

CHAPTER 4

STANDARDS

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5-4-1: LAND USE, SETBACK AND AREA TABLES:

The regulations in the following tables shall apply to zoning districts:

TABLE 1

LAND USE SCHEDULE

A = Allowed uses

S = Special uses

Use ^{1,2}	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	RRR	TOD	M-F	M-U
Use ^{1,2}	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	RRR	TOD	M-F	M-U
Agricultural, general ³	A				A	A	S						
Agricultural, residential ⁴	A				A	A	S						
Amusement center (indoor)		S	A	A						A	A		S
Amusement center (outdoor)				S	S					A			
Animal grooming (small animal pets only)		A	A	A	A	A					A		A

Animals ^{3,6} (see section 8-1-17 of this Code)	A	A	A	A	A	A	A	A	A	A	A	A	A
Asphalt plant					S	S							
Assisted living		A	A	A			S	S	S			A	A
Auction, indoor				A	A	A							
Auction, outdoor				A	A	A							
Auto lube shop, emission testing			A	A	A	A							A
Auto sale, repairs, storage, rental			A	A	A	A							S
Bakery or bakery goods store		A	A	A	A	A				A	A		A
Bank, savings and loan, credit union		A	A	A	A					S	A		A
Bar			S	S	S						S		
Barber, beauty shop, spa		A	A	A	A					A	A	S	A
Bed and breakfast	A	A	A	A			S	S			A	A	A
Beverage bottling plant				A	A	A							
Broadcasting			A	A	A	A					A		
Building supply outlet				A	A	A							
Business park/office park		A	A	A							A		A
Cabinet shop			A	A	A	A							A
Car wash				A	A	A							S
Cement/clay products manufacturing				S	A	A							
Cemetery	A						A	A	A				A
Chemical storage and manufacturing				S	S	A							
Church or place of religious worship	A	A	A	A			S	S	S	S	A	A	A
Club or lodge		S	A	A	A						A		S
Community, youth, or activity center		A	A	A						A	A	A	A
Concrete batch plant						S							
Contractor's shop/storage yard				A	A	A							S
Convalescent/nursing home		A	A	A			S	S	S			S	S
Daycare center (13 or more children)		A	A	A	A		A	S	S		S	A	A
Daycare, facility (7 or more children unrelated to provider)		A	A	A	A		A	S	S		S	A	A
Daycare, family (6 or fewer children)		A	A	A	A		A	A	A		S	A	A
Daycare, group (7 - 12 children)		A	A	A	A		A	S	S		S	A	A
Drugstore/pharmacy		A	A	A	A					S	A		A
Dry cleaning		A	A	A	A					S	A		A
Equipment rental; equipment sales yard		S	A	A	A	A							S
Espresso/pastry shop		A	A	A	A	A				A	A		A
Farm equipment sales and service			A	A	A	A							
Feed supply store		S	A	A	A	A							S
Fitness center (indoor)		A	A	A	A	A				A	A		A
Flea market				S	S	S							
Furniture manufacturer				A	A	A							
Gas station/convenience store		S	A	A	A	A				S	S		S
Golf course/driving range	A	A	A	A	A	A	A	A	A	S		A	A
Government and public utility buildings		A	A	A	A	A	S	S	S			S	A
Grocery store/food		A	A	A							A		A
Home occupation	A						A	A	A		A	A	A
Hospital				A									S
Hotel/motel/inn			A	A	A						A		S
Industrial park					A	A							
Junkyard						A							
Kennel					S	A							
Laundromat		A	A	A	A	A					A		A
Laundry, commercial plant					A	A							
Lockers (for example: for personal belongings, bicycles, etc.)										A	A		
Lumberyard				S	A	A							
Machine shop				S	A	A							
Manufactured home and trailer manufacturing				S	A	A							
Manufactured home and trailer sales and service				S	A	A							S
Manufactured home for elderly or ill relative							S	S	S			S	S
Manufacturing					A	A							
Mini-warehouse storage						S							S
Mining/mineral extraction	S	S	S	S	S	S	S	S	S	S	S	S	S
Monument works				S	A	A							
Mortuary			A	A	A								S
Motorcycle/motocross track					S	A							

