

# CITY OF KIMBERLY

PLANNING & ZONING COMMISSION  
MEETING AGENDA

APRIL 16, 2014  
6:00PM

Planning & Zoning Commission meetings are televised, videotaped and/or recorded

Location: 242 Highway 30, Kimberly, Idaho 83341

## CALL TO ORDER

**WELCOME – PLEASE TURN OFF CELL PHONES – THANK YOU.**

## ROLL CALL OF COMMISSION MEMBERS

### 1. CONSIDER APPROVAL OF:

- a. Minutes from February 4, 2014 Regular Meeting

### 2. PUBLIC HEARINGS

- a. Public hearing, consideration, and action on an application by Shawn Allen for a land division (lot split) of 2.39 (+ or -) acres within the City of Kimberly Section 20, Township South, Range 18 East of Boise Meridian, Twin Falls County, Idaho on the west end of Madison St. West and on the south side of Monroe Street West, into two parcels with the parcels being Parcel A with 2.15 (+ or -) acres and Parcel B with . 24 (+ or -) acres. A portion of the 2.39 acres is zoned Mobile Home Park (MH) and the other portion is zoned Residential –General (R-3).

### 3. NEW BUSINESS

- a. Viewing of Planning and Zoning Workshop by Jerry Mason
- b. Discussion on Pedestrian/Bicycle Path Plan
- c. Discussion of Building Permits

### 5. UPCOMING MEETINGS: –

- a. Regular P&Z Meeting May 6, 2014 – 6 PM

### 5. ADJOURNMENT

**Questions concerning items appearing on this Agenda or requests for accommodation of special needs to participate in the meeting should be addressed to the Office of the City Clerk, 242 Highway 30, Kimberly, Idaho 83341 or call 208-423-4151.**

Ted Wasko	Leland Belin	Perry Dangerfield	Candy Weth	VACANT	Cindy Schmidt	Dan Shewmaker
		<i>Co-Chair</i>	<i>Chairperson</i>		<i>Area of Impact</i>	<i>Area of Impact</i>

Posted Jan. 7, 2013

# **KIMBERLY PLANNING AND ZONING**

## **FEBRUARY 4, 2014**

### **Call to Order:**

The meeting was called to order at 6:01pm.

### **Roll Call of Commission Members:**

Members present were Candy Weth, Leland Belin, Ted Wasko and Perry Dangerfield. Impact Area representative Cindy Schmidt was also present.

### **1. Approve:**

Leland Belin moved that the minutes from the January 7, 2014 regular meeting be accepted as presented. Ted Wasko seconded the motion. It was carried unanimously.

### **2. Public Hearings:**

- a. No public hearings

### **3. New Business:**

- a. Consideration and action on the spacing and height requirement pertaining to a proposed LA Thomas Gymnasium addition/renovation.

The site plan for the addition/renovation of the gymnasium was presented showing a new entrance and bathroom addition to the north side of the building and the addition of a mechanical room on the south end of the building. The City staff informed the Commission that the gymnasium will use the newly instituted color palette for the exterior color making the building more presentable from the outside. A representative from Starr Corporation, who is doing the work, will add said the construction will add 40 feet to the north side of the building and 10 feet on the south side. He said the additions will improve the look of the building and that it is well within the setbacks required by City Ordinance. The Commission agreed that the improvements will improve the look of the building. Cindy Schmidt moved that the Commission approve the LA Thomas Building addition/renovation spacing distances from other buildings and



property lines as shown on the site plan, as as the height requirements as shown on the elevation sheet. Leland Belin seconded the motion, it was carried with Ted Wasko abstaining.

b. Consideration and action on the Findings of Fact for an update to the City of Kimberly Comprehensive Plan and the City of Kimberly Land Use Map and accompanying Resolution. Cindy Schmidt moved that the Commission approve the Findings of Fact for an update to the Comprehensive Plan and the City of Kimberly Land Use Map and accompanying Resolution. The motion was seconded by Ted Wasko. The motion was carried unanimously.

**4. Adjournment:**

The meeting was adjourned at 6:15pm.

Respectfully submitted,

Perry C. Dangerfield

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_

Candy Weth, Commission Chair

Attest:

\_\_\_\_\_

Bart Bingham, Community Development Director



## STAFF REPORT

**TO:** Kimberly City Council

**FROM:** Bart Bingham, Community Development Director

**RE:** Land Division (lot split) application to divide 2.39 (+ or -) acre piece into two pieces - Parcel A being 2.15 (+ or -) acres and Parcel B being less than .24 (+ or -) acres.

