

Article 9

Special Districts

Article 9 - Special Districts

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9.1.1. Purpose

The purpose of the Downtown Parking Overlay is to provide the option for a voluntary payment in-lieu of constructing on site parking, subject to the restrictions specified in this Division.

9.1.2. District Boundaries

The overlay area consists of property within the DX - Downtown Commercial zone as identified on the official Zoning Map for the City of Victor, on file with the City Clerk.

9.1.3. Scope

The provisions of this Division, in addition to other applicable provisions of this code, apply to all development within the Downtown Parking Overlay.

9.1.4. Process of Review

The applicant shall submit a complete application, including the application fee, to the City Planning and Zoning Department.

Once an application is received by the Planning and Zoning Department for development in the Downtown Parking Overlay the following shall happen:

- A. The application shall be reviewed for completeness by the Planning and Zoning Administrator.
- B. If the application is determined to be complete, the Planning and Zoning Administrator shall recommend approval, approval with modifications, or rejection of the application and forward the application to the Planning and Zoning Commission for review by the Commission at the next available regular meeting.
- C. The Planning and Zoning Commission shall review the application and make a recommendation to City Council to accept, accept with modifications, or reject the application. The application shall be forwarded to the City Council for a decision at the next available regular meeting.

- D. The City Council shall accept, accept with modifications, or reject the application.

9.1.5. Standards

Development in this zone is subject to the minimum number of off-street parking spaces required in Div. 11.1.3, unless a voluntary payment in-lieu of parking is paid to the City of Victor.

- A. Payment in-lieu
Within the Downtown Parking Overlay the required number of parking spaces may be met with a voluntary cash in-lieu payment to the City prior to the issuance of a building permit, zone change, variance, special use permit, or Certificate of Occupancy, whichever occurs first. The applicant shall make a payment per parking space, in accordance with the City of Victor Fee and Fine Schedule, which is set by resolution by Council.
- B. Maximum in-lieu payment
The voluntary fee payments shall be restricted to twenty-five (25) spaces or less, unless approved by the City Council as specified in this Division.
- C. Uses
The payment in-lieu fees paid to the City shall be used by the City to provide public off street and/or on street parking in the vicinity of the use, the maximum distance of which shall not exceed 1,000 feet from the DX zone.
The City may also elect to apply in-lieu fees or a part thereof for the provision of bus stops or improvement of existing bus stops in the DX - Downtown Commercial zone.

The Trail Creek Flood Damage Prevention Overlay consists of those areas within City of Victor city limits identified by FEMA as being in the Special Flood Hazard Area (SFHA).

9.2.1. Authority

The Legislature of the State of Idaho in I.C. 46-1020 through I.C. 46-1024, authorized local government units to adopt a floodplain map and floodplain management ordinance that identifies floodplains and that sets forth minimum development requirements in floodplains that are designed to promote the public health, safety, and general welfare of its citizenry.

9.2.2. Need for Flood Hazard Protection

The flood hazard areas of the City of Victor are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

- A. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
- B. Local government units have the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper floodplain management as enabled by Idaho State Statute in I.C. 46-1020 through I.C. 46-1024.

9.2.3. Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life, health and property from the dangers of flooding;
- B. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- C. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas;
- D. Minimize expenditure of public money for costly flood damage repair and flood control projects;
- E. Minimize the need for rescue and emergency services associated with flooding and generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions.
- G. Require that development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, be protected against flood damage at the time of initial construction;
- H. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- I. Control filling, grading, dredging and other development which may increase flood damage or erosion;
- J. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;

- K. Preserve and maintain natural floodplains, stream channels, and natural protective barriers which carry and store flood waters; and
- L. Prevent or minimize loss of hydraulic, geomorphic, and ecological functions of floodplains and stream channels. The Final Property Development Plan shall also include a narrative and a site plan, but these documents should include the following items. Day care center

9.2.4. General Provisions

- A. Lands to Which This Ordinance Applies
This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Victor. Nothing in this Ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.
- B. Basis for Area of Special Flood Hazard
The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Teton County, Idaho and Incorporated Areas, dated August, 4, 1988, with accompanying Flood Insurance Rate Maps (FIRM), other supporting data, and updates/amendments to those documents are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at the office of the Teton County Planning & Zoning Department, 150 Courthouse Drive, Driggs, ID 83422.
- C. Development
No permit shall be granted for an development in the Trail Creek Flood Damage Prevention Overlay except where the proposed development complies with the requirements set forth in Title 11: Flood Control.