Multi-family dwelling (exceeding 2 dwelling units per building) (apartments)												S	
Nursery, vegetation	A ⁷												
Office or laboratory, medical, dental, vision, professional		A	A	A	A						A		A
Outdoor display of merchandise (except vehicles requiring titles and nursery vegetation)		S	S	S	S	S							S
Park	A	A	A	A	A	A	A	A	A	A	A	A	A
Parking lot, garage or facility as a business		S	A	A	A	A				S	A	S	S
Pawnbrokerage			A	A	A	A							A
Payday/money/title loan					A	A							
Petroleum storage					S	A							
Photography studio		A	A	A							A		A
Poles (over 55 feet tall from adjacent ground)	S	S	S	S	S	S	S	S	S	S	S	S	S
Poles (up to 55 feet tall from adjacent ground)	A	A	A	A	A	A	A	A	A	A	A	A	A
Printing and blueprinting		A	A	A	A	A					A		A
Processing plant (for example meat, dairy, sugar beets, hops, etc.)						A							
Real estate sales/rental/management office		A	A	A	A	A	S	S	S		A	A	A
Recreational vehicle (RV) park						S							
Recycling operation					S	A							
Restaurant		A	A	A	A	A				A	A		A
Retail stores and services	A ⁷	A	A	A	A	A				A	A		A
Retirement home		A	A	A				S	S		A	A	A
Salvage yards					S	A							
School		S	S	S	S	S	S	S	S			S	S
Second dwelling unit ⁵							A	A	A				A
Secondhand/thrift stores			A	A	A								
Security residence (manufactured home)				S	S	S							S
Sexually oriented business						S							
Sign shop		S	A	A	A	A					A		A
Single-family dwelling, attached												S	S
Single-family dwelling/group residence per Idaho Code 67-6532	A						A	A	A			A	A
Staging area		S	A	A	A	A							S
Studio, dance, music, voice (indoor)		A	A	A	A	A	S	S	S		A	S	A
Tattoo and/or piercing parlor						A							
Taxidermy				A	A	A							
Terminal yard, trucking					A	A							
Tire shop			A	A	A	A							S
Tobacco, smoke and vaping (electronic cigarettes)						A							
Townhouse, condominium												A	A
Utility line (buried)	A	A	A	A	A	A	A	A	A	A	A	A	A
Utility substation or service facility				A	A	A							S
Veterinary hospital or clinic		A	A	A	A	A							A
Veterinary (small animal only)											A		
Warehousing, wholesaling				A	A	A							
Wastewater treatment plant					S	A							
Wood processing plant						A							
Wrecking yard						A							

Notes:

1. Accessory uses are permitted if constructed either at the same time or subsequent to the main building; they are prohibited from being constructed before the main building.
2. If a specific use is not found in this table, the Planning and Zoning Administrator may determine a similar use that is listed and those appropriate district regulations shall apply.
3. Agriculture or horticulture, including the raising of fowl, poultry and animals, except hogs, billygoats and roosters, not exceeding a total of 4 on any lot or acre. Further provided that no horse, cow, emu or usual large farm animal shall be maintained on any lot less than one-half (1/2) acre in size; and providing that buildings and enclosures housing such large farm animals shall be not less than 30 feet from any property line; and at least 50 feet from all residential structures.
4. Residences constructed on a two-acre or larger lot may use individual domestic well and septic systems unless the public water and/or sanitary system is within 1,000 feet of the property. Residences on a lot less than two acres are required to connect to the City's domestic water and sanitary sewer systems.
5. Second dwelling units are allowed on lots having a minimum 14,000 square feet and where utilities are connected through the primary residence, the second unit is detached from the main dwelling unit, and uses the same driveway approach and address as the main dwelling unit and does not exceed 1,000 square feet.
6. See Section 5-4-11-2 A. of this Code.
7. Allowed only if solely agricultural products or services.

TABLE 2

HEIGHT, SETBACK AND COVERAGE SCHEDULE

District	Maximum Density (Units/Gross Acre)	Maximum Height ⁸	Minimum Front Setback ^{3,4,5,6, 7}	Minimum Rear Setback ^{4,6, 7}	Minimum Interior Side Setback ^{4,6, 7}	Minimum Side Street Setback ^{3,4, 6,7}	Minimum Interior Lot Area (Sq. Ft.)	Minimum Lot Width ¹	Maximum Lot Coverage ²
A-R	0.5	40'	30'	30'	30'	30'	87,120 (2 acres)	150'	50%
District	Maximum Density (Units/Gross Acre)	Maximum Height ⁸	Minimum Front Setback ^{3,4,5,6, 7}	Minimum Rear Setback ^{4,6, 7}	Minimum Interior Side Setback ^{4,6, 7}	Minimum Side Street Setback ^{3,4, 6,7}	Minimum Interior Lot Area (Sq. Ft.)	Minimum Lot Width ¹	Maximum Lot Coverage ²
A-R	0.5	40'	30'	30'	30'	30'	87,120 (2 acres)	150'	50%
C-1		55'	10'	0'	0'	10'	0		90%
C-2		55'	10'	0'	0'	10'	0		90%
C-3		55'	10'	0'	0'	10'	0		90%
M-1		75'	10'	0'	0'	10'	0		90%
M-2		75'	10'	0'	0'	10'	0		90%
R-1 ⁹	1.0	40'	30'	30'	30'	30'	43,560	100'	50%
R-2 ⁹	2.0	35'	25'	25'	25'	25'	21,780	90'	50%
R-3 ⁹	3.0	30'	25'	20'	10'	20'	8,000	75'	60%
RRR		55'	0'	0'	0'	0'	0	0'	90%
TOD		55'	0'	0'	0'	0'	0	0'	90%
M-F ^{10, 11}	12.0	35'	20'	20'	12'	20'	10,000	75'	75%
M-U ^{8, 10}	12.0	55'	20'	20'	12'	20'	6,000	50'	75%