**HEARING:** April 16, 2014

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**Applicant:** Shawn Allen with CTR Apartments LLC

**Request:** Land Division (lot split) Approval – Parcel A & Parcel B as shown on preliminary division plat.

**Location:** Proposed Parcel A & Parcel B are located within the City of Kimberly in Part of the Southwest ¼ of the Southeast ¼, Section 20, Township 10 South, Range 18 East, of the Boise Meridian, Twin Falls County, Idaho on the west end of Madison St. West and on the south side of Monroe Street West.

**Zoning:** Mobile Home Park (MH)

**Note:** Staff analysis is in lighter type.

### Notice

Notice for the public hearing was published in the Times News on April 1, 2014 and mailed to property owners within 300 feet and public subdivisions on April 1, 2014.

### Application

Application information noted above.

### Department Comments:

The applicant desires to split Parcel B (.24 acres) from the remaining Parcel A (2.15 acres) to assist in financing renovations to the remaining Parcel B which has multiple mobile homes within it. The proposed Parcel B contains a nearing completion renovated home on a foundation, which could be sold if Parcel B is split off.

### Standards of Evaluation:

#### **17.02.010 Definitions:**

**Subdivision:** The result of an act of dividing an original lot, tract or parcel of land into more than two (2) parts for the purpose of transfer of ownership of development.

The application does not qualify as a subdivision (if the Commission determines) since it proposes two (2) lots, and appears to be an original tract of land. The original tract is a determination the Commission shall make since a parcel date was not found.

**Original Parcel of Land: A lot or tract as recorded on any plat or record on file in the office of the county recorder, or an unplatted contiguous parcel of land held in one ownership and of record at the effective date hereof. In cases of “unrecorded matters of fact”, the commission shall use its best judgment to determine a fair designation.**

The Original Townsite was recorded between 1909 and 191, and extended west to the east boundary of the applicant’s mobile home park. Neither the applicant or Community Development Department have been able locate a plat to determine whether the 2.39 acres is an original parcel as determined by date versus the time of the zoning requirement. However, most of the mobile homes in the park appear to be at least forty years or more in age, which would likely be before or around the date of the original parcel of land definition (1971). Thus, the Commission will have to use its best judgment as allowed in determining whether the 2.39 acres is an original parcel. Staff believes that it is, and if this is the case the lots could be split into 2 lots without qualifying as a subdivision if the Commission determines that it is an original lot as well by using its best judgment.

**Plat: The drawings, certifications, descriptions and approvals of a division or proposed division of real property into two (2) or more lots . . . of real property for the purpose of offering for sale ... to any person having a separate interest or an individual interest in common together with a separate interest in any or all of the real property.**

The application is for a proposed division of real property into two (2) lots, for the purpose of offering one for sale. Thus, a plat is appropriate.

17.04.130: Official Height and Area Regulations  
 MINIMUM YARD REQUIREMENTS

District	Maximum Height	Front	Rear	Interior Side	Street Side	Minimum Lot Area Per DU	Minimum Lot Width
MH	25'	15'	10'	15' between units	15'	None	None



Parcel B meets the minimum yard (setback) requirements. Parcel A, however, has at least one mobile home that has been located near the west property line (within 1.5' at the north and 3.5' at the south portion) from what quite possibly looks to be the initial beginning of the mobile home park. If the date of the placement of the mobile home is prior to 1971, then the mobile home, which no longer has a hitch to move it with and which has been adapted in other ways, may remain in its location based on the nonconforming use requirements below. This also relates back to the Commission's best judgment on the year. The Commission may also note that other nearby mobile homes are close to property lines, and thus were likely put there prior to 1971 when the first rear yard requirement was five feet. Of note, the present standard is 10' for rear yards on mobile homes.

**17.03.030: NONCONFORMING USES OR BUILDINGS:**

**A building or use made nonconforming but which was lawfully existing or under construction at the time of adoption hereof may continue to be used or occupied, subject to the provisions of this section.**

If the Commission uses its best judgment to determine the mobile home nearby to the property line was in place prior to the building and height standards (1971), then the mobile home may remain in its present location, qualifying as a non-conforming use.

**C. Expansion Of Nonconforming Building Or Nonconforming Use: Except as provided hereinafter:**

**1. No building or structural alteration, improvement or reconstruction shall be made which expands a nonconforming building or conforming building housing a nonconforming use beyond any part of the existing wall or roofline.**

Applicant is hereby notified of standard.