9.2.5. Permit Procedures

All permits for development in the Trail Creek Flood Damage Prevention Overlay shall be reviewed and approved in accordance with Title 11: Flood Control.

9.3.1. Established

Scenic Overlay District is established using the Rezone Map Amendment process described in Article 14.

9.3.2. District Boundaries

The overlay area consists of all property identified as being within the Scenic Corridor Design Review Overlay on the official Zoning Map for the City of Victor, on file with the City Clerk.

9.3.3. Intent

The intent of the Scenic Overlay District is to manage development to ensure, to the maximum extent feasible, limited visual intrusion along designated roadways, the retention of long vistas to the mountains and across the fields, the management of views of parking lots, and the preservation of existing native vegetation.

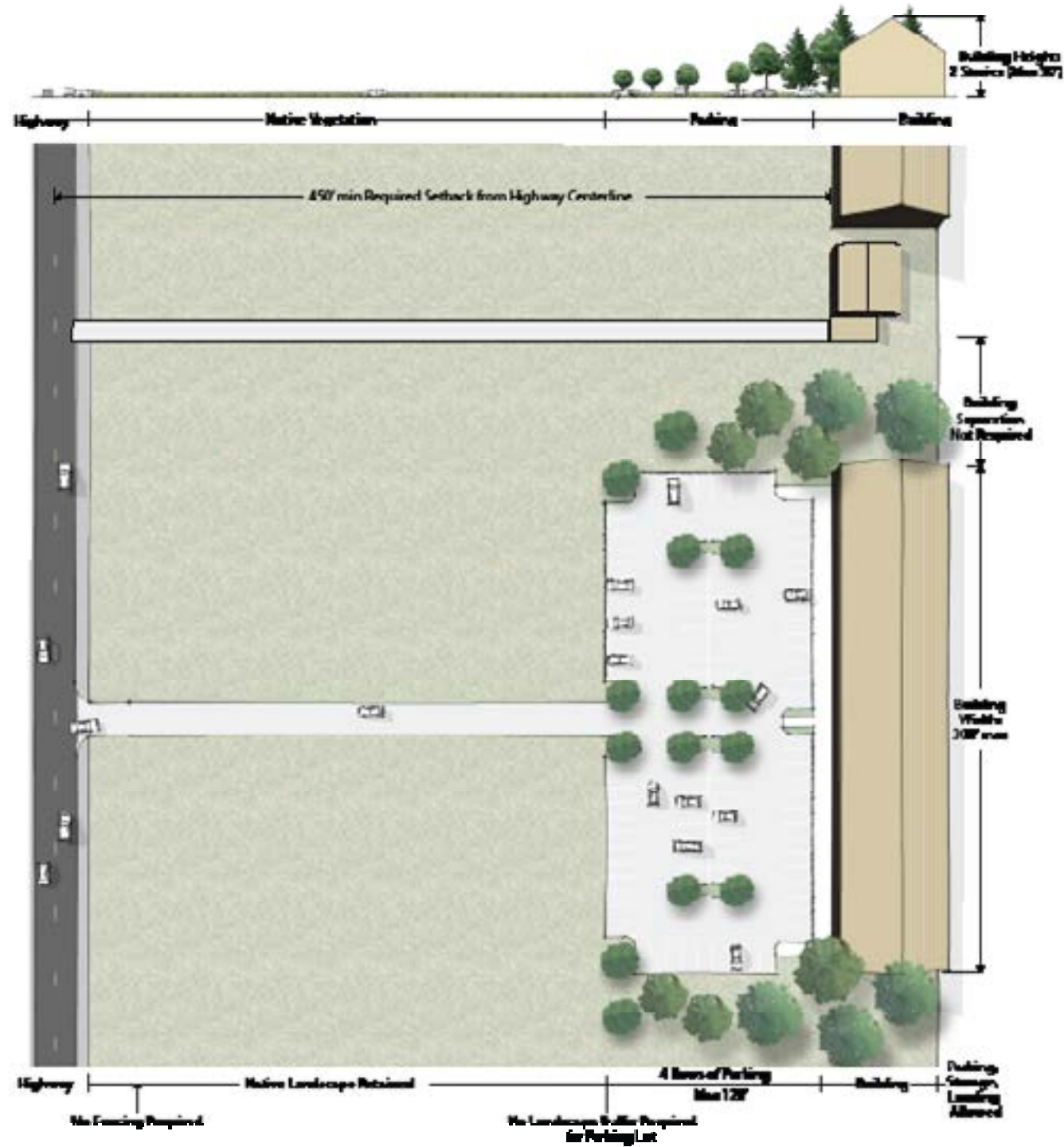
9.3.4. Design Standards

- A. There are four development options with the scenic overlay. These options range from placing the building well back from the centerline of the highway subject to limited standards, or placing the building closer to the road, with increasing standards as the building is placed closer to the road.
- B. The following table contains standards that are further illustrated on the following pages.