Notes:

- Minimum lot width is measured at the building setback line.
- Limits of impervious surface on each lot are set to aid aquifer recharge by on-site stormwater filtration.
- Minimum front and side street setbacks are 0 feet for commercial zones in the "downtown district", which is the land abutting State Highway 44 from S. Middleton Road to Hartley Ln.
- The minimum setback for a commercial or industrial use abutting a residential zone shall be 30 feet.
- The minimum front setback for living space may be reduced to 20 feet if the garage setback is at least 25 feet.
- Cornices, canopies, eaves or other similar items that do not increase the enclosed building area shall not project into any required setback more than 2 feet.
Unenclosed exterior stairs shall not project into any required setback more than 3 feet.
Unenclosed covered patios and porches shall not project into any required setback more than 10 feet.
- All structures shall be set back at least 50 feet from section and quarter section lines, unless otherwise approved by the City.
- In a Mixed-Use Zone, the maximum height for a commercial structure is 55 feet, for a multi-family structure is 45 feet, and for a single-family structure is 35 feet.
- See section 5-4-11-2 of this code.
- Single-family dwelling, attached:

Maximum Height:	35'
Setbacks:	
Front:	20'
	10' if alley-loaded
Rear:	15'
	5' if alley-loaded
Interior Side:	12'
Minimum Lot Size:	1,600 SF
Maximum Coverage:	N/a
Minimum Lot Width:	20'

- Minimum 1,000 square feet per dwelling unit.

(Ord. 600, 12-20-2017; amd. Ord. 604, 2-21-2018; Ord. 609, 7-3-2018; Ord. 620, - -2019; Ord. 633, 9-16-2020; Ord. 641, 11-18-2020; Ord. 644, 1-6-2021)

5-4-2: ACCESSORY STRUCTURES:

No building permit is required for any detached structure two hundred (200) square feet and under. A building permit is required for all other accessory structures. All accessory structures must meet the following standards.

MINIMUM REQUIREMENTS FOR ACCESSORY STRUCTURES

	Rear	Interior Side	Side Street	Maximum Size (Sq. Ft.)	Maximum Height
Structures over 200 sq. ft.	Shall comply with requirements in section 5-4-1, table 2 of this chapter				
Structures 200 sq. ft. and under	10'	5'	20'	200 sq. ft.	15'

Notes:

Accessory structures in public utility easements are prohibited.

Accessory structures on permanent foundations in a setback area are prohibited.

Accessory structures shall be set back further from a publicly maintained street than the front or side setback for the primary structure.

Accessory structures shall not exceed 25 percent of the gross square footage of the primary structure or 30 percent of the square footage of the rear yard, whichever is greater.

Accessory structures larger than 200 square feet shall be constructed of materials and colors that match the primary structure.

Any eaves or overhangs of an accessory structure are subject to the same setback requirements as provided herein.

5-4-3: TRAFFIC IMPACT ANALYSIS:

All subdivisions containing more than twenty five (25) equivalent dwelling units shall provide a traffic impact analysis, prepared and stamped by a licensed traffic engineer and submitted with the preliminary plat application. A traffic impact analysis shall be required with an application for any development as deemed necessary on a case by case basis, decided administratively by at least two (2) city officials. An analysis may be waived if traffic impacts are mitigated through provisions identified in a development agreement. The analysis shall be reviewed and approved by the city. Applicant shall pay its pro rata share of improvements recommended by a city approved traffic impact analysis before the city approves the first applied-for permit. (Ord. 568, 12-21-2015; amd. Ord. 609, 7-3-2018; Ord. 620, - -2019; Ord. 633, 9-16-2020; Ord. 638, 10-7-2020)

5-4-4: PRELIMINARY PLAT:

A. Application: In addition to the application requirements in subsection 1-14-2A of this Code, an applicant shall file with the City: a copy of the complete application, fees, one (1) electronic full-size PDF copy, and three full-sized copies of the preliminary plat with data as required in this section, and a title report or commitment for title insurance, including schedule B, indicating the nature of the applicant's ownership of land included in the preliminary plat. The City, at least fifteen (15) calendar days before the initial public meeting, shall mail to landowners within three hundred feet (300') of the external boundaries of the lands to be subdivided a notice that the City received an application, the number of acres and proposed number of residential, non-residential, and total lots, proposed land uses, and the dates and times that the application can be reviewed at City offices. After all City comments are addressed by the applicant, and prior to any public meeting about the plat, the applicant shall submit one (1) electronic full-size PDF copy to the City.