**2. No additional buildings or structures may be constructed or relocated on the property to house the same or any other nonconforming use. Under no circumstances may the person or entity responsible for a nonconforming building or use expand such building or use by the acquisition of additional real property.**

Applicant is hereby notified of standard.

**3. No person or entity may acquire additional real property to bring the nonconforming building or use into conformance with this title unless the use shall also conform to the requirements of this title.**

Applicant is hereby notified of standard.



**Commission Action: The Commission is requested to consider and make a determination on the property division of dividing an original lot into two (2) lots or less. Also as part of the determination, the Commission must use its best judgment to determine whether the present lot qualifies as an original lot, thereby qualifying not to be a subdivision with less than two lots. Lastly, whether the mobile home on the was in place when the zoning ordinance was approved, thereby qualifying as a nonconforming use.**

### **Summary and Suggested Conditions**

The Commission shall hold a public hearing and approve, approve conditionally, disapprove or continue the preliminary plat for additional information. Upon granting or denying the preliminary plat the Commission shall specify:

1. The regulations and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain approval.

After the following conditions/changes are updated on the plat, a final plat with signature areas for the City Engineer and City Clerk shall be prepared. The following conditions are suggested to be placed on any approval of this application:

- a) The 25' County Right-Of-Way be labeled as a City Right-Of-Way.
- b) The property on the north boundary be shown to the property line and not the City of the Right-Of-Way.
- c) All four sections of the intersection of the sections shall be shown on the plat rather than just four.
- d) The plat including signature areas for the city engineer and city clerk shall be submitted.
- e) A mylar containing the city engineer and city clerk signatures areas shall then be submitted, and upon attainment of these signatures, shall be recorded by the applicant and applicant shall provide evidence of the recording back to the Community Development Department.
- f) Upon signature approval of the final plat by City Engineer and City Clerk, the applicant or owner shall have one year to complete the following tasks:
  - i. Cause the property to be surveyed and the final plat recorded,
  - ii. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
  - iii. Obtain new tax parcel numbers from the Twin Falls County Assessor; and
  - iv. Provide copies of the recorded plats, recorded deeds, and the new tax parcel numbers to the director.



### **Motion Language:**

#### Approval:

Motion to approve the application by Shawn Allen of CTR Apartments LLC for preliminary plat approval for a land division (lot split), the land division to divide a 2.39 (+ or -) acre piece of property located within the City of Kimberly in Section 20, Township 10 South, Range 18 East of Boise Meridian, Twin Falls County, Idaho on the west end of Madison St. West and on the south side of Monroe Street West, into two parcels with parcel Parcel A being 2.15 (+ or -) acres and Parcel B with less than .24 (+ or -) acres (after the right-of-way area is removed) which parcel would be at the northeast corner of the existing property. A portion of the present 2.39 (+ or -) acre piece is zoned Mobile Home Park (MH) and a portion is zoned Residential – General (R3). In conjunction with the approval, the Commission used its best judgment to determine the 2.39 acre piece of property was an original parcel, created prior to the time of the effective date of the zoning ordinance requirement for original lots, and the mobile home within the required rear yard area was established at its location prior to the mobile space and area regulations in 1971, thereby allowing it to remain as a non-conforming use.

#### Conditional Approval:

Motion to conditionally approve the application by Shawn Allen of CTR Apartments LLC for preliminary plat approval for a land division (lot split), the land division to divide a 2.39 (+ or -) acre piece of property located within the City of Kimberly in Section 20, Township 10 South, Range 18 East of Boise Meridian, Twin Falls County, Idaho on the west end of Madison St. West and on the south side of Monroe Street West, into two parcels with parcel Parcel A being 2.15 (+ or -) acres and Parcel B with less than .24 (+ or -) acres (after the right-of-way area is removed) which parcel would be at the northeast corner of the existing property. A portion of the present 2.39 (+ or -) acre piece is zoned Mobile Home Park (MH) and a portion is zoned Residential – General (R3). In conjunction with the approval, the Commission used its best judgment to determine the 2.39 acre piece of property was an original parcel, created prior to the time of the effective date of the zoning ordinance requirement for original lots, and the mobile home within the required rear yard area was established at its location prior to the mobile space and area regulations in 1971, thereby allowing it to remain as a non-conforming use. The Commission conditions this approval on completion of conditions (a – f) as indicated above. This conditional approval allows City Staff to determine when each of the conditions have satisfactorily been completed, and then determine complete approval upon completion of all the conditions.