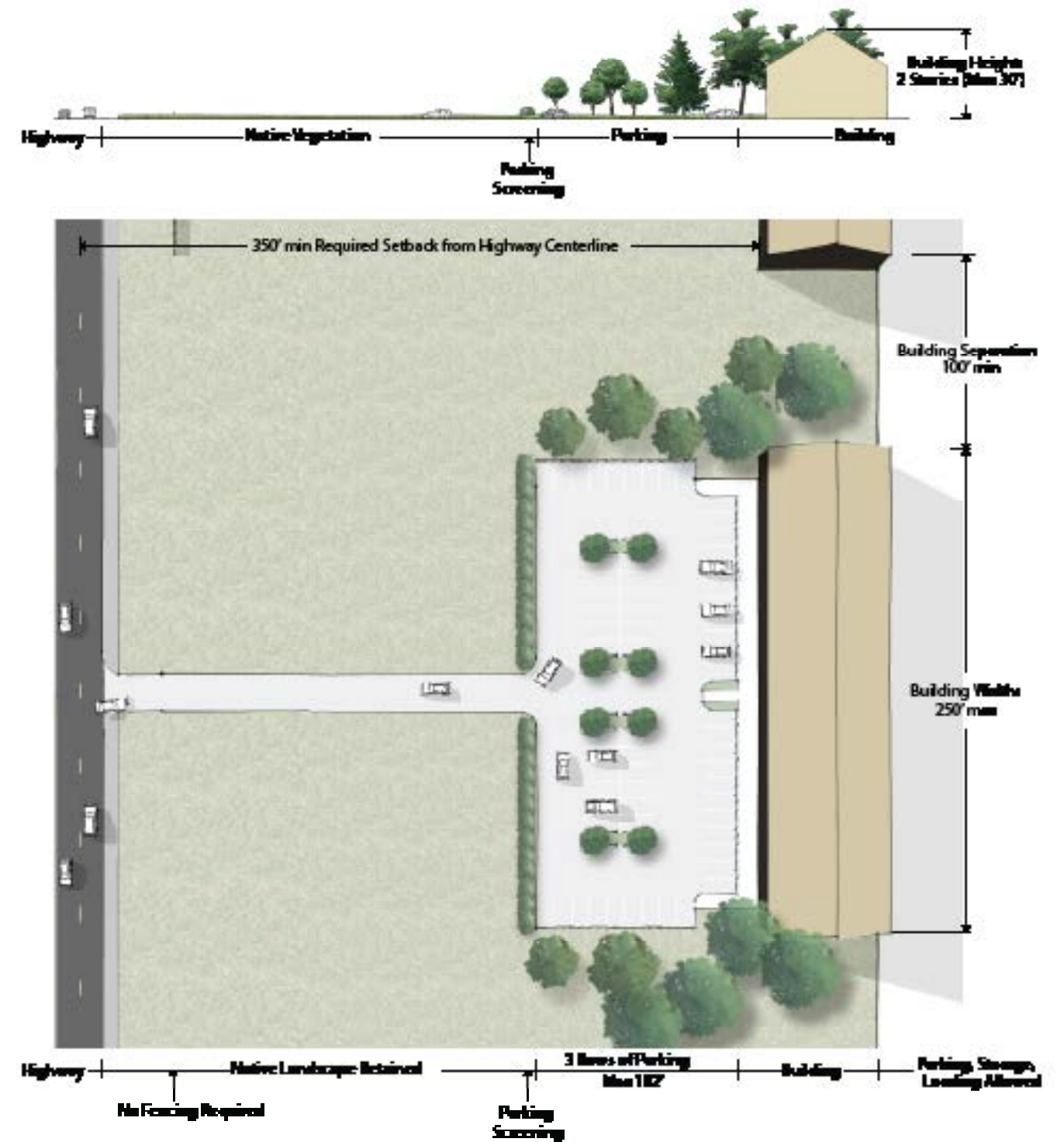
	Option 1	Option 2	Option 3	Option 4
Building				
Height (max)	2 stories / 45'	2 stories / 45'	2 stories / 45'	1 story / 24'
Width (max)	300'	250'	200'	150'
Setback (from highway centerline)	450'	350'	250'	150'
Separation	not required	100'	150'	200'
Parking Location				
Front (rows / pavement max)	4 rows / 120'	3 rows / 102'	2 rows, 60'	1 row / 42'
Rear	Unlimited behind rear building line	Unlimited behind rear building line	Unlimited behind rear building line	Unlimited behind rear building line
Screening				
Parking lots	not required	required see Div. 11.2.3	required see Div. 11.2.3	required see Div. 11.2.3
Fencing	not required	Required	Required	Required

