Digital format may be required by the County Surveyor.
7. The final plat shall show:
 - a. Primary Control Points: At least two (2) primary control points, officially recognized by the County Surveyor and ties to such control points. Primary control points must be public land survey corners or officially recognized corners. Corner perpetuation and filing recording instrument numbers shall be shown; and
 - b. Approved Street Names: Street names shall be shown and approved by the Elmore County Street Naming Committee or their designee; and
 - c. Easements: Location, dimensions, and purpose of any easements; and
 - d. Monuments: Location, description, and size of monuments that are found; and

- e. Ordinance, Subdivision Name, Description and Date: Ordinance, including subdivision name in accordance with Idaho Statute § 50-1307, and general location description and date; and
 - f. Owner's Certificate: Owner's certificate containing a statement of reservation of easements and private roads. Private roads may be shown as a lot or an easement; and
 - g. Right-of-Way Width: The right of way width from centerline of each street or other right of way; and
 - h. Abutting Subdivisions: Name and location of abutting subdivisions. All other abutting properties shall be shown as "un-platted".
8. The following certificates and approvals shall appear on the final plat:
- a. Owner's certificate; and
 - b. Licensed land surveyor's certificate; and
 - c. Applicable highway district (if required); and
 - d. Central District Health; and
 - e. City or County Engineer (if applicable); and
 - f. City approval certificate (if applicable); and
 - g. County surveyor's certificate; and
 - h. Commission; and
 - i. County Assessor; and
 - j. County Treasurer; and
 - k. Board of County Commissioners; and
 - l. County Clerk and Recorder; and
 - m. Fire District, if applicable.

Section 10-1-20: Required Findings:

A. Preliminary Plat:

1. The design conforms to the standards established in this Ordinance; and
2. The design complies with the required improvements established in this Ordinance; and
3. If applicable, the proposed subdivision complies with the standards of an applicable overlay district as set forth in this Ordinance; and
4. The design conforms to the topography and natural landscape features analysis as required by this Chapter and the master site plan, where the design demonstrates consideration for the location and function of land uses and structures to achieve this purpose; and
5. The development would not cause undue damage, hazard, or nuisance to persons or property in the vicinity; and
6. The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the proposed subdivision, nor placing an undue burden upon existing transportation and other public services in the surrounding area; and
7. Community facilities such as parks, recreational, and dedicated open space areas are functionally related to all dwelling units and are easily accessible via pedestrian and/or bicycle pathways; and
8. The proposal complies with the dimension standards set forth in this Ordinance for the applicable zoning district; and
9. The overall plan is in conformance with:
 - a. The applicable Comprehensive Plan(s); and
 - b. The future acquisition maps; and
 - c. Any applicable Area of City Impact Ordinances including applicable subdivision regulations; and
 - d. Other pertinent Ordinances as applicable.

B. Final Plat:

1. The final plat is in substantial conformance with the preliminary plat; and
2. All conditions of the approved preliminary plat have been satisfied.

Section 10-1-21: Vacation, Total or Partial, Of a Recorded Subdivision Plat:

An applicant or owner may petition the Board for a total or partial vacation of a recorded subdivision plat, including platted easements. Vacation shall be processed in accordance with the regulations set forth in Idaho Statute § 50-1306A and recorded in accordance with the regulations set forth in Idaho Statute § 50-1324.

Section 10-1-22: Surety and Surety Agreement:

- A. In lieu of completion of the required minimum street and other improvements required by this Ordinance or any portion thereof, the owner may deposit a surety and surety agreement for completion of such improvements with the Director on forms provided by the Department and as specified in this Ordinance.
- B. Bonds for wastewater collection, wastewater treatment systems, and/or community water systems shall be deposited with the appropriate health authority in accordance with Idaho Statute § 50-1326.

Section 10-1-23: Land Divided by Judicial Court Division (Court Order):

- A. Land divided by a judicial order shall be considered an authorized land division.
- B. If the parcel being divided by court order has an administrative land available, the division by the court is the same as if the Department had approved it with an administrative land division, even if the resulting parcel sizes are not consistent with normal land division provisions. No application for an administrative land division is required.
- C. If the parcel being divided is eligible for a residential building permit, but does not have an administrative land available, the court order division creates a building permit for each parcel, but does not render any of the new parcels eligible for an administrative land division.
- D. If the parcel being divided does not have any building permits or administrative land divisions available, the parcels created by court order will not be eligible for building permits or administrative land divisions unless land use approval is granted in accordance with the provisions of this Ordinance.
- E. If the land division does not qualify as an exception under the subdivision standards of this chapter, then all regulations of this section shall apply.

CHAPTER 2 –FARM DEVELOPMENT RIGHT

Sections:

- 10-2-1: Purpose**
- 10-2-2: Farm Development Right**
- 10-2-3: Process**
- 10-2-4: Standards**

Section 10-2-1: Purpose

The purpose of this Chapter is to describe the basic development rights associated with agricultural zoning on land within Elmore County.

Section 10-2-2: Farm Development Right

- A. Purpose: This regulation allows owners of a qualifying property as determined by the Director in the agricultural zoning district to create one (1) residential parcel for conveyance without platting. If the qualifying property is decreased below the minimum property size as a result of granting the farm development right, the remainder of the qualifying property shall still be considered a conforming property.
- B. Applicability: This regulation shall apply to any property that meets all of the following criteria:
 - 1. The property is within the agricultural zoning district;
 - 2. The property shall be a minimum of forty (40) acres of contiguous property under one ownership or control unless reduced by the result of a government action; and
 - 3. The property shall be approved to a maximum of one (1) farm development right.
 - 4. Parcels approved prior to the effective date of this Ordinance subject to the one (1) acre lot regulations or one (1) acre parcel regulations shall be considered farm development rights.

Section 10-2-3: Process

- A. Application: An application and fees shall be submitted to the Director on forms provided by the Department.

- B. Required Findings: The Director shall make the following findings in order to approve, or approve with conditions, the farm development right:
1. The proposed farm development right meets the applicability requirements of Section 10-2-2 subsection B; and
 2. The proposed farm development right complies with the standards listed in Section 10-2-4.
- C. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to the regulations of this Ordinance, the applicant or owner shall have one year to complete all of the following tasks:
1. Record with the Clerk and Recorder a record of survey; and
 2. Execute and record the necessary deeds to convey the farm development right parcel; and
 3. Verify taxes have been paid from the Treasurer; and
 4. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the Director.
- D. Final Approval Requirements: Upon determination by the Director that the farm development right is in conformance with the requirements outlined in the tentative approval letter and that all requirements were satisfied prior to the one (1) year expiration date, then the Director shall issue a letter stating that the farm development right has received final approval.

Section 10-2-4: Standards

- A. A farm development right parcel shall meet the following minimum standards:
1. The farm development right parcel is between one (1) acre and five (5) acres in size and meets the other required dimensional standards established by this Ordinance; and
 2. The farm development right parcel can provide adequate access and frontage as required by this Ordinance; and
 3. If the qualifying property has more than one (1) permanent dwelling, the farm development right parcel shall contain one (1) of the extra dwellings. This standard shall not apply to temporary living quarters; and

4. The proposed farm development right division shall maximize to the greatest extent possible the preservation of prime agricultural soils; and
 5. The farm development right parcel shall be located on the portion of the property that causes the least disruption of agriculture on the remainder of the qualifying property while still meeting the standards of this section.
- B. As part of the application, an applicant may request an increase in property size to a maximum of five (5) acres to accommodate one of the following:
1. Additional property is needed to support an individual wastewater treatment system; or
 2. The farm development right parcel separates an existing dwelling (either principal permitted or other) from the qualifying property and such dwelling cannot obtain proper street frontage or setback requirements unless granted a larger property size; or
 3. When the property under consideration for the farm development right parcel is separated by a barrier that prevents the use of the qualifying property as one (1) unit.
 4. The property will maintain the preservation of prime agricultural soils.
 5. Maintain certain agricultural exemptions on the farm development right.