#### Deny:

Motion to deny the application by Shawn Allen of CTR Apartments LLC for preliminary plat approval for a land division (lot split), the land division to divide a 2.39 (+ or -) acre piece of property located within the City of Kimberly in Section 20, Township 10 South, Range 18 East of Boise Meridian, Twin Falls County, Idaho on the west end of Madison St. West and on the south side of Monroe Street West, into two parcels with parcel Parcel



A being 2.15 (+ or -) acres and Parcel B with less than .24 (+ or -) acres (after the right-of-way area is removed) which parcel would be at the northeast corner of the existing property, finding that \_\_\_\_\_ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Continue:

Motion to continue the public hearing upon the application by Shawn Allen of CTR Apartments LLC for preliminary plat approval for a land division (lot split), the land division to divide a 2.39 (+ or -) acre piece of property located within the City of Kimberly in Section 20, Township 10 South, Range 18 East of Boise Meridian, Twin Falls County, Idaho on the west end of Madison St. West and on the south side of Monroe Street West, into two parcels with parcel Parcel A being 2.15 (+ or -) acres and Parcel B with less than .24 (+ or -) acres (after the right-of-way area is removed) which parcel would be at the northeast corner of the existing property, to seek additional information, the information being \_\_\_\_\_ [the Council shall specify the information].



House on Parcel B - Proposed to be Land Divided from Parcel A



**SURVEYORS CERTIFICATE**

I, Jared M. Leavitt, a Licensed Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision.



**Part of the Southwest 1/4 of the Southeast 1/4,  
Section 20, Township 10 South, Range 18 East,  
of the Boise Meridian,  
Twin Falls County, Idaho**

**RECORDERS CERTIFICATE**

Instrument No. \_\_\_\_\_  
Time of Day \_\_\_\_\_  
Date \_\_\_\_\_  
Recorded in Twin Falls County, Idaho.  
County Recorder \_\_\_\_\_

**BOUNDARY DESCRIPTION**

**Parcel A**

Part of the Southwest 1/4 of the Southeast 1/4, Section 20, Township 10 South, Range 18 East of the Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Commencing at the East 1/16 Corner of Section 20, between Sections 20 and 29, a point that is North 89°42'40" West 1319.04 feet from the Southeast corner of said section, and running thence North 00°14'00" West 330.34 feet to the TRUE POINT OF BEGINNING;

Thence North 89°42'43" West 494.94 feet;  
Thence North 00°13'47" West 165.20 feet;  
Thence South 89°42'33" East 362.93 feet;  
Thence North 00°14'0" West 6.45 feet;  
Thence South 89°46'06" West 10.00 feet;  
Thence North 03°46'13" West 143.30 feet;  
Thence North 00°14'00" West 15.77 feet;  
Thence South 89°42'43" East 42.24 feet;  
Thence South 00°14'00" East 117.93 feet;  
Thence South 89°42'43" East 89.76 feet;  
Thence South 00°14'00" East 212.41 feet to the TRUE POINT OF BEGINNING.

Subject to a 25 foot County Right-Of-Way along the Northern boundary.

Parcel contains 2.15 acres more or less.

**Parcel B**

Part of the Southwest 1/4 of the Southeast 1/4, Section 20, Township 10 South, Range 18 East of the Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Commencing at the East 1/16 Corner of Section 20, between Sections 20 and 29, a point that is North 89°42'40" West 1319.04 feet from the Southeast corner of said section, and running thence North 00°14'00" West 542.75 feet to the TRUE POINT OF BEGINNING;