1. Form Of Presentation: The information hereinafter required as part of the preliminary plat submitted shall be shown graphically or by note on plans and may comprise several sheets showing various elements or required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, having not more than one hundred feet to an inch (1" = 100'). Whenever practical, scales shall be adjusted to produce an overall drawing measuring twenty four inches by thirty six inches (24" x 36"), but not exceeding forty two inches by sixty inches (42" x 60').

2. Identification And Descriptive Data: The following existing and proposed information shall be shown on the preliminary plat or submitted separately:

a. Proposed name of subdivision and its location by section, township and range, centered at the top, if possible; reference by dimension and bearing to a section corner, quarter section corner, or recorded monument.

b. The following information constituting the name block shall be listed along the right edge, if possible: subdivision name, revision data, name, address and phone number of property owner(s), subdivider, engineer or surveyor who prepared the plat.

c. If the subdivision is to be developed in phases, phase lines, numbers and development data per phase shall be shown on the plat. If changed during development, the subdivider shall obtain City approval of an amended preliminary plat prior to filing an application for final plat.

d. Scale, north arrow and date of preparation including dates of any subsequent revisions.

e. Vicinity map drawn to a maximum scale of one inch equals one thousand feet (1" = 1,000'), clearly showing proposed subdivision configuration in relationship to adjacent subdivisions, roads, parks, schools, waterways, etc.

f. Topography based on current USGS datum shown on the same map as the proposed subdivision layout. Contour lines shown at two foot (2') intervals, referenced to an established bench mark, including location and elevation.

g. Location of water wells, streams, canals, irrigation laterals, private ditches, drains, washes, lakes or other water features; direction of flow; and the regulatory floodplain and floodway boundaries.

h. Location, widths and names of all existing and proposed: platted roads, easements, alleys and bicycle/pedestrian pathways, arrows indicating direction of slopes, type of surface, curb, gutter and/or sidewalks, connections to adjoining lots, and other important features such as railroads, utility rights-of-way and easements of public record, public areas, and permanent structures such as water wells, septic systems and drainfields.

i. Name of any recorded adjacent subdivision, and owner of land not in a subdivision, having a common boundary with the lot.

j. By note, the existing zoning classification of the lot and adjacent land. If the plat includes land for which multi-family, commercial or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification.

k. By note: the total acreage of the subdivision; the total number of lots, cumulative and by phase; the total number of buildable lots by phase; and the total number of common area lots by phase.

l. The subdivision boundary shall be based on an actual field survey including professional stamp. Boundary problems shall be resolved and nonbuildable remnant parcels are prohibited. Show any public dedications of rights-of-way or easements.

m. Names of all property owners adjacent to the exterior boundary of the proposed subdivision.

n. Location and type of utility systems, such as: stormwater, sewer, water, streetlights, fiber and fire hydrants.

o. Typical lot dimensions to scale; dimensions of all corner lots and lots of curvilinear sections of roads; each lot, block and phase numbered consecutively and individually.

p. Designation of all land to be dedicated for public use with purpose indicated. Designation of all land to be used for a common purpose and designate the purpose, including the intended beneficiary and person or entity responsible to maintain the property.

q. Identify any special development area as defined in section 5-4-13 of this chapter.

r. Applicant is responsible to review comprehensive plan maps (including transportation, schools and recreation maps) and include on the preliminary plat respective transportation, school and recreation improvements. Applicant shall pay its prorata share of any improvements recommended by a City approved traffic impact analysis before the City approves the final plat or final plat of the first phase.

3. Proposed Utility Methods:

a. Sewage Disposal: The subdivider shall furnish the subdivision design flows and any special operation of the sanitary sewage facilities proposed. A preliminary layout and statement as to the type of facilities proposed shall appear on the preliminary plat.

b. Water Supply: The subdivider shall furnish the design, operation, volume and quality of the water supply requested and facilities proposed. A preliminary layout and statement as to the type of facilities proposed shall appear on the preliminary plat.

c. Stormwater Disposal: The subdivider shall furnish the design and operation of the stormwater disposal system. A statement as to the type of facilities proposed and an indication of the area to be used for treatment/disposal shall appear on the preliminary plat. All stormwater is to be managed on site.

d. Irrigation System: A statement describing the proposed irrigation system, point of delivery, and preliminary layout shall appear on the preliminary plat.

B. Compliance: Subdividers shall comply with the neighborhood meeting, application and public hearing provisions as described in title 1, chapter 14 of this Code.

