

# Article 1

# General Provisions

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**1.1.1. Title**

This document is the “Land Development Code for the City of Victor” and may be referred to or cited in this document as “this Code” or “City of Victor code.”

**1.1.2. Purpose and Intent**

- A. This Land Use Development Code is adopted for the purpose of guiding development in accordance with the adopted Comprehensive Plan and existing and future needs in order to protect, promote, and improve the public health, safety, and general welfare.
- B. This Land Development Code is enacted to exercise the full range of authority available under Idaho law to establish standards to regulate and restrict the:
  - 1. Height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures;
  - 2. Percentage of lot occupancy, size of courts, yards, and open spaces;
  - 3. Density of population; and
  - 4. Location and use of buildings and structures.
- C. This Land Use Development Code is enacted for the following purposes:
  - 1. To ensure that the important environmental features are protected;
  - 2. To encourage the protection of prime agriculture, forestry, and land uses for production of food, fiber and minerals, as well as the economic benefits they provide to the community;
  - 3. To encourage urban development within incorporated cities;
  - 4. To protect life and property in areas subject to natural hazards and disasters;
  - 5. To protect fish, wildlife and recreation resources;

- 6. To avoid undue water and air pollution;
  - 7. To provide a system for subdividing lands and the accurate recording of land titles;
  - 8. To encourage economically sound, orderly, and compatible land development practices in accordance with the Comprehensive Plan;
  - 9. To ensure adequate public facilities and services are provided to the people at a reasonable cost;
  - 10. To ensure that the development on land is commensurate with the physical characteristics of the land; and
  - 11. To assure the provisions needed open space s and public facility sites new land subdivisions through the dedication or reservation of land for public purposes.
- D. This Land Use Development Code is intended to provide a mechanism for achieving the following goals:
- 1. Mix of land uses;
  - 2. Take advantage of compact building design;
  - 3. Create a range of housing opportunities and choices;
  - 4. Create walkable neighborhoods;
  - 5. Foster distinctive, attractive communities with a strong sense of place;
  - 6. Preserve open space, natural beauty, and critical environmental areas;
  - 7. Provide a variety of transportation choices;
  - 8. Make development decisions predictable, fair and cost effective; and
  - 9. Encourage community and stakeholder collaboration in development decisions.

**1.1.3. Application**

**A. Territorial Application**

This Land Use Development Code applies to all land, uses, buildings, and structures within the City of Victor, Idaho.

**B. General Application**

In their interpretation and application, the provisions of this Land Development Code are the minimum requirements necessary to meet the purpose and intent of these regulations.

**C. Required Conformance**

All buildings, structures, or land, in whole or in part, must be used or occupied in conformance with this Land Development Code. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged, or structurally altered in conformance with this Land Use Development Code. No building or structure shall be built, altered, or used unless it is located on an “eligible parcel” as defined in this Code (Article 15) and is in conformance with the underlying zoning district in which it is located.

**D. Control Over Less Restrictive Private Agreements**

This Land Development Code does not nullify any private agreement or covenant. However, where this Land Development Code is more restrictive than a private agreement or covenant, the Land Use Development Code controls. The City of Victor will not enforce any private agreement or covenant.

**E. Control Over Less Restrictive Laws and Regulations**

If any condition or requirement imposed by this Land Development Code is more restrictive than a condition or requirement imposed by any other law, rule, or regulation of any kind, the more restrictive condition or requirement governs.

**F. Conflict**

If any condition or requirement imposed by this Land Development Code contains an actual, implied, or apparent conflict, the more restrictive condition or requirement controls.

**G. References to Other Laws**

Whenever a provision of this Land Development Code refers to any other part of the City of Victor or to any other law, the reference applies to any subsequent amendment of that law.

**H. Text and Graphics**

Illustrations, photographs, and graphics are included in this Land Development Code to illustrate the intent and requirement of the text. In the case of a conflict between the text and any illustrations, photographs, and graphics, the text controls.

**1.1.4. Severability**

If any section, paragraph, clause, sentence, or provision of this Land Development Code is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of the Land Development Code. The effect of the judgment is confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

**1.1.5. Effective Date**

This Land Development Code was adopted on December 9th, 2015 and became effective on December 16th, 2015.

In order to implement this Land Development Code, the City of Victor is divided into the following zoning districts as established on the Official Zoning Map in Division 1.3.