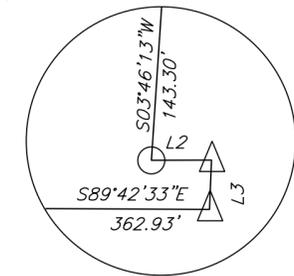
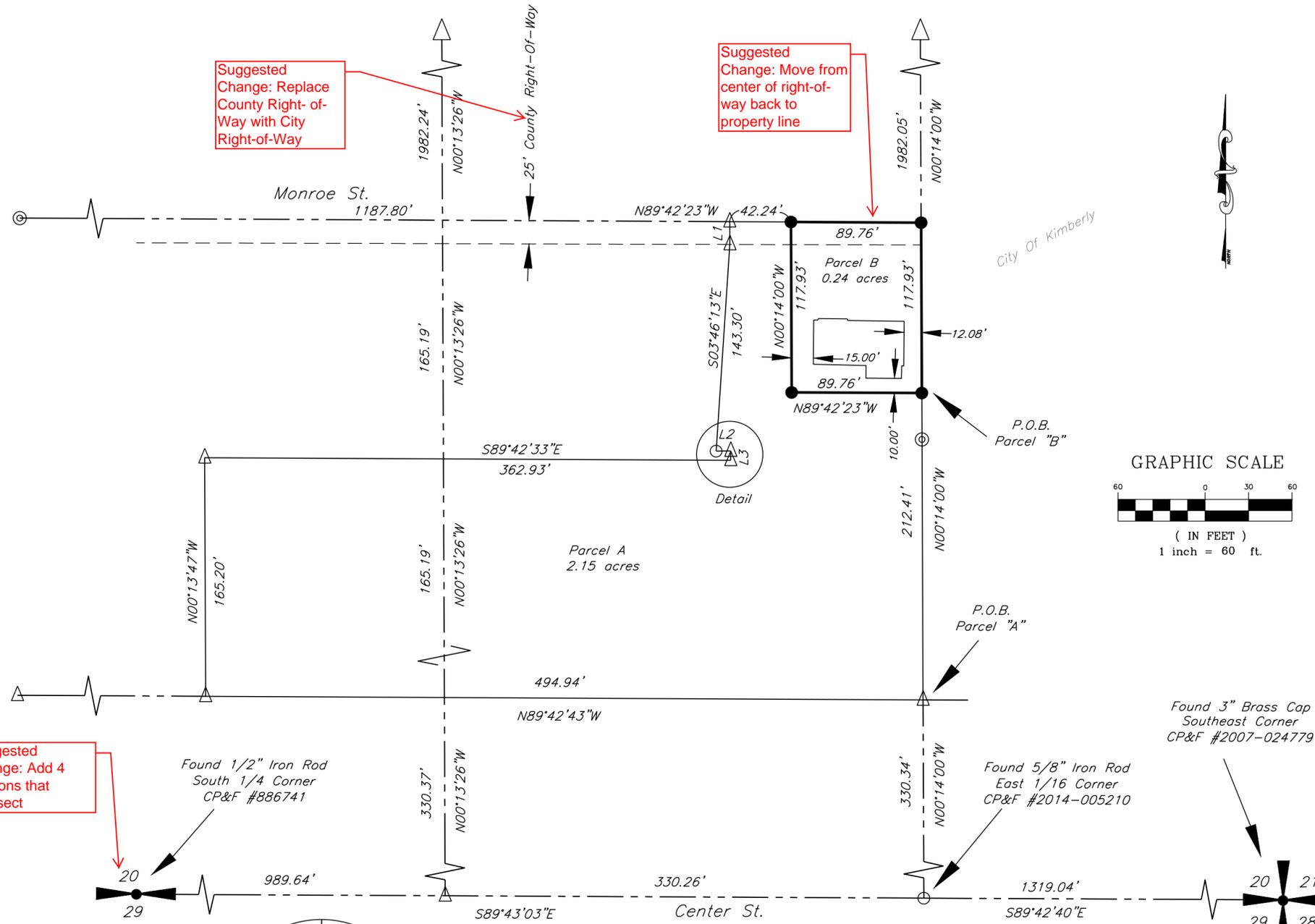
Thence North 89°42'43" West 89.76 feet;  
Thence North 00°14'00" West 117.93 feet;  
Thence South 89°42'33" East 89.76 feet;  
Thence South 00°14'0" East 117.93 feet to the TRUE POINT OF BEGINNING;

Subject to a 25 foot County Right-Of-Way along the Northern boundary.

Parcel contains 0.24 acres more or less.

**LEGEND**

- Found 5/8" Iron Rod
- ⊙ Found 1/2" Iron Rod
- Set 1/2" Iron Rod w/Plastic Cap Marked PLS #13552
- △ Calculated Corner Nothing Found/Nothing Set
- Section Line
- Property Line
- - - - - County Right-Of-Way



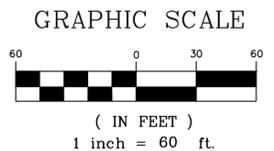
**DETAIL**  
not to scale

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°14'00\"W	15.77'
L2	N89°46'06\"E	10.00'
L3	N00°14'00\"W	6.45'

**SURVEYOR'S NOTE**  
Basis of Bearing derived from GPS North - WGS 84

**RIEDEL**  
Engineering  
202 FALLS AVENUE  
TWIN FALLS, IDAHO 83301  
208-733-2446

**LAND DIVISION PLAT**  
FOR  
**SHAWN ALLEN**  
SEC. 20, T. 10 S., R. 18 E., B.M.  
DATE: 3/17/14 PROJECT: 2308 SHEET 1 OF 1  
DRAWN BY: JG  
CHKD BY: JML