- C. Native landscaping must be retained between the highway right-of-way and the front building line.
- D. Additional parking, storage, and loading may be located behind the rear building line.
- E. All outdoor lighting must be mounted no higher than 15 feet above the ground, must be directed downwards, and must be shielded not to create glare onto adjacent property.
- F. All signs must follow the requirements of Div. 11.3, except that only external illumination directed downward onto the sign is allowed.

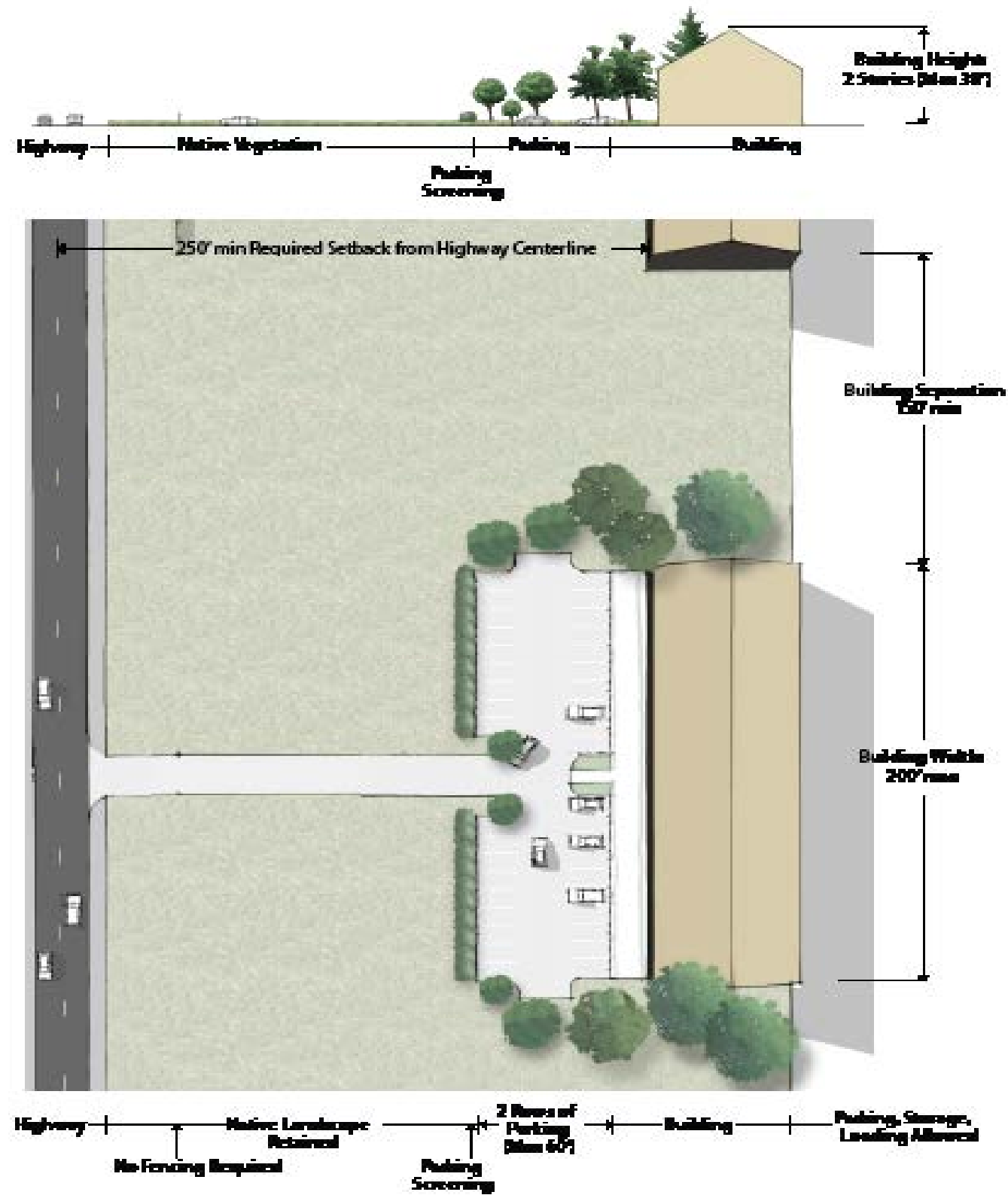
9.3.5. Option 1



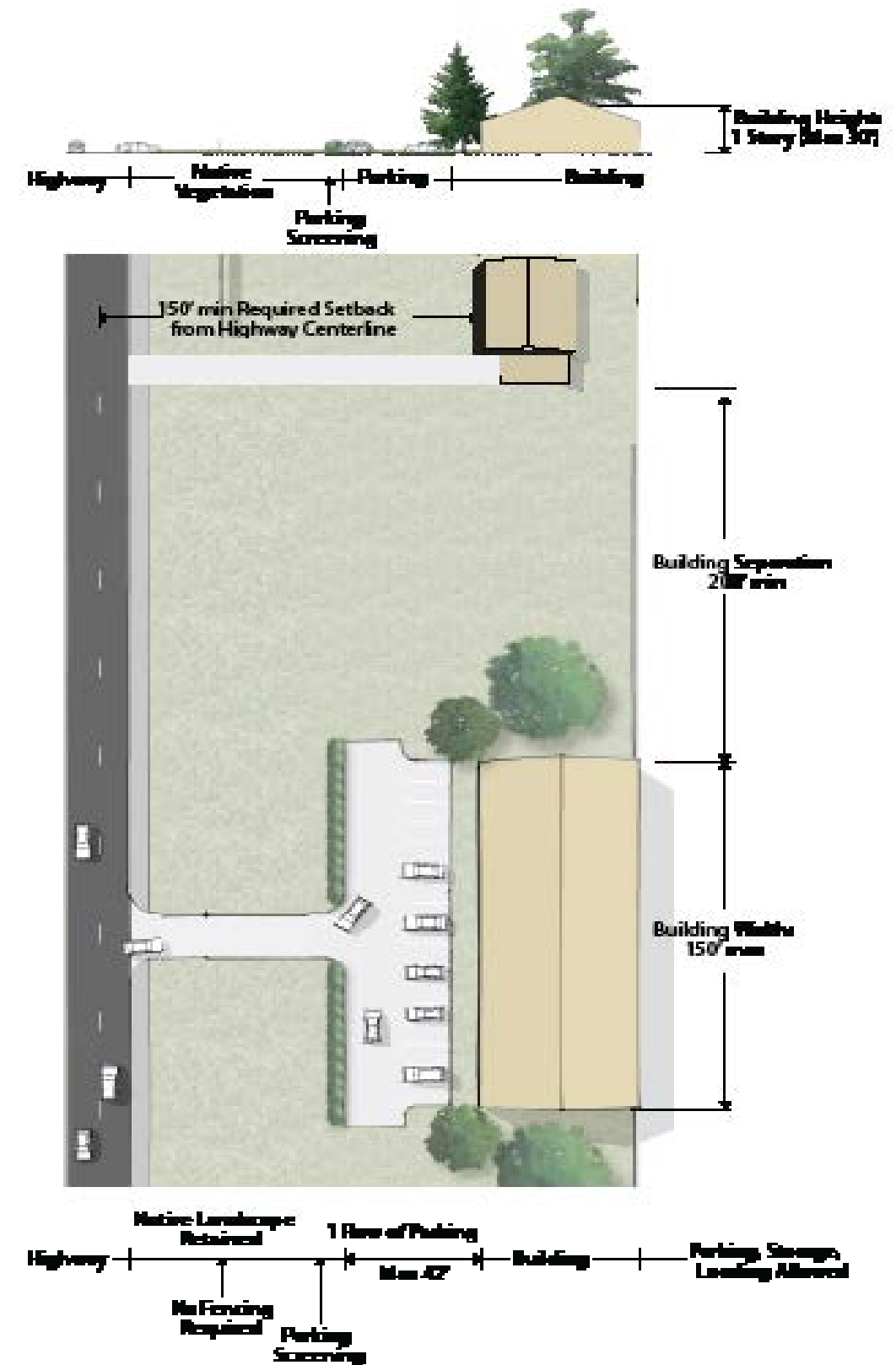
9.3.6. Option 2



9.3.7. Option 3



9.3.8. Option 4



9.4.1. Purpose

The purpose and intent of this article is to encourage the development of high-quality housing that is affordable by households with annual incomes falling within a prescribed range for prospective purchasers and prospective renters of workforce housing, respectively. Because such households generally, although not uniformly, consist of one (1) or two (2) working members, such housing is termed “workforce housing.” In order to accomplish that goal, this article establishes incentives for the construction of workforce housing in areas of the county in which the Comprehensive Plan recognizes increased density to be appropriate. Equally importantly, this article also ensures that workforce housing will be well-designed, of high quality, and well-integrated into the overall development of which it is a component.

9.4.2. Established

The Workforce Housing Overlay is established using the Rezone Map Amendment process described in Article 14.

9.4.3. District Boundaries

The overlay area consists of all property identified as being within the Workforce Housing Overlay on the official Zoning Map for the City of Victor, on file with the City Clerk.

9.4.4. Definitions.

As used in this division, the following terms shall be defined as follows:

A. Affordable