CHAPTER 3 – ONE TIME DIVISION OF PROPERTY

- 10-3-1: Purpose**
- 10-3-2: Applicability**
- 10-3-3: Process**
- 10-3-4: Standards**
- 10-3-5: Governmental Action Defined**
- 10-3-6: Required Finding**

Section 10-3-1: Purpose:

The regulations of this Ordinance allow for the one-time division of a parcel into two (2) parcels without being subject to the subdivision regulations as set forth in this Ordinance.

Section 10-3-2: Applicability:

A. These regulations shall apply to:

1. Lots created prior to January 20, 1994 (hereinafter referred to as the parcel of record); or parcels of land that were of record in the Elmore County recorder's office after January 20, 1994, the boundaries of which shall not have changed except for one or more of the following:
 - a. The parcel of record was reduced by governmental action as specified in this Chapter; or
 - b. The parcel of record was reduced by the conveyance of property to a public utility for the purpose of constructing a public utility or infrastructure facility; or
 - c. The parcel of record received approval for a property boundary adjustment as specified in this Ordinance, and where the parcel of record met both the following standards:
 - (1) The parcel of record had sufficient acreage to accomplish the one-time division prior to completion of the property boundary adjustment; and
 - (2) The property boundary adjustment did not diminish the size of the parcel of record such that it no longer has sufficient acreage to accomplish the one-time division.
2. Recorded platted lots, those recorded lots contained in a subdivision, shall not be eligible for a one-time division of a lot into two (2) lots. Division of subdivided lots shall be subject to the subdivision regulations as set forth this Ordinance and Title.

Section 10-3-3: Process:

- A. Application: An administrative application and fees, as set forth in this ordinance, shall be submitted to the Director on forms provided by the Land Use and Building Department.
- B. Tentative Approval; Requirements: Upon tentative approval of the application by the Director, subject to any applicable conditions of approval and the regulations of this Ordinance, the applicant/owner shall have one year to complete the following tasks:
 - 1. Survey the property and record a record of survey with the Elmore County recorder; and
 - 2. Obtain new tax parcel numbers from the Elmore County assessor; and
 - 3. Provide copies of the recorded record of survey and the new tax parcel numbers to the Director.
- C. Final Approval Requirements: Upon determination by the Director that the one-time division is in conformance with the requirements outlined in the tentative approval letter and that all requirements were satisfied prior to the one (1) year expiration date, then the Director shall issue a letter stating that the one-time division has received final approval.

Section 10-3-4: Standards:

- A. The proposed division shall result in two (2) parcels that are larger than at least one (1) acre each and comply with the design and dimensional standards of this Ordinance, except when the parcel of record has been diminished by governmental action. As a result of governmental action, the Director may approve a reduced property size on one of the resulting parcels, subject to other regulations of this Ordinance rendering the property as a legal non-conforming property.
- B. The proposed division is not a "subdivision" as defined in this Ordinance.

Section 10-3-5: Governmental Action Defined:

- A. A governmental action shall be defined as an acquisition through prescription, purchase, or other means by a County Highway District, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, state, or federal agency that reduces an existing property below the required minimum property size.

- B. Any property reduced by governmental action that reduces an existing conforming parcel below the required property size shall be deemed as a conforming property for the purpose of development provided the owner/applicant could provide relevant and factual documentation to the Director indicating that:
1. The property followed the minimum property size requirement of the applicable zoning district and Ordinance prior to the decrease in property size; and
 2. The decrease in property size was caused by acquisition through prescription, purchase, or other means as provided in Section 10-3-5 (A).

Section 10-3-6: Required Finding:

- A. Required Findings: In order to grant a one-time division, the Director shall make the following findings:
1. The one-time division created no more than two (2) parcels; and
 2. The one-time division created larger than one (1) acre parcels; and
 3. The parcel or lot being divided was created prior to January 20, 1994, or a parcel of land that was of record in the Elmore County recorder's office after January 20, 1994, and the boundaries of the parcel being divided have not changed except as specified in this Ordinance; and
 4. That if the property was reduced by governmental action that the property was following the minimum property size requirement of the applicable zoning district and Ordinance prior to the decrease in property size; and the decrease in property size was caused by acquisition through prescription, purchase, or other means as provided in Section 10-3-5 (A); and
 5. The subject property requesting a one-time division is not a platted lot within a subdivision.

CHAPTER 4 - PROPERTY BOUNDARY ADJUSTMENTS

Sections:

- 10-4-1: Purpose**
- 10-4-2: Applicability**
- 10-4-3: Process**
- 10-4-4: Standards**
- 10-4-5: Required Finding**

Section 10-4-1: Purpose:

The regulations of this Chapter allow for the adjustment of parcel lines or platted lot lines between existing legal, or nonconforming properties. A property boundary adjustment does not vacate the platted lot lines of a recorded subdivision.

Section 10-4-2: Applicability:

These regulations apply to existing lots and parcels in Elmore County.

Section 10-4-3: Process:

- A. Application: An application and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Department.
- B. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to any applicable conditions of approval and the regulations of this Ordinance, the applicant or owner shall have one (1) year to complete the following tasks:
 - 1. Cause the property to be surveyed and a record of survey recorded; and
 - 2. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved; and
 - 3. Verify taxes have been paid for both properties from the Treasurer; and
 - 4. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the Director.
- C. Issuance of Approval Letter: Upon determination by the Director that the final property boundary adjustment is in conformance with this Ordinance, the Director shall issue a letter stating that the property boundary adjustment has received final approval.

Section 10-4-4: Standards:

- A. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards prescribed by this Ordinance including regulations for individual wastewater treatment systems and wells as set forth this Ordinance and Idaho Statute respectively.
- B. If one or more of the properties is nonconforming as to the minimum dimensional standards prescribed by this Ordinance; the property boundary adjustment shall not increase the nonconformity.
- C. A property boundary adjustment shall not increase the original number of properties.
- D. A property boundary adjustment shall not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.
- E. The property boundary adjustment shall not constitute a relocation of a property. For the purpose of this Chapter, the “relocation of a property” shall be defined as relocating any property line greater than sixty (60%) percent of the properties width or length whichever is less restrictive as recorded or documented prior to the property boundary adjustment. Property line adjustments greater than sixty (60%) percent of the property width or length are only allowed to make nonconforming parcels conforming to dimensional standards of this Ordinance. Subsequent boundary requests shall be held to this standard as originally recorded or documented prior to the first property boundary adjustment.
- F. For platted lots, the property boundary adjustment shall be in substantial conformance to the recorded plat.