C. Off-Site Road Improvements: All off-site transportation improvements must be completed as part of the first phase of subdivision construction, unless otherwise approved by city council. (Ord. 609, 7-3-2018; Ord. 620, - -2019; Ord. 633, 9-16-2020)

5-4-5: CONSTRUCTION DRAWINGS:

A. Application:

1. An applicant shall file with the City: a copy of a complete construction drawing application, fees, and two (2) paper copies of the construction drawings with data as required in this section. After the City approves the construction drawings, the applicant shall provide three (3) full-size paper copies of the approved construction drawings to the City. The applicant may proceed with the construction of infrastructure.

2. As a condition precedent to the approval of any final plat, the subdivider shall construct City required improvements according to the "Idaho Standards for Public Works Construction" and the Middleton supplement to the "Idaho Standards for Public Works Construction" in effect at the time the final plat application is accepted by the City. (Ord. 609, 7-3-2018)

3. Plans for the improvements herein required shall be prepared by an engineer registered in the State of Idaho and shall be approved by the City prior to filing an application for final plat. (Ord. 588, 3-1-2017; amd. Ord. 609, 7-3-2018)

4. The City may accept an irrevocable letter of credit, cashier's check or other guarantee in the amount of one hundred fifty percent (150%) of the estimated costs to ensure completion of only landscaping and irrigation system improvements in the event that inclement weather precludes the successful installation of landscaping and irrigation.

B. Method And Medium Of Presentation:

1. All drawings to be offered for Council consideration, and recording, shall be prepared according to Idaho Code title 50, chapter 13, and this Code.
2. Copies of the record drawing shall be reproduced in the form of black line prints on a white background.
3. The drawing shall be drawn to an accurate scale having not more than one hundred feet to an inch (1" = 100') unless otherwise approved as to scale.

C. Content Of Construction Drawing:

1. A title which includes the name of the subdivision and its location by number of section, township, range and county.
2. Name, address and official seal of the registered professional land surveyor preparing the drawing.
3. Scale, north arrow and date of the plat preparation.

D. Survey Data Required:

1. Boundaries of the lot to be subdivided fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
2. Any excepted parcel(s) within the drawing boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals. Out parcels are not allowed.
3. Show basis of bearing on the drawing with a minimum of two (2) government corners with all corner perpetuation and filing information.

E. Descriptive Data Required:

1. Name, rights-of-way lines, courses, lengths and widths of all public roads, and bicycle/pedestrian pathways, and utility and utility access easements; all linear curves for road centerlines and property lines shall include the following information:
 - a. Radii.
 - b. Central angle.
 - c. Arc length.
 - d. Long chord, length and bearing.
 - e. Spiral curves should have essentially the same information except for radii and tangent length.
2. All easements of record shall be shown and reference the instrument number.
3. Each lot and block shall be numbered consecutively and individually throughout the drawing.
4. Location, dimensions, bearings, radii, arcs and central angles of all sites to be dedicated to the public will be clearly indicated and the intended use specified.
5. A note indicating that no structures shall be constructed or installed in an easement and that any fences, landscaping or any other structures constructed or installed in an easement may be removed by the City and utility companies, and replaced at the landowner's expense. (Ord. 609, 7-3-2018)

5-4-6: AS-BUILT CONSTRUCTION DRAWINGS:

An applicant shall file with the City a 24 x 36 copy, in PDF format, of the complete as-built construction drawings prior to or simultaneously with submitting an application for a final plat. (Ord. 609, 7-3-2018)

5-4-7: FINAL PLAT:

A. Application:

1. An applicant shall file with the City: a copy of the complete final plat application, fees, and one (1) electronic full-size PDF copy, and three full-sized copies of the final plat with data as required in this section. After all City comments are addressed by the applicant, and prior to any Council consideration of the plat, the applicant shall submit one (1) electronic full-size PDF copy and three full-sized copies to the City.
2. As conditions precedent to accepting a final plat application, the subdivider shall: 1) construct City required improvements according to the "Idaho Standards for Public Works Construction" and the Middleton Supplement to the Idaho Standards for Public Works Construction in effect at the time the application to construct infrastructure is accepted by the City, and 2) the City accepts the completion packet described in the Middleton Supplement. A final walk through to verify infrastructure improvements were constructed to standards may be scheduled after the City accepts the completion packet, but not before.
3. The City may accept an irrevocable letter of credit, cashier's check or other guarantee in the amount of one hundred fifty percent (150%) of the estimated costs to ensure completion of only landscaping and irrigation system improvements in the event that inclement weather precludes the successful installation of landscaping and irrigation.

B. Method And Medium Of Presentation:

1. All plats to be offered for Council consideration, and recording, shall be prepared according to Idaho Code title 50, chapter 13, and this Code.
2. Copies of the record plat shall be reproduced in the form of black line prints on a white background.
3. The plat shall be drawn to an accurate scale having not more than one hundred feet to an inch (1" = 100') unless otherwise approved as to scale.