Housing is considered affordable if no more than approximately thirty (30) percent of the gross household income of the purchaser or renter is spent on direct housing costs. For buyers, such costs include mortgage principal, interest, taxes, homeowners’ insurance, mandatory homeowners’

association dues and condominium fees, but do not include utilities or other related housing costs. For renters, such costs include rent payments and an allowance for tenant-paid utilities other than cable television and telephone service, but do not include other related housing costs.

B. Affordability Level Statement.

A statement of the number of workforce housing units that are affordable to eligible buyers or to eligible renters at designated percentages of Area Median Income.

C. Area median income (AMI)

The Area Median Income the City of Victor, published annually by the U.S. Department of Housing and Urban Development (HUD) and adjusted for household size.

D. Bonus Density

An increase in the maximum allowable dwelling unit density on a property attributable to the provision of workforce housing on that property.

E. Eligible Buyer

A person whose workforce housing application has been approved and who meets the home ownership requirements of the workforce housing program. These requirements center on gross annual income, financial assets, and location of where the prospective buyer works and lives.

F. Eligible Renter

A person whose workforce housing application has been approved and who meets the rental requirements of the workforce housing program. These requirements center on gross annual income, financial assets, and location of where the prospective renter works and lives.

G. Workforce Housing (WFH)

Housing that is generally affordable to households with working members, who live or work in the City of Victor. For home ownership, it is housing that is priced to be affordable to households with annual incomes within a range of 75-105% AMI. For rentals, it is housing that is priced to be affordable to households with annual incomes within a range of 75-105% AMI.