Section 10-4-5: Required Finding:

- A. In order to approve the application, the Director shall find that the proposed property boundary adjustment complies with the standards below:
 - 1. The property boundary adjustment does not reduce the property size below the minimum dimensional standards prescribed by this Ordinance including regulations for individual wastewater treatment systems and wells as required by this Ordinance; and
 - 2. The property boundary adjustment does not further increase the nonconformity of any nonconforming property; and
 - 3. The property boundary adjustment does not diminish the minimum dimensional standards prescribed by this Ordinance or create a nonconforming property; and

4. The property boundary adjustment did not increase the original number of properties or lots; and
5. The property boundary adjustment did not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner unless approved by the applicable highway district; and
6. The property boundary adjustment did not constitute a relocation of a property; and
7. For platted lots, the property boundary adjustment was in substantial conformance to the recorded plat, in terms of plan notes, setbacks, minimum lot sizes, easements, or any other specific plat requirement.

CHAPTER 5 - PUBLIC AND PRIVATE ROADS

Sections:

10-5-1: Purpose

- 10-5-2: Applicability**
- 10-5-3: Process**
- 10-5-4: Standards**
- 10-5-5: Required Findings**

Section 10-5-1: Purpose:

Elmore County will not approve development applications, land splits, or any type of zoning related application unless improved roads are provided to all properties. Public road development is encouraged. All public roads will be constructed to the public road standards of the applicable Highway District.

Section 10-5-2: Applicability:

- A. Private Roads may be requested on properties located outside an Area of City Impact.
- B. Private roads may be requested on properties inside an Area of City Impact where the private road is built to the applicable city standards street standard or as required by this Ordinance whichever is more restrictive.

Section 10-5-3: Process:

- A. Application: For Private Roads, an application and fees shall be submitted to the Director on forms provided by the Department.
- B. Tentative Approval Requirements: The applicant and owner shall submit construction drawings for private road to the Department. Upon tentative approval of the application by the Director, after Consultation with County Engineer, subject to any applicable conditions of approval and the regulations of this Ordinance, the applicant or owner shall have one year to complete the following tasks:
 - 1. Obtain approval from the Elmore County Roadway Naming Committee for a private road name; and
 - 2. Record a perpetual access easement with the Clerk for the private road from a public street to all applicable properties. If the private road is serving a subdivision more than four (4) lots, the property must be dedicated as a common lot for the subdivision or dedicated to the applicable Highway District; and
 - 3. After the private road is constructed and the street name sign is installed, the applicant or owner shall submit as-built drawings to the Director and County Engineer; and

4. The applicant or owner shall provide and record with the Clerk documentation of a binding contract that establishes the party or parties responsible for the repair and maintenance of the private road including regulations for the funding thereof.
 5. The applicant or owner will have the engineer of record, a State of Idaho licensed civil engineer, fill out the Road Certification Letter obtained from the Department and return it to the Director.
- C. Completion and Final Approval: Upon completion of the items noted above, the Director shall issue a letter stating that the private road has been granted final approval. No building permit shall be issued for any structure using a private road for access until the private road has been approved.

Section 10-5-4: Standards:

- A. A property may take access from a private road, provided the private road is initiated from a public road, and the private road is located on a sixty (60') foot recorded easement or common lot, and the terminus of which shall be located within the property or a seventy (70') foot radius cul-de-sac located within the recorded right-of-way lot or easement:
1. If located on a seventy (70') foot radius cul-de-sac, the required lot frontage shall be thirty (30') feet.
 2. If located at the terminus of which shall be located within the property, the required frontage shall be sixty (60') feet, the width of the private road easement.
 3. Access from a private road to another private road shall be prohibited, unless approved by the County Engineer and Director, however an approved private road, with terminus on a public road containing a sixty (60') foot easement may be extended provided the conditions of this Chapter are complied with.
- B. Access shall be taken from the required frontage unless the property has frontage on an alley public or private or approved private road as required by this Ordinance.
- C. All private roadways shall be constructed to these minimum standards. The references to Highway District Highway Standards and Development Procedures is for consistency of the design and construction standards within the applicable Highway District. The minimum standards for private roads are as follows, unless specifically exempted in this Ordinance:
1. Clearing and Grubbing: Clearing and grubbing shall consist of the removal and disposal of all topsoil organics, debris, and other deleterious material from the roadway right-of-way; and

2. Subgrade: The subgrade shall consist of the natural materials remaining after completion of the clearing and grubbing and good construction material remains. Subgrade shall be compacted to 95% of maximum dry density according to standard proctor (ASTM D698). Unstable subgrade conditions shall be remedied by sub-excavation and back-filling with approved granular material. All construction shall be controlled by slope stakes or grade stakes that have been placed by a professional engineer or land surveyor licensed in the state of Idaho.; and
3. Subbase and Ballast: The subbase and ballast shall shall comply with the graduation standards set forth in the applicable Highway District's Highway Standards and Development Procedures Manual, shall have a minimum depth of ten (10") inches, and be compacted in accordance with the applicable Highway District's Standards; and
4. Base Material: The base material shall consist of ¾" crushed aggregate and shall comply with the graduation standards set forth in the applicable Highway District's Highway Standards and Development Procedures Manual. The base material shall be a minimum depth of four (4") inches and compacted in accordance with the applicable Highway District's Standards; and
5. Road Width: All private roads shall have a minimum width of twenty-six (26') feet; and
6. Crown or Transverse Slope: All roads shall be a crown or transverse slope of two (2%) percent to drain water away from the travel way.
7. Surface Type: The surface shall be hot or cold mixed asphalt concrete except as noted on the standard drawings in the applicable Highway District's Highway Standards and Development Procedures Manual and shall have a minimum depth of three (3") inches.
8. Roadside Ditches and Drainage Facilities: Roadside ditches, pipes, curb & gutter, and other structures shall be sized in accordance with the applicable Highway District's Highway Standards and Development Procedures Manual.

D. Public and Private Roads:

1. All subdivisions with public road, or a private road providing access to five (5) or more lots or parcels shall plan and construct the public road(s) to Collector or Local Residential Standards as set forth in the current edition of the applicable Highway District's Highway Standards and Development Procedures Manual. Public roads within a platted subdivision of five (5) or more lots shall be placed within a common lot.

2. Private roads providing access to four (4) or fewer lots or parcels shall be exempt from the requirement to utilize an asphalt concrete layer; all other requirements shall apply.
3. Private roads shall be constructed on a perpetual access easement or a single platted lot that originates from a public street and provides access to all applicable properties unless approved by the County Engineer and Director.
4. Any segment of a travel way of a private road greater than six (6%) percent grade shall be constructed and improved with asphalt or concrete paving and constructed as required in Section 10-5-4.
5. Private roads outside an Area of City Impact shall be designed, with an easement or platted lot, whichever applies, with a minimum of twenty-six (26') feet in width improved surface on a minimum of sixty (60') feet in width right-of-way easement or platted lot, whichever applies. Inside an Area of City Impact, conditions listed above shall apply.
6. The primary function of a private road located on a lot shall be to accommodate the private road. Minimum parcel size requirements contained in this Ordinance for private roads shall not apply.
7. All properties abutting an approved private road shall have the same minimum required street frontage as required by the applicable base zone, except: the required frontage shall be thirty (30') feet the width if the property abuts or access an approved turnaround. The entire turnaround shall be located within a private road easement or platted lot, whichever applies.
8. The applicable Highway District shall approve the point of connection of a private road to a public street.
9. Private roads shall terminate at a seventy (70') foot radius cul-de-sac or other Elmore County approved turnaround configuration.
10. A private road turnaround may be located in an area of the property other than where the private road enters the property.
11. If an alternate location and/or configuration for a private road turnaround, is proposed, then the following additional standards shall apply:
 - a. The applicant shall provide written approval of the alternate location and/or configuration for a private road turnaround from the appropriate fire district; and
 - b. The County Engineer shall review and approve the alternate location and/or configuration for a private road turnaround.