C. Content Of Final Plat:

1. A title which includes the name of the subdivision and its location by number of section, township, range and county.
2. Name, address and official seal of the registered professional land surveyor preparing the plat.
3. Scale, north arrow and date of the plat preparation.

D. Survey Data Required:

1. Boundaries of the lot to be subdivided fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
2. Any excepted parcel(s) within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals. Out parcels are not allowed.
3. Show basis of bearing on the plat with a minimum of two (2) government corners with all corner perpetuation and filing information.

E. Descriptive Data Required:

1. Name, rights-of-way lines, courses, lengths and widths of all public roads, and bicycle/pedestrian pathways, and utility and utility access easements; all linear curves for road centerlines and property lines shall include the following information:
 - a. Radii.
 - b. Central angle.
 - c. Arc length.
 - d. Long chord, length and bearing.
 - e. Spiral curves should have essentially the same information except for radii and tangent length.
2. All easements of record shall be shown and reference the instrument number.
3. Each lot and block shall be numbered consecutively and individually throughout the plat, and include the size of the lot by square feet shown on the face of the plat, not in a table.
4. Location, dimensions, bearings, radii, arcs and central angles of all sites to be dedicated to the public will be clearly indicated and the intended use specified.

5. A note indicating that no structures shall be constructed or installed in an easement and that any fences, landscaping or any other structures constructed or installed in an easement may be removed by the City and utility companies, and replaced at the landowner's expense.

F. Dedication And Acknowledgment:

1. Dedication: Statement of dedication of all roads, alleys, drainageways, bicycle/pedestrian pathways, and easements for public use by the person holding title of record, and a statement that affirms that all lands and other easements to be dedicated are free and clear of all encumbrances.

2. Acknowledgment Of Dedication: Execution of dedication acknowledged and certified by a notary public.

G. Required Certifications:

1. Certification by the registered professional land surveyor stating on the plat that the plat is correct and accurate, and that the monuments described in it have been located as described.

2. Certification by the City Engineer.

3. Certification by the City.

4. Certification by the County surveyor.

5. Certification by the County Treasurer.

H. Council Action: Upon acceptance of a complete final plat application, the Council shall consider the plat and determine if it meets the requirements of this title, Idaho Code, and substantially conforms to the approved preliminary plat. If so, the Council shall approve said plat.

I. Recording Of Final Plat: The subdivider shall record the City approved final plat. At the time of recording of the final plat, the City is deemed to have accepted the dedications shown. After recording, the subdivider shall deliver to the City one (1) electronic PDF copy and two full sized and two eleven by seventeen (11" x 17"), showing recording information. (Ord. 568, 12-21-2015; amd. Ord. 600, 12-20-2017; Ord. 609, 7-3-2018; Ord. 620, - -2019; Ord. 624, 9 - -2019; Ord. 633, 9-16-2020)

5-4-8: COMBINING PRELIMINARY AND FINAL PLATS:

A. The applicant may request that a subdivision application be processed as both a preliminary and final plat when the proposed subdivision has five (5) or fewer lots and meets the following conditions:

1. No required utility extensions or road improvements are involved.

2. No special development standards are involved.

3. All required information for both preliminary and final plat are complete. (Ord. 609, 7-3-2018)

5-4-9: ADMINISTRATIVE LOT SPLITS AND BOUNDARY LINE ADJUSTMENTS BY RECORD OF SURVEY:

Any person desiring to divide one lot into two (2) buildable lots that conform with this Code, or adjust a property line to establish buildable parcels with boundaries which differ from existing buildable parcels (lot line adjustment), or combine lots to reduce density (i.e., the number of buildable lots is reduced from 2 to 1) may submit an application for an administrative lot split, boundary line adjustment or density reduction.

A. Any lot is eligible for a onetime administrative lot split, provided all other requirements of this Code are met. Any lot is eligible for an administrative boundary line adjustment, provided all other requirements of this Code are met.

B. The application for a boundary line adjustment or density reduction (may be more than 1 time) or a onetime administrative lot split, shall be submitted to the City, along with:

1. The appropriate fee,

2. A copy of the record of survey drawn to the standards set forth herein.

C. After receiving the application, the City shall determine if the application is complete, the property descriptions are correct, and the record of survey is drawn to the required specifications and if each of the parcels shown on the record of survey and property descriptions meet the requirements of this section. The City shall then either: 1) approve the application, or 2) advise the applicant in writing of all respects wherein the application and the record of survey do not comply with this section. The City may withhold approving the application until finding is made that all parcels shown on the record of survey and deeds are buildable parcels.