H. Workforce Housing Discount

The difference in sales price between a market rate unit and an equivalent workforce housing unit. This amount is calculated to be the reduction in sales price necessary to make a workforce housing unit affordable to a household at a targeted income level.

I. Workforce Housing Unit (WFH Unit)

A dwelling unit that is reserved for sale or rent by an eligible buyer or eligible renter, as the case may be, at a price incorporating the workforce housing discount. Workforce housing units are constructed as a result of the bonus density provisions that allow the construction of a greater number of dwelling units on a specific parcel of land than is otherwise allowed, in exchange for the provision of workforce housing on the parcel.

9.4.5. Scope

Areas of applicability. The Workforce Housing Overlay District shall be limited to property in the area identified in the Workforce Housing Overlay District on the official zoning map of the City of Victor.

1. All development within the Workforce Housing Overlay District, including, but not limited to, uses, site layout, building design, open space, parking and other improvements shall conform to the land use plan approved by the the City of Victor Board of County Commissioners, in accordance with the provisions of this division.

The approved land use plan shall supersede any conflicting provisions of the underlying zoning district, but shall conform to all requirements of Article 14.

2. Within the Workforce Housing Overlay District, uses shall be allowed in accordance with the use regulations of the underlying zoning district; provided, however, that where the underlying zoning district is residential, single-family, duplex, semi-detached, attached and multiple-family dwellings shall be allowed notwithstanding any contrary provision of the regulations of the underlying zoning district.