12. A private road shall not intersect a public road, except at its origination point, unless approved by the Director and County Engineer.
13. A private road shall not intersect another private road, unless approved by the Director and County Engineer.
14. No segment of the travel way of a private road shall exceed eight (8%) percent grade.
15. The proposed private road design plans shall include drainage improvements. A drainage study shall be submitted along with the design plans for review. The Plan and study shall comply with requirements in Section 10-1-11, and the applicant shall be required to submit a drainage study prior to final action on the private road application.
16. For the purposes of this Ordinance, properties and corner properties that abut a private road shall be counted as taking access off the private road. Temporary dedicated open space lots created, as part of a subdivision shall also be counted as taking access off the private road.

E. Additional Regulations:

1. The Elmore County Engineer shall approve all private roadway construction plans prior to a final plat application being forwarded to the Commission for review.
2. Private roadways shall be constructed and certified as required by this Ordinance by a State of Idaho licensed civil engineer before any lot is sold or any Building Permit issued, except those buildings permits required to construct private roads.
 - a. Private roads shall be completed prior to any lot being sold or any Building Permit issued, except those building permits required for the construction of private road. The applicant/owner, may for good cause request a bond or surety agreement with the Department for such construction provided the road is constructed within twelve (12) months of bonding.
3. Public roadways shall be constructed and certified as required by the Highway District prior to any lot being sold or any Building Permit issued, except those buildings permits required to construct public roads.
 - a. Private roads shall be completed within two (2) years following the acceptance and approval of the roadway design by the Department. The roadway design and certification after construction will be submitted to the Department by a State of Idaho licensed civil engineer.

4. All Highway District Standards and Development Procedures and requirements shall be complied with. Highway District Standards and Development Procedures Manuals may be obtained directly from the jurisdictional Highway District.
 5. Travel Ways: All travel ways shall be constructed within the easement and shall have a minimum improved width as required by this Chapter and Title.
 6. The full length of the travel way to the turnaround shall maintain the required width of improved surface.
- F. Alternative Standards: Upon the recommendation of the County Engineer or the Director private road alternative design standards may be approved, or recommend for approval when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this Ordinance and that the alternative design shall not be detrimental to the public health, safety, and welfare.
- G. Private Roads and Property Access Requirements shall comply with the Wildland Urban Interface requirements of this Ordinance.

Section 10-5-5: Required Findings:

- A. In order to approve a private road application, the Director shall find the following:
1. The design of the private road meets the requirements of this Chapter; and
 2. Granting approval of the private road would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and
 3. The use and location of the private road shall not conflict with the applicable Comprehensive Plan and/or the County transportation plan.

CHAPTER 8 – DRIVEWAYS, COMMON DRIVEWAYS, FLAG LOTS, OFF STREET PARKING AND LOADING REQUIREMENTS

Sections:

- 10-8-1: Purpose
- 10-8-2: Applicability
- 10-8-3: Process
- 10-8-4: Requirements and Use Standards
- 10-8-5: Required Number of General Off-Street Parking Spaces
- 10-8-6: Accessible Parking Requirements and Standards
- 10-8-7: Off-street Loading Space Requirements
- 10-8-8: Findings

Section 10-8-1: Purpose:

The regulations of this Chapter allow for the development of driveways, common driveways, the creation of flag lots from a common driveway, off street parking and loading subject to the regulations as set forth this Ordinance.

Section 10-8-2: Applicability:

These regulations shall apply to subdivision plats, all legal lots and/or parcels of record, and all legal non-conforming property as defined by this Ordinance.

Section 10-8-3: Process:

- A. Applications for common driveways and flag lots shall be reviewed as an administrative approval or as part of the subdivision review process. If reviewed through the subdivision process no administrative application shall be required. However, the design and dimensional requirements as required by this Ordinance shall apply. Private driveways shall conform with the International Fire Code for driveways, no application is required.
- B. Application: An application and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Department.
- C. The Director shall apply the requirements and specific use standards and findings listed in this Ordinance to review the common driveway and flag lots.
- D. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to any applicable conditions of approval and the regulations of this Ordinance, the applicant/owner shall have one year to complete the required tasks or condition which may include:

1. A survey the property; and/or
 2. Recordation of a record of survey with the Elmore County recorder showing the common driveway and required easements; and/or
 3. Recordation of a perpetual ingress/egress access easement and maintenance agreement; and/or
 4. The posting of no-parking signs; and/or
 5. Other conditions as required by the Director.
- E. Final Approval Requirements: Upon completion of the required conditions of approval, the applicant shall provide evidence to the Director for review. Upon determination by the Director that the common driveway and flag lots are in conformance with the requirements outlined in the tentative approval letter and that all requirements were satisfied prior to the one (1) year expiration date, then the Director shall issue a letter stating that the common driveway and/or flag lots are have received final approval.
- F. For subdivisions, approval shall be granted with an approved preliminary plat in conformance with the provisions of this Ordinance.
- G. An off-street parking and loading plan shall be required as a component of a master site plan.
1. The off-street parking and loading plan shall contain the location, size, and type of all proposed off-street parking and loading facilities.
 - a. The applicant shall provide a table indicating the proposed uses. For commercial or office uses the applicant shall provide a table indicating the projected end users or businesses marketed to better project the required number of parking spaces for all future uses; and
 - b. The applicant shall provide a table indicating any applicable standards and the calculations used to determine the required number of spaces; and
 - c. If the proposed development project shall be completed in phases, such phases shall be noted on the site plan; and
 - d. The applicant shall also provide documentation on the proposed uses and the number of off-street parking and loading facilities associated with each phase.

- H. For residential and accessory uses that do not require master site plan approval, the regulations of this Chapter and Title shall be reviewed at the time of building permit application or accessory use approval, as appropriate.
- I. Off-street parking and loading shall be installed and constructed to the satisfaction of the Director, in accordance with the approved off-street parking and loading plan.