D. Every application for administrative approval must meet the following conditions:

1. Resultant parcels shall meet the minimum requirements for area, frontage and width for the existing zone.

2. All existing buildings to remain shall meet all applicable zoning requirements regarding allowed uses and parking, and shall comply with the setback requirements of the existing zone as measured from any parcel boundary being created by this process.

a. Any setback that was legally nonconforming prior to the division remains as a legal nonconforming setback, provided the legal nonconforming setback is not altered by the application.

b. Any building not meeting the required setback that is to be partially or completely demolished shall be demolished prior to the approval of the application.

3. The relocation of the lot lines, or creation of the new lots, will not change or move any roads, easements, or areas dedicated to the public.

4. The application will not require dedication of public right- of-way, road or City utility improvements.

5. A record of survey is necessary to allow construction over platted lot lines of multiple whole lots.

If platted or recorded easements exist within any lot, the easements must be vacated prior to any construction within the easement area.

E. The record of survey shall conform to Idaho Code, title 55, chapter 19 and contain the following information:

1. Correct road names.

2. All recorded easements.

3. All existing lot lines of record.

4. Adjusted or new lot lines matching the new deeds.

5. The area in square feet of each lot shown on the record of survey.

6. A depiction of all existing structures, labeled with existing use, with either: a) the distances from the structure to any lot line shown on the record of survey, or b) a note that the structures are to be removed at the time of remodeling or new construction.

7. Any other information required by the application. (Ord. 609, 7-3-2018; amd. Ord. 641, 11-18-2020)

5-4-10: DESIGN AND DEVELOPMENT STANDARDS:

5-4-10-1: GENERAL:

A. Specifications Adopted: The City of Middleton hereby adopts specifications and details of the most current edition of the "Idaho Standards for Public Works Construction" as standards for construction within the impact area and City limits. These standards are augmented by general addenda, approved by resolution of the Council as necessary, to ensure uniform material selection and construction practice for those items specific to the City of Middleton. (Ord. 568, 12-21-2015; amd. Ord. 609, 7-3-2018)

5-4-10-2: ROADS:

A. Road Design Requirements: Roads, including collectors as designated by the City of Middleton, shall be designed incorporating the principles of balanced blocks, curvilinear layout, City approved access points, minimization of cul-de-sacs, and connectivity throughout the development and to adjacent properties.

B. Frontage Roads: Where a subdivision/development abuts or contains an existing or proposed arterial road, railroad or limited access highway, the City may require frontage roads, or such other treatment for the appropriate use of the lot.

C. Half Road Dedication:

1. Half road dedications shall be discouraged; provided, however, the City may accept a partial road dedication when such road forms the boundary of the proposed subdivision

and is deemed to be necessary for the orderly development of the neighborhood, and provided the City finds it will be appropriate to require the dedication of the remainder of the right-of-way when the adjoining property is developed. When a partial road exists adjoining a proposed subdivision, the required right-of-way shall be dedicated and the half road shall be treated in the same manner as a full road.

2. Whenever there is an existing half road right-of-way adjacent to a lot to be subdivided, the developer shall be required to improve, as a minimum, a half road section plus twelve feet (12').

D. Rights-Of-Way Width:

1. Road right-of-way width is to be measured from property line to property line (total road right-of-way) and property line to centerline (half road right-of-way). The minimum rights-of-way for the following roads shall be:

Arterials And Collectors	Half Road Right-Of-Way	Total Road Right-Of-Way
Arterials And Collectors	Half Road Right-Of-Way	Total Road Right-Of-Way
Blessinger Road	50 feet	100 feet
Can-Ada Road	50 feet	100 feet
Canyon Lane	50 feet	100 feet
Cemetery Road	50 feet	100 feet
Concord Street	50 feet	100 feet
Cornell Street	50 feet	100 feet
Douglas Avenue	50 feet	100 feet
Duff Lane	50 feet	100 feet
El Paso Road	50 feet	100 feet
Ember Road	50 feet	100 feet
Emmett Road	50 feet	100 feet
Freezeout Road	50 feet	100 feet
Hall Avenue	50 feet	100 feet
Hartley Lane	50 feet	100 feet
Kingsbury Road	50 feet	100 feet
Landruff Lane	50 feet	100 feet
Lansing Lane	50 feet	100 feet
Lee Avenue	50 feet	100 feet
Meadow Park Street	50 feet	100 feet
Middleton Road	50 feet	100 feet
Peel Street	50 feet	100 feet
Purple Sage Road	50 feet	100 feet
River Street	50 feet	100 feet
Willis Road	50 feet	100 feet
Wood Avenue	50 feet	100 feet
9th Street	50 feet	100 feet

Additional right-of-way may be required, especially at intersections or waterway crossings, as determined by the City.