**1.2.1. Rural Districts (Article 3)**

- A. RC: Rural Cluster

**1.2.2. Residential Districts (Article 4)**

- A. RS-16: Residential Single-Family
- B. RS-7: Residential Single-Family & Two-Family
- C. RS-5: Residential Single-Family & Two-Family
- D. RS-3: Residential Single-Family & Two-Family
- E. RM-1: Residential Multi-Family
- F. RM-2: Residential Multi-Family

**1.2.3. Mixed Use Districts (Article 5)**

- A. RX: Residential Mixed Use
- B. NX: Neighborhood Mixed Use
- C. CX: Commercial Mixed Use
- D. DX: Downtown Mixed Use
- E. CC: Commercial Corridor
- F. CH: Commercial Heavy
- G. IX: Industrial Flex

**1.2.4. Industrial Districts (Article 6)**

- A. IL: Light Industrial
- B. IH: Heavy Industrial

**1.2.5. Civic and Open Space Districts (Article 7)**

- A. CIV: Civic and Institutional
- B. REC: Parks and Recreation
- C. CON: Conservation

**1.2.6. Special Districts (Article 9)**

- A. Downtown Parking Overlay
- B. Trail Creek Flood Damage Prevention Overlay
- C. Scenic Corridor Design Review Overlay
- D. Workforce Housing Overlay
- E. West Center Street Overlay

**1.3.1. Zoning Maps Established**

- A. The boundaries of the zoning districts within the City of Victor are shown on the City of Victor Official Zoning Map.
- B. Maps may be kept electronically in GIS. Copies published on the web or otherwise portrayed electronically do not constitute originals.
- C. Map originals must be kept on file with the City of Victor and must indicate the date of the adoption and most recent amendment.
- D. The City of Victor may make paper copies available to the public for a reasonable fee.
- E. All map amendments must follow the procedures in Div. 14.7.

**1.3.2. Interpretation of Map Boundaries**

Where uncertainty exists with respect to the boundaries of any zoning district on the Official Zoning Map or Area of City Impact Zoning Map, the Planning Administrator is authorized to interpret the boundaries using the following methods.

- A. Where a district boundary line is shown as approximately following the centerline of a street, highway, railroad right-of-way, or waterway, the district boundary is the centerline of that street, highway, railroad right-of-way, or waterway.
- B. Where a district boundary line is shown as running approximately parallel at a distance from the centerline of a street, highway, railroad right-of-way, or waterway, the distance from the centerline is determined by the map scale.
- C. Where a district boundary line is shown as approximately following a lot line or municipal boundary line, the district boundary is the lot line or municipal boundary line.

- D. Where a boundary line is shown and its location is not fixed by any of the rules of this sub-section, its precise location is determined by the map scale.

**1.3.3. Interpretation of Zoning in Split Zoning Situations**

- A. Non-Subdivision Applications:

When the boundaries of the district as shown on the City of Victor Official Zoning Map are drawn so that a single property has more than one zoning district designation, control of use or control of zoning on the property shall follow the district requirements for each zoning district as drawn on the property.

- B. Subdivision Applications:

When boundaries of the districts as shown on the City of Victor Official Zoning Map are drawn so that a proposed subdivision application has more than one zoning district designation, the number of lots per acre shall be calculated by the percentage split among the zoning districts by area. Lot numbers shall be rounded down to the nearest whole number.

**1.3.4. Consistency with Comprehensive Plan**

The classification of land within zoning districts shall be done in a manner consistent with the land uses provided in the Comprehensive Plan. The Comprehensive Plan is a guide and should be adhered to in accordance with the definition in Article 15 of this Code and Idaho Code section 67-6500 et seq. Deviations from the Comprehensive Plan are allowable when justified for public safety, health, and welfare reasons.

**1.4.1. Appointment**

- A. The Mayor may, subject to confirmation by a majority vote of the Council, appoint a Planning & Zoning Administrator (“Administrator”).
- B. He/She shall hold office for the duration of his appointment unless sooner removed.