Section 10-8-4: Requirements and Use Standards:

A. Common driveways and flag lots shall meet the following requirements:

1. The common driveway provides access to no less than two (2) lots, and no more than four (4) lots, which are principally occupied with a structure that contains no more than one (1) single-family or townhouse dwelling unit per lot; and
2. Driveways that exceed one hundred and fifty (150') feet in length shall provide turnarounds located no more than one hundred and fifty (150') from the structure. Driveways more than two hundred (200') feet in length and less than twenty (20') wide may require turnouts in addition to turnarounds. If turnouts are required, they are to be placed every three hundred (300') feet. Driveway Turnarounds need to have an inside turning radius of not less than thirty (30)' and an outside turning radius of not less than forty-five (45') feet. Turnouts shall be constructed in same manner as driveway and shall be a minimum of ten (10') feet wide and thirty (30') feet long (does not apply to Driveways 20' or wider); and
3. Driveways providing access to 2 dwellings must be twenty (20') feet in width with an approved fire turnaround. Driveway providing access to 3- 4 dwellings must be twenty-four (24') feet in width with an approved turnaround.
 - a. Driveways shall be designed and maintained to support the imposed loads of local fire apparatus and shall be surfaced as to provide all weather driving capabilities.
 - b. Driveways shall be constructed using a minimum 10"-12" of road base and an optional surface of compacted ¾" road mix. Other combinations must be approved by County Director or Engineer.
 - c. Driveways must have a crown or traverse slope 2% to drain water from travel way.
 - d. Driveways must be compacted and rolled with a vibratory roller to provide a stable base and withstand the weight of emergency vehicles.
 - e. Driveways shall provide a minimum vertical clearance of fourteen (14') feet.
 - f. Driveway grades are not to exceed a ten (10%) percent grade. If grade exceeds ten (10%), the applicant will need to provide proof of approval from the Fire Authority having jurisdiction.
4. Parking shall be prohibited on the common driveway; and

5. The street frontage requirement of each flag lot served by the common driveway shall be a minimum of five (5') feet in width with the provision that the edge of the common driveway will be superimposed on property line(s) in a practical manner, but the overall frontage of the common driveway or flag shall not be less than thirty (30') feet; and
6. Unless limited by geographical features, all lots or parcels, which the common driveway intersects shall take access from the common driveway, and all individual private driveways shall originate from the common driveway and not from the public right-of-way; and
7. A perpetual ingress/egress access easement shall be provided which shall include:
 - a. Provisions for maintenance of the common driveway including any required landscaping; and
 - b. The required easement and maintenance agreement shall be in place and record prior to the issuance of any building permit for any lot utilizing the common driveway. If a final plat or Record of Survey is associated with the creation of a common driveway, the easement area shall also be clearly depicted on the plat or survey.
7. Required off-street parking shall be setback a minimum of twenty (20') feet from the edge of the common driveway. Existing residences on parcels that will take access from a proposed common driveway shall provide or construct required off-street parking prior to any land division of parcels that will access the common driveway.

B. Subdivision Platting:

1. The subdivision plat shall meet the requirements as defined in Subsection 10-8-3 (A); and
2. In the case of a subdivision plat, the common driveway and utilities shall be constructed concurrently with all other public improvements.

C. Private Driveways:

1. Driveways shall provide a minimum unobstructed width of twelve (12') feet and a minimum unobstructed height of thirteen (13') feet six (6") inches. Driveways in excess of one hundred fifty (150') feet in length shall be provided with emergency vehicle turnarounds. Driveways in excess of two hundred (200') feet in length and less than twenty (20') feet in width may require emergency vehicle turnouts in addition to a turnaround.

2. Turnarounds shall have an inside turning radius of not less than thirty (30') feet and an outside turning radius of not less than forty-five (45') feet. Alternative turnaround configurations must be submitted and approved by the County Engineer.
3. Driveways shall be designed and maintained to support the imposed loads of local fire apparatus and shall be surfaced as to provide all weather driving capabilities.

D. Use of Required Parking Spaces:

1. Commercial, retail and industrial parking spaces shall be used for vehicle parking only. No automobile sales, dead storage, repair work, or dismantling of any kind shall be permitted; and
2. Required residential parking spaces shall be used for vehicle parking only, except where the occupant may utilize the parking space, for a maximum of seven (7) calendar days in any thirty (30) calendar day period for storage, repair work, or parking of recreational vehicles; and
3. Any fractional calculation generated where calculating the required number of parking spaces shall be rounded up requiring an additional parking space; and
4. Parking areas for residential use may be used for the parking of one "commercial vehicle" per property, provided it is operated by the occupant and used to commute from home to work at an off-site location or used as part of an approved home occupation; and
5. General off-street parking space requirements are based on general parking spaces being available on a first-come, first-use basis. A parking space that is restricted or assigned to a particular individual or user shall not be counted toward the total required parking spaces, as required by this Chapter or Ordinance. Required handicapped parking spaces shall be considered restricted parking spaces for the calculation of general parking spaces.

E. Joint Use Parking: Joint use of off-street parking spaces shall be allowed when the principal operating hours of the structure, structures, or uses are not in substantial conflict with one another.

1. Joint use parking shall be located not more than three hundred (300') feet from the primary entrance of the structure to the nearest entrance of the parking area, as measured along the sidewalk or pedestrian walkway.
2. All parties involved with the joint use parking area shall submit a written agreement to the Director, signed by the applicable parties involved. The agreement shall specify the following:

- a. Party or parties responsible for construction; and
 - b. Party or parties responsible for maintenance; and
 - c. Regulations for amendments to the agreement that include notice to the Director; and
 - d. Regulations for termination of the agreement that include notice to the Director.
3. If the Director finds that the agreement complies with the regulations of this Chapter, the applicant or owner shall record such agreement with the Elmore County recorder prior to issuance of any permits.
 4. The joint use parking agreement shall only be terminated with Director Approval, and only when the parties can demonstrate that all required off-street parking could be provided in conformance with this Chapter has approved by the Director prior to the termination.
- F. Distance for Private Off-Street Parking When Located Off-Site: Off-site parking may be allowed with Director approval when the required general off-street parking cannot be located on site due to some physical constraint or special circumstance. The off-site location, if approved by the director, shall be designated on the zoning certificate or other application condition of approval as appropriate for a particular premise. The off-street parking shall be located not more than the following distances measured along the sidewalk or a walkway available for public use from the primary entrance or elevator bank of the premises to the nearest entrance of the parking lot:
1. For retail or commercial customer parking, medical-dental clinics, churches, restaurants, bars and entertainment facilities: six hundred (600') feet.
 2. For employee parking on a daily basis where the car is used occasionally regardless of the nature of the employment: one thousand five hundred (1,500') feet.
 3. For residential uses: six hundred (600') feet.
 4. When off-site parking is provided, a directional sign shall be erected on the premises advising the public of the distance and direction to additional parking.
- G. Design of Parking Areas:
1. Design and Construction: All parking areas and spaces shall be designed and constructed to the standards shown in Table 10-8-4 of this Section.

2. Location: All parking spaces required by this Chapter shall be located on the same property as the use for which parking is required, except as provided for in joint use parking in this ordinance. For the purposes of this standard, all properties within a single master site plan or planned unit development shall be considered the same property.

| TABLE 10-8-4 Required Automobile Width and Stall Length By Parking Angle | | | | | |
|---|-------------|-------------|-------------|-----------------------|-----------------------|
| Parking Angle | Stall Width | Curb Length | Stall Depth | One-Way Driving Aisle | Two-Way Driving Aisle |
| 0° | 9'0" | 23'0" | 9'0" | 12'0" | 25'0" |
| 30° | 9'0" | 18'0" | 17'8" | 11'0" | 25'0" |
| 45° | 9'0" | 12'9" | 20'5" | 13'0" | 25'0" |
| 60° | 9'0" | 10'5" | 21'10" | 16'0" | 25'0" |
| 90° | 9'0" | 9'0" | 20'0" | 22'0" | 25'0" |

H. Improvements:

1. Except as otherwise provided in this Section, all off-street parking areas shall be improved with hot or cold mixed asphalt concrete, not less than three (3") inches thick. This standard shall not apply to roadside produce stands, agricultural uses, temporary uses, or temporary construction offices.
2. Except as otherwise provided in this Section, all off-street parking areas shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. This standard shall not apply to roadside produce stands, agricultural uses, single-family residential uses, temporary uses, or temporary construction offices.
3. When a bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced two (2') feet in length if two (2') feet is added to the width of the sidewalk or landscaped area planted in ground cover.
4. Parking spaces and access lanes shall be marked including handicapped symbols and signs.
5. All lighting provided to illuminate a parking area shall comply with the lighting standards provided this chapter.