Suggested Change: Replace County Right-of-Way with City Right-of-Way

Suggested Change: Move from center of right-of-way back to property line

Suggested Change: Add 4 sections that intersect

Found 3" Brass Cap Southeast Corner CP&F #2007-024779

Found 5/8" Iron Rod East 1/16 Corner CP&F #2014-005210

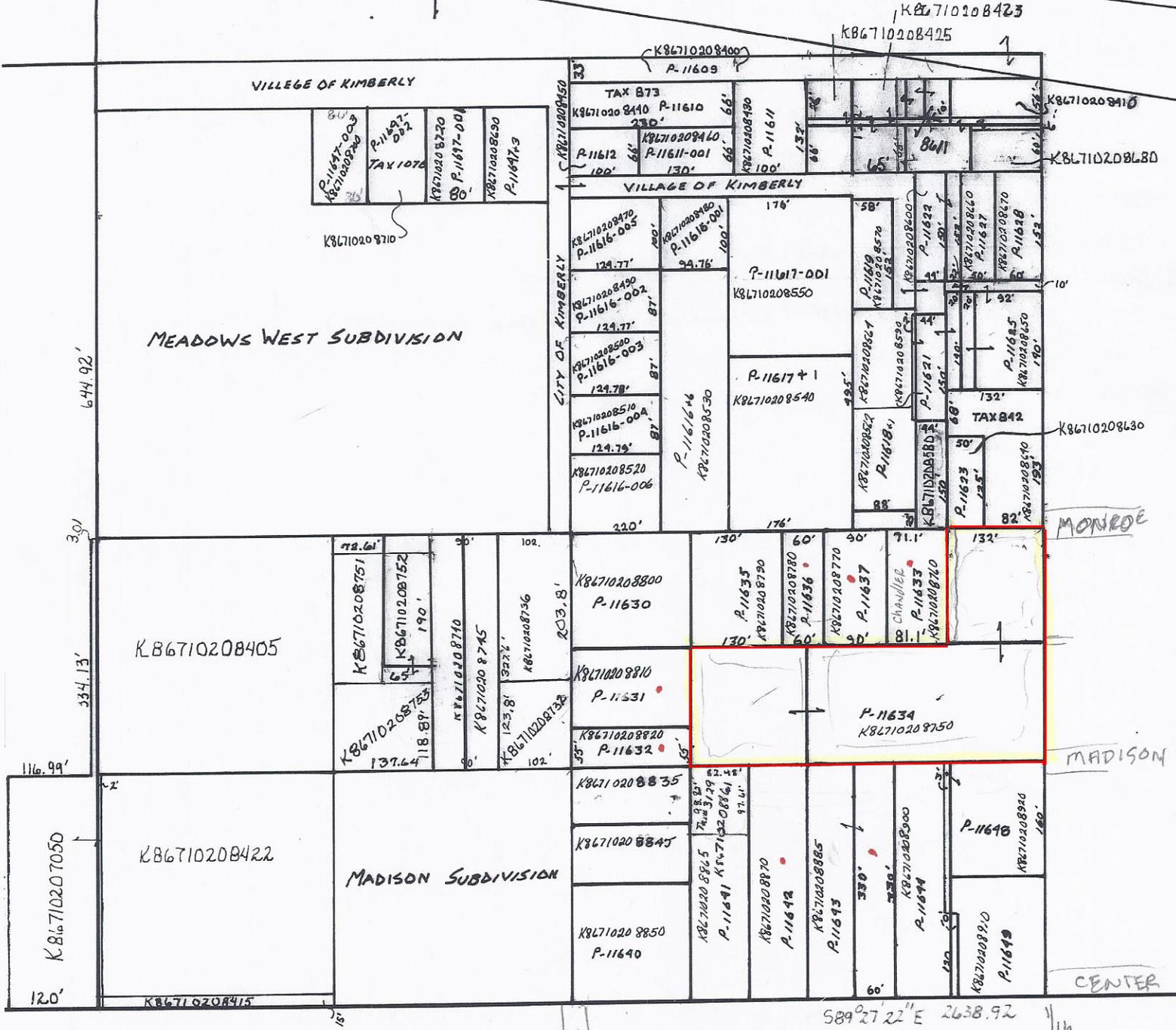
Found 1/2" Iron Rod South 1/4 Corner CP&F #886741



204860

32.93'