9.4.6. Process of Review

Applications for development in the Workforce Housing Overlay District, that seek to utilize the provisions of this section, must be accompanied by a Rezoning application and a Subdivision application or a Major Plat Amendment application. The review of the application will follow the review procedures in Article 14 for those applications.

No substantial modifications of the approved land use plan shall be allowed except pursuant to an amendment to such plan approved by the county commissioners in accordance with the procedures set forth in Article 14 of this ordinance. For purposes of this section a “substantial modification” shall include any changes to the approved land use plan that, in the judgment of the Planning and Zoning Administrator, are not clearly in keeping with the intent of the City Council in approving the plan. The term shall also include any modifications of the number, location, design or affordability level of workforce housing units

9.4.7. Standards and Applicability

A. Workforce Housing Overlay District Land Use Plan.

1. In addition to any other information generally required for rezoning applications, applications for the Workforce Housing Overlay District shall contain the following information:
2. A survey of existing site conditions, including trees, contours, floodway, flood fringe, waters, wetlands and other natural features;
3. A narrative statement of planning objectives for the proposed development;
4. A construction schedule, including a schedule of construction of workforce housing units;
5. A detailed land use plan, which shall, at a minimum, consist of:
 - a. Architectural elevations for proposed structures, including building materials and colors;
 - b. A general landscape plan and tree preservation plan;
 - c. A detailed description of the differences in size, interior layout and construction materials between workforce housing units and other dwelling units of the same type;
 - d. An affordability level statement;
 - e. The total area to be included in the Workforce Housing Overlay District as part of the application;
 - f. The location of residential uses and total number and type of proposed dwelling units, including the location, number and type of workforce housing units;
 - g. Types of nonresidential uses proposed, if any, including the area and gross floor area proposed for such nonresidential development;

- h. Gross floor area of all structures;
- i. Location of all buildings, streets, alleys and pedestrian walkways;
- j. Regulations governing height, setbacks, floor area ratio, lot coverage, impervious surface, accessory structures (sheds, swimming pools, etc.), signs and fences;
- k. Number and location of parking spaces, including parking structures;
- l. Proposed improvements to adjacent public streets;
- m. Open space and recreation areas, including areas inside buildings;
- n. Green development features, such as porous paving or pavers, native plant landscaping, reduced street lengths, reduced pavement width, bio-retention islands, shared parking, vegetated swales in lieu of curb and gutter or other features of development intended to enhance environmental quality.

9.4.8. Bonus Density

Workforce housing unit requirements. The dwelling unit density in the Workforce Housing Overlay District may be increased by a maximum of thirty (30) percent over the density allowed in the underlying zoning district if all of the following conditions are met:

- A. Not less than seventeen (17) percent of the total number of dwelling units are workforce housing units. In the event the maximum allowable density is not increased by thirty (30) percent, the percentage of workforce housing units required shall maintain the same ratio of thirty (30) percent to seventeen (17) percent;
- B. Workforce housing units shall be integrated into the development to the same extent as other dwelling

units and shall not be clustered in discrete locations separate from other dwelling units;

- C. The construction of workforce housing units shall reasonably coincide with that of other units; and
- D. Workforce housing shall conform to the following standards:
 1. The exterior of workforce housing units shall have the same building materials and finish, and be effectively indistinguishable from, non-workforce housing units of the same housing type;
 2. Workforce housing units shall be comparable in bedroom mix, design, and overall quality of construction to the market rate units in the development, except that workforce housing units shall not be required to exceed three (3) bedrooms per unit; and
 3. The square footage and interior features of workforce housing units shall not be required to be the same as other dwelling units in the development units, so long as they are reasonably similar in size and quality and are consistent with the current building standards for new housing in the City.

Div. 9.5. West Center Street Gateway Overlay

9.5.1. Purpose

The purpose of the West Center Street Gateway Overlay is to facilitate West Center Street's function as a gateway into downtown Victor by permitting higher-intensity commercial development and a greater variety of housing types than the base zone allows while not replicating the intent and purpose of the downtown core and the CX and DX zones.

9.5.2. Established

The West Center Street Gateway Overlay is established using the Rezone Map Amendment process described in Article 14

9.5.3. District Boundaries

The overlay area consists of property on and near West Center Street within the NX - Neighborhood Mixed Use zone as identified on the official Zoning Map for the City of Victor, on file with the City Clerk.

9.5.4. Standards

Development within the West Center Street Gateway Overlay is subject to all other applicable provisions of this code.