- I. Bicycle Parking Facilities: Bicycle parking facilities shall be required for all uses. Bicycle parking facilities shall meet the following location and design standards:

1. One bicycle parking space with an approved rack shall be required for every twenty-five (25) required automobile parking spaces or fraction thereof for office, retail, commercial, and industrial developments; and
 2. Multi-family residential developments shall provide one bicycle rack space for every ten (10) dwelling units. Multi-family development is defined as three (3) or more dwelling units or apartments located on the same parcel or lot; and
 3. Bicycle parking facilities shall be located as close as possible to the building entrance(s) shall not obstruct pedestrian walkways, public sidewalks, or building entrances; and
 4. Bicycle parking facilities shall not conflict with the Americans with Disabilities Act or assessable parking spaces; and
 5. Bicycle parking racks shall be defined has a single “inverted U” type bicycle parking rack that supports the bicycle at two points on the bicycle frame. One “inverted U” rack shall count as one (1) bicycle parking spaces.
- J. Required Bicycle Rack Specifications: Where bicycle racks are used, “Inverted U” type racks or other racks that support the bicycle at two points on the bicycle frame shall be required as shown Image 10-8-4 (A). Developers and site designers may choose to be creative in the design of bike racks as long as they meet functional requirements:



1. Racks shall be secured to the ground on a hard surface such as concrete, asphalt or unit pavers; and

2. Each bicycle parking space shall provide six feet by two feet (6' x 2') in area per bicycle plus the area needed for access; and
 3. Bicycle parking shall be located no closer than three (3') feet from any wall to provide adequate space for access and maneuvering; and
 4. At least four (4') feet between parallel racks shall be provided for access; and
 5. Bicycle racks installed on sidewalks shall provide for a clear, unobstructed width of at least five (5') feet for pedestrians and should be installed at least three (3') feet from the face of curb; and
 6. Bicycle racks must be placed a minimum of four (4') feet from existing street furniture (i.e. mailboxes, light poles, benches) and shall be no closer than twelve (12') feet from the edge of fire hydrants; and
 7. In multi-family residential developments, bike racks may be provided in a communal area, as long as it is accessible to all tenants/residents and in a safe, open public space; and
 8. If required bicycle parking is not visible from the street or main building entrance, a sign must be posted at the main entrance indicating the location of the parking; and
 9. Facilities with multiple entrances shall locate a portion of the required bicycle parking at each entrance.
- K. Upon any change of use, the number of automobile and bicycle parking spaces to be provided shall be calculated according to the requirement of this Chapter for the new use. For the purposes of this Chapter, a change of use shall include, but not be limited to, an expansion, alteration, or change in occupancy resulting in a more intense use of a site, such as additional dwelling units, gross floor area, seating capacity, or other unit of measurement specified in this Chapter or Title.
- L. The minimum number of required automobile and bicycle parking spaces shall be provided and continuously maintained.
- M. No parking area or space provided, as required by this Chapter, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities approved by the Director are provided.
- N. Alternative Plan: The Director may approve, or recommend approval of, an alternative off-street parking and loading 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.

Section 10-8-5: Required Number of General Off-Street Parking Spaces:

A. The minimum number of general parking spaces required for off-street automobile parking spaces shall be as set forth in Table 6-20-6 of this Section. Where the standards require a fractional space, the next larger whole number shall be the number of spaces required. When more than one standard is required for different uses, the specific standard for each use shall apply. The parking requirements for each use shall be added together to derive the cumulative total parking spaces required.

| TABLE 10-8-5 General Parking Spaces Required by Use | |
|--|--|
| Land Use Type | Required Number of Automobile Parking Spaces |
| A | |
| Adult entertainment establishment | 1 per 100 square feet of GFA |
| Agricultural use | 1 per 2 employees |
| Aircraft landing field | 1 per 2 employees |
| Amusement or recreation facility, indoor | 1 per 200 square feet of GFA |
| Animal clinic, animal hospital, or veterinary office | 1 per 500 square feet of GFA |
| Asphalt or concrete ready-mix plant | 1 per 2 employees |
| Auction establishment, outdoor | 1 per 8 seats |
| Automobile, major repair | 1 per service bay |
| Automobile or recreational vehicle sales | 1 per 1,200 square feet of GFA |
| Automobile or recreational vehicle service | 1 per service bay |
| B | |
| Bank | 1 per 500 square feet of GFA |
| Bar, brew pub, or nightclub | 1 per 200 square feet of GFA |
| Bed and breakfast establishment | 1 per 2 sleeping rooms plus 1 for owner's dwelling |
| Boarding house | 1 per 2 sleeping rooms |
| Bowling | 2 per lane |
| Brewery or distillery | 1 per 1,000 square feet of GFA |
| C | |
| Campground | 1 per 2 campsites plus 1 per 2 employees |
| Car wash | 1 per 2 drying stations and 1 per employee |
| Cemetery | 1 per 2 employees |
| Children's treatment facility | 1 per 6 beds |

| | |
|--|--|
| Church | 1 per 7 seats in main sanctuary |
| Clinic, medical (excluding animal or veterinary) | 1 per 500 square feet of GFA |
| Club or lodge or social hall | 1 per 200 square feet of GFA |
| Composting facility, commercial | 1 per 2 employees plus 1 per acre |
| Contractor's yard or shop | 1 per 1,000 square feet of GFA |
| Crematory | 1 per 7 seats in chapel |
| D | |
| Daycare facility | 1 per 2 employees |
| Daycare home, group | 1 per 2 employees |
| Drug and alcohol treatment facility | 1 per 2 beds plus 1 per 2 employees |
| Duplex or single-family attached dwelling | 2 per dwelling unit |
| Dwelling, additional farm | 2 per dwelling unit |
| Dwelling, caretaker for an approved use | 2 per dwelling unit |
| Dwelling, secondary attached or detached | 2 per dwelling unit |
| Dwelling, single-family detached | 2 per dwelling unit |
| E | |
| Explosive manufacturing | 1 per 1,000 square feet of GFA |
| Explosive storage | 1 per 2 employees |
| F | |
| Farm, garden, lumber, or building supply store | 1 per 1,200 square feet of GFA |
| Flammable substance storage | 1 per 2 employees |
| Foster home, group | 1 per 2 employees |
| Foundry | 1 per 1,000 square feet of GFA |
| Freight or truck terminal | 1 per 1,000 square feet of GFA in addition to required truck parking spaces or docks |
| G | |
| Golf course | 2 per hole |
| Golf course country club | 1 per 200 square feet of GFA |
| Golf driving range | 1 per 2 driving stations |
| Grain elevator | 1 per 2 employees |
| H | |
| Heavy equipment sales | 1 per 1,200 square feet of GFA |
| Heavy equipment service | 1 per service bay |
| Home occupation | 1 per 2 employees other than the dwelling residents |
| Hospital | 1 per bed |