SW 1/4 SE 1/4 SEC. 20



589°27'22" E 2638.92

TRUCE

116

RG

# WARRANTY DEED

FOR VALUE RECEIVED,

**TitleOne Exchange Company, an Idaho corporation**

The Grantor, does hereby grant, bargain sell and convey unto

**CTR Apartments, LLC, an Idaho Limited Liability Company**

the Grantee, whose address is 599 Boxwood Drive, Twin Falls, Idaho 83301, the following described premises, in Twin Falls County, Idaho, TO WIT:

See Exhibit "A" for legal Description

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 27, 2014

TitleOne Exchange Company

By: *[Signature]*  
Vice-President

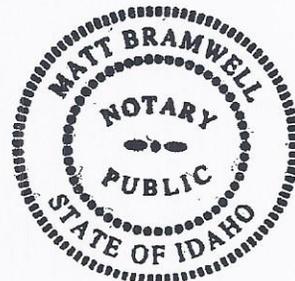
STATE OF IDAHO)

County of Ada)

On this 27th day of January, 2014, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared Randy Rabehl, known or identified to me to be the Vice-President of the corporation that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said corporation and that such corporation executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written

*[Signature]*  
NOTARY PUBLIC for Idaho  
Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Residing in: Meridian, ID  
Expires: 5/11/2018

TWIN FALLS COUNTY  
RECORDED FOR:  
TITLEFACT, INC.  
02:34:51 PM 01-28-2014  
**2014001575**  
NO. PAGES 2 FEE: \$13.00  
KRISTINA GLASCOCK  
COUNTY CLERK  
DEPUTY: DJW  
Electronically Recorded by Simplifile

EXHIBIT A

Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho  
Section 20: The SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  and S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

AND

The East 132 feet of the N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

AND

COMMENCING at a point 132 feet West of the Northeast corner of Lot 8 of SUMMER'S  
SUBDIVISION, Kimberly, Idaho, being in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 20, Township 10 South, Range 18  
E., B.M.;

THENCE South 4°00' West 143.3 feet;

THENCE East 10 feet;

THENCE North to the POINT OF BEGINNING.

SUBJECT TO Highway District right of way.

250

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, PROVIDING REGULATIONS AND CONTROL OF MOBILE HOME PARKS, INCLUDING DEFINITIONS, LICENSE REQUIREMENTS, LICENSE FEE, MINIMUM AREA, SPACING AND DENSITY OF MOBILE HOMES; PROVIDING FOR SCREENING AND SET BACK REQUIREMENTS; PROVIDING FOR PENALTY FOR VIOLATION OF THIS ORDINANCE; EXCEPTIONS; CONFLICT OF ORDINANCES AND SEPARABILITY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KIMBERLY, IDAHO:

Section 1. DEFINITIONS

Mobile Home Park: shall mean any land containing two acres or more arranged to accommodate mobile homes, either permanently or temporarily used for living or sleeping purposes. Land used by a mobile home dealer exclusively for display, storage or sale of mobile homes shall not be included in said definition.

Mobile Home: shall mean any vehicle or portable structure or device so constructed to be used as a conveyance or to be transported upon a public street or highway and to permit occupancy as a dwelling or sleeping place for one or more persons.

Mobile Home Space: shall mean a plot of land within a mobile home park designated and maintained for the accommodation of one mobile home.

Service Building: shall mean a substantial permanent building providing toilet facilities, bath or shower accommodations for both sexes and other facilities for use in common by occupants of a mobile home park.

Section 2. LICENSE

It shall be unlawful for any person to construct, maintain, operate or alter any mobile home park within the City of Kimberly, Idaho, unless such person shall have a valid license issued by said City for

The minimum area for a mobile home park shall not be less than two acres.

The number of mobile home spaces in a mobile home park shall not exceed seven spaces per acre.

A mobile home park shall provide for a ten-foot wide, landscaped strip around the perimeter of the park and shall provide screening within said ten-foot perimeter strip. Screening shall be required on all sides of a mobile home park where bordered upon residential property.

Each mobile home space shall be of a size to permit yard depths from the mobile home to be placed therein to the yard sides as follows:

Front yard	Ten feet
Side yards	Not less than twenty feet between adjacent mobile homes or service building
Rear yard	Five feet

#### Section 5. GENERAL PROVISIONS

Off-Street Parking: Two vehicular parking spaces shall be provided on each mobile home space.

Temporary Parking for Mobile Homes: Temporary parking facilities for mobile homes shall be no closer than 50 feet to any perimeter boundary of the park or street within the park. The temporary parking area shall not exceed 20% of the gross parking area. No mobile home shall remain parked in the temporary parking area for more than seven days.