9.5.5. Uses

The uses below are allowed as follows: P- Permitted, L- Limited, C- Conditional Use

A. Residential Uses

P	Single-family detached	Sec. 10.3.1.B
P	Two-family	Sec. 10.3.1.C
P	Single-family attached (2 units)	Sec. 10.3.1.D
P	Single-family attached (3 or 4 units)	Sec. 10.3.1.D
P	Single-family attached (5 or 6 units)	Sec. 10.3.1.D
P	Multi-family (3 or 4 units)	Sec. 10.3.1.E
P	Multi-family(5 or more units)	Sec. 10.3.1.E
P	Manufactured Home	Sec. 10.3.1.F

B. Civic and Public Uses

P	Club or lodge	Sec. 10.4.1.C
P	Museum, library	Sec. 10.4.1.D
P	Public use	Sec. 10.4.1.F
C	Trade or technical school	Sec. 10.4.1.G
P	School (K-12)	Sec. 10.4.1.H
P	Conservation area (up to 2 acres)	Sec. 10.4.2.C
P	Minor utilities	Sec. 10.4.3.A.1

C. Recreation

P	Dance, martial arts, music studio or classroom	Sec. 10.5.1.B
P	Gym, health spa, yoga studio	Sec. 10.5.1.C
P	Park, recreation field (up to 2 acres)	Sec. 10.5.2.C
C	Retreat Center	Sec. 10.5.4
C	Rental Cabins, Travel Trailers (RPTs), up to 5 units	Sec. 10.5.6
C	Rental Cabins, Travel Trailers (RPTs), more than 5 units	Sec. 10.5.6

D. Commercial

L	Family day care (6 or less)	Sec. 10.6.1.B/E
L	Group day care (7 to 12)	Sec. 10.6.1.C/E
L	Day care center (13 or more)	Sec. 10.6.1.D/E
P	All medical, except a Hospital	Sec. 10.6.2.A
P	All office, except Bail Bonds	Sec. 10.6.3A
C	Call center	Sec. 10.6.3.C
P	Bed and breakfast (up to 6 rooms)	Sec. 10.6.4.B
P	Boutique hotel/motel (7to 30 rooms)	Sec. 10.6.4.C
C	Hotel/motel (more than 30 rooms)	Sec. 10.6.4.D
L	Remote parking	Sec. 10.6.5.C
P	All personal service, except- Outdoor animal care	Sec. 10.6.6.A/B
P	All restaurants	Sec. 10.6.7.A
P	Retail establishment (up to 6,500 SF)	Sec. 10.6.8.A
C	Retail establishment (up to 20,000 SF)	Sec. 10.6.8.A
P	Convenience store without gas pumps	Sec. 10.6.8.D
C	Light vehicle/equipment	Sec. 10.6.9.B/D

E. Industrial

L	Craft shop	Sec. 10.7.2.B
C	Food and beverage processing, boutique (less than 3,000 SF)	Sec. 10.7.2.C
P	Food and beverage processing, boutique (3,000 SF or more)	Sec. 10.7.2.C
P	All research and development	Sec. 10.7.3.A
P	Amateur radio operator Tower	Sec. 10.7.8.B.
C	Building-mounted wireless/telecommunication facility	10.7.8.D.
C	Emergency Wireless Telecommunications Facility	Sec. 10.7.9.

F. Agriculture

C	Nursery	Sec. 10.8.2
L	Community garden	Sec. 10.8.3
L	Livestock keeping, chickens/ducks/rabbits/turkeys only	Sec. 10.8.6

G. Accessory

P	Accessory uses not otherwise listed below, as determined by the Planning and Zoning Administrator	Sec. 10.9
L	Accessory apartment, attached	Sec. 10.9.1
L	Backyard cottage	Sec. 10.9.2
C	Drive-thru facility	Sec. 10.9.3
P	Garden	Sec. 10.9.4
P	Greenhouse	Sec. 10.9.5
L	Home occupation	Sec. 10.9.6
L	Home business	Sec. 10.9.7
L	Home industry	Sec. 10.9.8
L	Outdoor dining	Sec. 10.9.9
L	Outdoor display	Sec. 10.9.10
P	Parking, on-site	Sec. 10.9.12
P	Solar panels, rainwater collection systems	Sec. 10.9.13
P	Wind Turbines	Sec. 10.9.14

H. Temporary

L	Temporary Portable Storage Containers	Sec 10.10.1
C	Temporary On-Site Rock Crushing	Sec 10.10.2