| | |
|---|--------------------------------|
| Hotel or motel | 1 per 2 sleeping rooms |
| J | |
| Junkyard or automobile wrecking yard | 1 per 2 employees |
| L | |
| Laundromat | 1 per 500 square feet of GFA |
| Laundry or linen supply | 1 per 1,000 square feet of GFA |
| Livestock confinement facility | 1 per 2 employees |
| M | |
| Manufacture of electronic or electrical products | 1 per 1,000 square feet of GFA |
| Manufacture or processing of hazardous chemicals or gases | 1 per 1,000 square feet of GFA |
| Manufactured home | 1 per dwelling |
| Manufactured home park | 1 per space |
| Manufactured home storage | 1 per 2 employees |
| Manufactured home subdivision or park in a manufactured home district | 1 per dwelling |
| Mortuary | 1 per 200 square feet of GFA |
| Movie theater | 1 per 8 seats |
| Multi-family development | 1 per dwelling unit |
| N | |
| Nursery, retail | 1 per 1,200 square feet of GFA |
| Nursery, wholesale | 1 per 4,000 square feet of GFA |
| Nursing facility, skilled | 1 per 8 beds |
| O | |
| Office building | 1 per 500 square feet of GFA |
| Office, relating to the approved use | 1 per 500 square feet of GFA |
| Office, temporary construction | 1 per 2 construction employees |
| Outdoor storage | 1 per 2 employees |
| Open space Structure | 4 per acre or 1 per 8 seats |
| P | |
| Package and letter delivery service | 1 per 1,000 square feet of GFA |
| Personal, business, or professional service | 1 per 500 square feet of GFA |
| Pit, mine, or quarry | 1 per 2 employees |
| Power plant | 1 per 1,000 square feet of GFA |
| Processing plant for agricultural or dairy products | 1 per 1,000 square feet of GFA |
| Product fabrication, assembly, or packaging | 1 per 1,000 square feet of GFA |
| Public recreation facility (open space) | 4 per acre |

| | |
|--|---|
| Public recreation facility (structure) | 1 per 8 fixed seats |
| Public utility and infrastructure facility | 1 per 2 employees |
| Publicly owned buildings | 1 per 600 square feet of GFA |
| R | |
| Racetrack, vehicle or animal | 1 per 8 seats |
| Radio and television broadcasting station | 1 per 500 square feet of GFA |
| Railroad switching yard | 1 per 2 employees |
| Recreational vehicle park | 1 per space |
| Recycling center | 1 per 1,000 square feet of GFA |
| Recycling plant | 1 per 1,000 square feet of GFA |
| Research and development facility | 1 per 1,000 square feet of GFA |
| Residential care facility | 1 per 6 beds |
| Restaurant or eating place | 1 per 200 square feet of GFA |
| Retail sales relating to an approved use | 1 per 500 square feet of GFA |
| Retail store, durable goods | 1 per 1,200 square feet of GFA |
| Retail store, other | 1 per 500 square feet of GFA |
| Roadside produce stand | 1 per 200 square feet of GFA |
| S | |
| Sanitary landfill | 1 per 2 employees |
| Sawmill or planing mill | 1 per 1,000 square feet of GFA |
| School, public or private Elementary | 1 per 2 employees plus 1 per 12 students |
| School, High, Jr. or Middle | Middle, junior high, and senior 1 per 2 employees plus 1 per 8 students |
| School, vocational or trade | 1 per 4 students |
| Seasonal farm worker housing | 1 per 2 sleeping rooms if dormitory style |
| Seasonal or temporary housing | 1 per 2 dwelling units if campground style |
| Shooting range, indoor or outdoor | 1 per target and/or shooting station |
| Slaughterhouse | 1 per 1,000 square feet of GFA |
| Soil or water remediation | 1 per 2 employees |
| Stable or riding arena, commercial | 1 per 2 stable stalls |
| Storage facility, self-service | 1 per entrance to site |
| Studio | 1 per 500 square feet of GFA |
| T | |
| Temporary living quarters | 1 per dwelling unit |
| Transit facility | 1 per 2 employees |
| Truck stop | 1 per 500 square feet of GFA in addition to required spaces for trucks |
| V | |

| | |
|--|--------------------------------------|
| Vehicle impound yard | 1 per 2 employees plus 1 per 4 acres |
| W | |
| Warehouse | 1 per 4,000 square feet of GFA |
| Winery | 1 per 1,000 square feet of GFA |
| <p>Table notes are as follows:</p> <p>1. Gross floor area shall be the measure of total square footage of habitable space of a structure.</p> <p>2. For fixed bench seating, one seat shall mean twenty-four inches (24") of linear length of bench.</p> <p>3. The number of employees shall be based on employees present during the largest shift.</p> <p>4. GFA is defined as Gross Floor Area, (GFA).</p> | |

Section 10-8-6: Accessible Parking Requirements and Standards:

- A. The applicant/owner shall comply with all ADA parking and striping standards for Accessible Design and with other ADA publications, including regulations for private businesses or State and local governments and with the requirements of this Chapter which ever are more restrictive.
- B. Minimum Required: The minimum number of accessible parking spaces shall be set forth in Table 10-8-6. Where the standards require a fractional space, the next larger whole number shall be the number of spaces required. When more than one standard is provided, the standard that results in the greatest number of required parking spaces shall apply.
- C. Exceptions: The following exceptions shall to Table 10-8-6:
 - 1. Facilities Providing Medical Care and Other Services: Facilities providing outpatient services or care for persons with mobility impairments shall amend the required accessible parking spaces as follows:
 - a. Outpatient units and facilities shall increase the number of spaces by fifty (50%) percent of the total number required; and
 - b. Units and facilities that specialize in treatment or services for persons with mobility impairments shall increase the number of spaces by one hundred (100%) percent of the total number required.
 - 2. Valet Parking: Valet parking facilities shall provide a passenger-loading and unloading zone located on an accessible route to the entrance of the facility.

TABLE 10-8-6
Total Number of Accessible Parking Spaces Required

| Quantity of General Parking Spaces In Lot of Accessible Parking Spaces | Total Minimum Number of Accessible Parking spaces (60" & 96" Aisles) | Minimum Number of Van Accessible Parking Spaces with Minimum 96" Wide Access Aisle | Minimum Number Of Accessible Parking Spaces With Minimum 60" Wide Access Aisle |
|---|--|--|--|
| 1-25 | 2 | 1 | 1 |
| 26-50 | 3 | 1 | 2 |
| 51-75 | 4 | 1 | 3 |
| 76-100 | 5 | 1 | 4 |
| 101-150 | 6 | 1 | 5 |
| 151-200 | 7 | 1 | 6 |
| 201-300 | 8 | 1 | 7 |
| 301-400 | 9 | 1 | 8 |
| 401-500 | 10 | 2 | 8 |
| 501-1,000 | 2% percent of total spaces | 1/8 of Column A * | 7/8 of Column A ** |
| 1,001 and Over | 2 plus 1 for each 100 spaces over 1,000. | 1/8 of Column A * | 7/8 of Column A ** |
| * One (1) out of every eight (8) accessible spaces. ** Seven (7) out of every eight (8) accessible parking spaces. | | | |

D. Dimensional Requirements: The following dimensional requirements shall apply:

1. Accessible Parking Spaces for Cars: Accessible parking spaces for cars shall have at least a sixty (60") inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces shall be identified with a sign and shall be located on level ground.
2. Van-Accessible Parking Spaces: Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans. The following features shall apply to all van accessible parking spaces, Table 10-8-6 (A):
 - a. A wider access aisle ninety-six (96") inches to accommodate a wheelchair lift shall be required; and
 - b. A ninety-eight (98") inch minimum vertical height clearance to accommodate van heights at a van parking space, adjacent access aisle, and on the vehicular route to and from the van-accessible space shall be required; and
 - c. An additional sign that identifies the parking spaces as "van accessible" space shall be required; and
 - d. One (1) of eight (8) accessible parking spaces shall be van-accessible.