Identification: One mobile home park sign not exceeding 16 square feet in area. One name plate or address sign for each mobile home space of not more than one square foot in area.

Recreational Area: Each mobile home park shall provide a minimum of 100 square feet of recreational area for each mobile home space for the common use of the occupants in said spaces.

Patios-Parking Pad: Each mobile space shall be provided with a

and protection of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 14. VIOLATION

Any person convicted of violation of any provision of this Ordinance shall be fined in a sum not to exceed \$300 for each offense or confined for a period of not more than thirty days for each offense or both such fine and confinement.

PASSED BY THE CITY COUNCIL FEBRUARY 9, 1971.

SIGNED BY THE MAYOR FEBRUARY 9, 1971.

ORDINANCE NO. 256

AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, BEING A COMPREHENSIVE ZONING ORDINANCE REGULATING AND RESTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTIONS, ALTERATIONS, REPAIR AND USE OF BUILDINGS AND PROPERTY BY PROVIDING THE FOLLOWING: A PREAMBLE, PURPOSE, APPLICATION FOR REGULATIONS, ZONING MAP, ZONING MAP DISTRICTS, SCHEDULE OF DISTRICTS, LIMITED RESIDENTIAL DISTRICT, GENERAL RESIDENTIAL DISTRICT, TOURIST DISTRICT, MOBILE HOME DISTRICT, BUSINESS DISTRICT, INDUSTRIAL DISTRICT, USES PERMITTED BY SPECIAL REVIEW, USES NOT ITEMIZED, ACCESSORY BUILDINGS AND USES, SUPPLEMENTARY LOCATION AND BULK REGULATIONS, NONCONFORMING BUILDINGS, VARIANCES FOR HARDSHIP, PROCEDURE ON AMENDMENTS, DEFINITIONS, LEGAL ENFORCEMENT, LEGAL AND PRACTICAL INTERPRETATIONS, SEPARABILITY; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND ADOPTION.

PREAMBLE AND INTRODUCTION

WHEREAS a Zoning Ordinance must balance many factors, the Planning and Zoning Commission and the City Council of the City of Kimberly, Idaho, in setting forth the present Zoning Ordinance have balanced many community requirements as noted:

1. Existing development is herein protected;
2. Sufficient flexibility is herein allowed for desirable community expansion;
3. The terms of this Zoning Ordinance and the Zoning Map reflect sound zoning principles;
4. This zoning Ordinance can be readily understood by all residents;
5. Requirements of this Zoning Ordinance are reasonable in terms of legal enforcement;
6. The unique features of Kimberly and the ideas and attitudes of the residents are herein reflected and incorporated within the limited Statutory Requirements and the Supreme Court of Idaho Decisions in regard thereto.

WHEREAS the preceding factors lead to different and various conclusions,

the Ordinance was not considered lightly either by the Planning

Commission or the City Council, a thorough study of the basic

zoning principles was instituted and the opinions of as many

as

possible was secured, statutory requirements as to public hearings

by

shall be strictly enforced by the Planning and Zoning Commission and the City

(8) Essential public utility and public service installations and facilities for the protection and welfare of the surrounding area . . . provided business offices and repair and storage facilities are not included; and

(9) Accessory buildings by permission of the City Council.

(10) Mobile homes for residential use only.

6.2 MINIMUM AREA OF LOT

5,500 square feet

6.3 MINIMUM WIDTH OF LOT

Fifty feet

6.4 MINIMUM FRONT YARD

(minimum distance of any building from the front lot line)

Twenty-five feet

6.5 MINIMUM SIDE AND REAR YARDS

(minimum distance of any building from each side and rear lot lines)

Shall be no less than five feet and corner lot fifteen feet from side street.

6.6 MAXIMUM HEIGHT OF BUILDINGS

Twenty-five feet

SECTION VII

100, MOBILE HOME DISTRICT

7.1 USE PERMITTED

Mobile home parkes

7.2 All requirements of the mobile home park ordinance No. 250 as now exists or as hereafter amended shall be complied with.

7.2 All requirements of the mobile home park ordinance No. 250 as it now exists or as hereafter amended shall be complied with. (1971)

PASSED BY THE CITY COUNCIL

*Nov 9*, 1971

SIGNED BY THE MAYOR

*Nov 9*, 1971

*Robert A. Slattery*  
\_\_\_\_\_  
Mayor

Attest:

*E. Duke Williams*  
\_\_\_\_\_  
City Clerk