**1.4.2. Duties**

- A. It is the duty of the Administrator or his/her authorized designee, to enforce all provisions of this Title and, generally, as determined requisite refer all violations to the City Attorney, entering actions in the courts when necessary, and his/her failure to do so shall not legalize any violation of such provisions, nor shall the failure of the city attorney to enter actions legalize any violation of such provisions.
  1. The Administrator, and his/her duly authorized designee, shall have the right to enter upon any land during the daytime in the course of his duties, and, if approached by the property owner or lessor shall show proper identification and give that individual notice as to the purpose of the visit.
  2. The Administrator or his/her designee may enter in any building upon being invited by an owner or tenant and may enter a structure closed to them by will of an owner or occupant through absence of the same upon obtaining an administrative search warrant.
  3. The Administrator may seek accompaniment, as may be approved by a judge to have other enforcement agency representatives accompany them.
- B. The Planning and Zoning Administrator may have the following duties:
  1. Assist the public in understanding the applicability and requirements of this ordinance;

2. Accept applications for permits;
  - a. Accept applications for permits required by this chapter;
  - b. Review permit applications for compliance with this title;
  - c. Arrange for professional review of subdivision and special use permits applications as necessary.
3. Issue Certificates: Issue certificates of occupancy based on on-site inspections;
4. Investigate violations;
5. Account for Fees Collected/Reports of Activity: Property account for all fees collected in the administrative reports of building activity; and
6. Other duties as assigned: Perform all other duties assigned by this ordinance and assist the Commission in the execution of its duties. (Ord. 94-1101, 11-1-1994)

**1.4.3. Protection from Liability**

No individual, including Council and Commission members and the Administrator or other city employees, who acts in good faith and without malice in the performance of duties, assigned by this ordinance, shall be held liable for errors or omissions in its administration. A suit brought against such an individual shall be defended by the City and any judgment resulting from such a suit shall be the liability of the City. (Ord. 94-1101, 11-1-1994; Ord. 10-0811 and. 08-11-10.)

**1.5.1. Enforcement Authority**

The Planning and Zoning Administrator serves as the administrator of the Land Development Code and has primary enforcement authority of the Land Development Code.

The City Engineer serves as the Administrator over Article 12- Public Improvements.

**1.5.2. Procedures for Remediating a Violation**

The procedure for investigating and remediating any violation of this code can be found below.

- A. Failure to Obtain a Permit
  1. Whenever the administrator becomes aware of an activity for which a permit is required by this ordinance, for which a permit has not been approved, or for which the permit has expired, he or she shall notify the occupant (and owner, if they are not the same) of the site to immediately cease all un-permitted activity.
  2. Notice shall be given by posting on the site, or first class mail. If activity does not cease the Administrator shall ask the City Attorney to take prompt action, as authorized by I.C. 67-6527, to end the un-permitted activity and, if a permit is not subsequently issued, to require restoration of the site to its original condition.
  3. Required restoration shall include restoration of vegetative cover where sites have been graded in violation of this title.
- B. Enforcement Actions
  1. The Administrator shall notify the occupant (and owner, if they are not the same) of the violation by first class mail and/or posting on the site. The notice shall describe the violation, cite the sections of code being violated, and order the occupant to attain compliance in given time determined by the administrator.

2. Any person who receives a notice of violation may take the following action:
  - a. Request inspection by the administrator to show that compliance has been attained in a given time determined by the Administrator.
  - b. File a written request with the Administrator for an extension of time to attain compliance, with such extensions being limited to a maximum of 60 days and culminated by an inspection to show that compliance has been obtained; or
  - c. File an appeal of the Administrator's notice, following the appeals procedure in this Code.
3. The Administrator shall notify any occupant or owner who fails to attain compliance within the specified time, or to show, on appeal, that a violation has not occurred, that the Council will hold a public hearing to consider legal action on the violation at a specific date, time, and place. This notice shall be posted on the site and sent by first class mail at least 15 days before that hearing and must repeat the description of the violation from the original notice, and cite the penalties that may be imposed for violations of this ordinance as specified in 1.6.1 of this Article.
4. The Council shall hold a hearing to consider action on the violation. The occupant or owner shall be permitted to present evidence that a violation has not occurred. If the Council finds that a violation has occurred it may:
  - a. Specify a time within which compliance shall be attained or the matter automatically pursued by the City Attorney; or
  - b. Direct the City Attorney to immediately initiate civil and/or criminal actions to bring the building or use into compliance.

### C. Violation as Basis for Application

1. A violation of this ordinance can not be remedied by filling of an application for a permit. The violation must be corrected and the site must be in full compliance with this ordinance before an application for a permit may be filed.

### 1.5.3. Penalties

Unless specified otherwise, violations of this ordinance shall be a misdemeanor, and shall be punishable by a fine in any amount not exceeding the Idaho State maximum, or by imprisonment of not longer than 30 days, or by both fine and imprisonment. Each day in which a violation continues shall be considered a separate offense.