**TABLE 10-8-6 (A)
ILLUSTRATION SHOWING A VAN WITH A SIDE-MOUNTED
WHEELCHAIR LIFT**

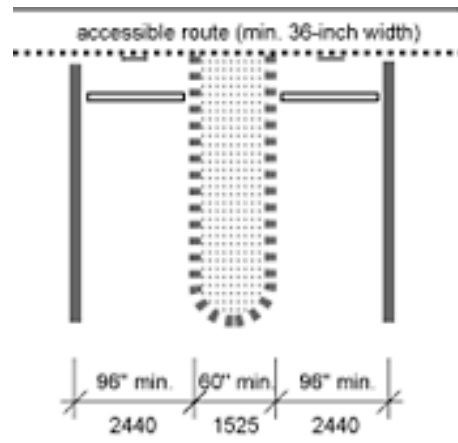


The illustration above shows a van with a side-mounted wheelchair lift lowered onto a marked access aisle at a van-accessible parking space. A person using a wheelchair is getting out of the van. A dashed line shows the route from the lift to the sidewalk.

E. Location:

1. Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces shall be dispersed and located closest to the accessible entrances.
2. When accessible parking spaces are added in an existing parking lot, the accessible parking spaces shall be located on the most level ground close to the accessible entrance, Table 10-8-6 (B):
 - a. An accessible route shall always be provided from the accessible parking to the accessible entrance; and
 - b. An accessible route shall never have curbs or stairs, shall be at least three (3') feet wide; and
 - c. The accessible route shall have a firm, stable, slip-resistant surface; and
 - d. The slope along the accessible route shall not be greater than one to twelve (1:12) in the direction of travel.

**TABLE 10-8-6 (B)
Features of Accessible Parking Spaces for Cars**



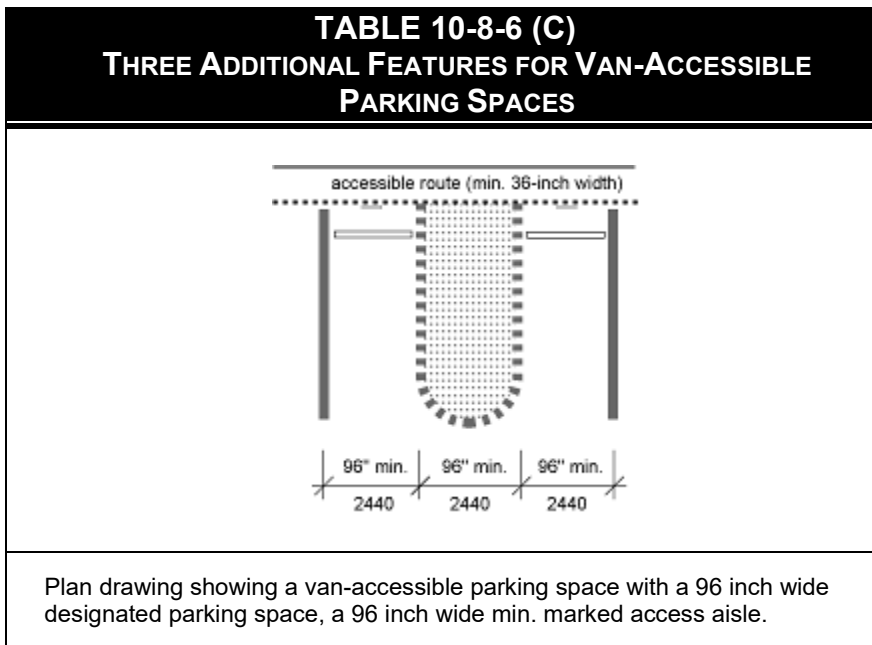
Plan drawing showing an accessible parking space for cars with a 96-inch wide designated parking space, a 60-inch wide min. marked access aisle.

3. Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience.
4. Van-accessible parking spaces located in parking garages may be clustered on one floor to accommodate the ninety-eight (98") inch minimum vertical height requirement.

F. Other Requirements:

1. Signs with the international symbol of accessibility mounted high enough so it can be seen while a vehicle is parked in the space shall be required.
2. If the accessible route is located in front of the space, wheel stops shall be installed to keep vehicles from reducing width below thirty-six (36") inches.
3. Access aisle shall:
 - a. Be at least sixty (60") inch width; and
 - b. Shall be level with a maximum slope of one to fifty (1:50) in all directions; and
 - c. Shall be the same length as the adjacent parking space(s) it serves; and
 - d. Shall connect to an accessible route to the building.

4. Ramps shall not extend into the access aisles.
5. The boundary of the access aisle shall be marked. The end may be a squared or curved shape.
6. Two (2) parking spaces may share an access aisle.
7. Sign with "van accessible" and the international symbol of accessibility shall be mounted high enough so the sign can be seen when a vehicle is parked in the space.
8. A ninety-six (96") inch minimum width access aisle, that is level with a maximum slope of one to fifty (1:50) in all directions shall be located beside every van parking space
9. Min. ninety-eight (98") inch-high clearance at van parking space, access aisle, and on vehicular route to and from van space, Table 10-8-6 (C).



G. Technical Assistance: Answers to technical and general questions about re-striping lots or other ADA requirements are available by telephone on weekdays. You may also order the ADA Standards for Accessible Design and other ADA publications, including regulations for private businesses or State and local governments, at any time day or night. Information about ADA-related IRS tax credits and deductions is also available from the ADA Information Line. Department of Justice ADA Information Line 1-800-514-0301 (voice) 1-800-514-0383 (TTY)

Section 10-8-7: Off Street Loading Space Requirements:

- A. Any structure having a gross floor area of five thousand (5,000') square feet or more, to be occupied by a commercial or industrial use, shall be required to provide and maintain at least one off-street loading space. One additional off- street loading space shall be required for each subsequent twenty thousand (20,000') square feet of gross floor area (e.g., 25,000 square feet, 45,000 square feet, etc.)
- B. Each loading space shall be not less than ten (10') feet in width and thirty (30') feet in length and shall have fourteen (14') feet of vertical clearance.
- C. Parking and loading areas shall be designed so vehicles shall not back out into the street.
- D. No off-street loading space shall be located closer than fifty (50') feet to an abutting Agricultural or residential district unless wholly enclosed within a structure.
- E. No off-street loading space shall face an abutting residential district.

Section 10-8-8: Findings:

- 1. The design of the common driveway and flag lots meet the requirements of this Ordinance; and
- 2. The use of the common driveway and flag lots benefits the design of the development and reduces the number of accesses onto the public street; and
- 3. The proposed common driveway and flag lots are not detrimental to the public health, safety, or welfare; and
- 4. The proposed common driveway and flag lots do not adversely affect or conflicts with abutting uses or impede the normal development of surrounding property.
- 5. Private driveways shall be built to the standards of this Ordinance.