2. All other roads in the City are considered local roads and shall have a half road width of twenty five feet (25') and a total right-of-way width of fifty feet (50') or as determined by the City, provided that a ten foot (10') permanent utility easement is given along each side of the right-of-way line. Roads with fifty foot (50') rights-of-way shall have a right-of-way allowance for a minimum of twenty foot (20') curb radii and pedestrian ramps at the intersections.

E. Cul-De-Sac Roads: Cul-de-sac roads shall terminate in a circular turnaround with a right-of-way radius of at least fifty feet (50'). The City may approve an equally convenient form of turning space where extreme conditions justify. The maximum length shall be six hundred feet (600') from the entrance to the center of a turnaround.

F. Dead End Roads: Dead end roads will not be approved except in locations designated by the City as necessary to future extensions in development of adjacent lands. In any case, a dead end road serving more than four (4) lots shall provide by easement a temporary turning circle with a fifty foot (50') radius or other acceptable design to accomplish adequate access. Turnaround to be improved with an all weather surface meeting the requirements of the International Fire Code.

G. Loop Roads: Loop roads shall be limited to a maximum length of three thousand two hundred feet (3,200') measured along the centerline of the road from the centerline intersection to centerline intersection.

H. Road Intersections And Alignments:

- Roads shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°).
- Where any road deflects at an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector roads and one hundred twenty five feet (125') for local roads.
- Minimum spacing between centerline of roads on the same side of a roadway shall be two hundred fifty feet (250'). Minimum spacing between centerline of roads on the opposite side of a roadway shall be one hundred twenty five feet (125').
- A tangent at least one hundred fifty feet to two hundred feet (150' - 200') long shall be provided between reverse curves on arterial and collector roads.
- Road intersections with more than four (4) legs and Y-type intersections where legs meet at acute angles shall be avoided.
- Access for any use along section and quarter section line roads shall be limited by the City to maximize traffic efficiency and may be limited to one access per one thousand three hundred twenty feet (1,320').
- Road Grades And Widths: Road grades shall not exceed six percent (6%) nor less than four-tenths of one percent (0.4%) on local and collector roads. The grades for all other roads shall be as approved based on individual conditions and safe engineering practices. Minimum road width for a local road shall be thirty eight feet (38'), back to back of curbs. All other road width shall be determined by traffic use and volume.
- Road Names: The naming of roads shall conform to the following:
 - Road names shall not duplicate any existing road name except where a new road is a continuation of an existing road; road names that may be spelled differently but sound the same as existing roads are prohibited.
 - All new roads shall be named as follows: roads having a predominantly north-south direction shall be avenues; roads having a predominantly east-west direction shall be streets; and cul-de-sacs shall be courts.
 - Road-name direction references shall be based on the historic center of town: Hawthorne Ave. intersection with Main Street (aka State Highway 44):
 - Streets continuous on both sides of Hawthorne Ave. shall have a "W" prefix for the portion west of Hawthorne Ave. and an "E" prefix for the portion east side of Hawthorne Ave.; and

- b. Avenues continuous on both sides of Main Street shall have a "N" prefix if on the north side of Main Street and a "S" prefix if on the south side of Main Street.

K. Maximum Traffic On One Access For Local Or Collector Roads: Where a proposed development has only one access to a public road, or where it proposes to extend public roads from existing development with only one local or collector road access to the public road system, the equivalent dwelling units to be allowed on the local road access is fifty (50).

L. Location Of Irrigation Lines: All irrigation and drainage structures and lines, except piping for stormwater management shall be located and/or relocated out of the road right-of-way.

(Ord. 588, 3-1-2017; amd. Ord. 600, 12-20-2017; Ord. 609, 7-3-2018; Ord. 620, - -2019; Ord. 624, 9- -2019)

5-4-10-3: BLOCK REQUIREMENTS:

A. Block Lengths And Design:

1. Block lengths shall not exceed one thousand one hundred feet (1,100') as measured along the road centerline from centerline intersection to centerline intersection.
2. Interior block design shall provide for two (2) tiers of lots, unless otherwise approved.

B. Pathways: Right-of-way widths for pathways of ten feet (10') or greater may be required by the City where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. (Ord. 568, 12-21-2015; amd. Ord. 609, 7-3-2018)

5-4-10-4: LOT REQUIREMENTS:

A. Lot Design: The lot size, width, depth, shape and orientation and minimum setback lines shall comply with the minimum requirements of the zoning regulations of the City as shown in section 5-4-1, Table 2 of this chapter. Lot lines shall be at right angles from the front, side and back property lines, unless otherwise approved as part of a preliminary plat.

B. Buffers: Lots along the roads identified in subsection 5-4-10-2D of this chapter shall conform to the traffic buffer requirements (see section 5-4-10-6 of this chapter).

C. Lot Access: All lots shall front on paved public roads, and no lots shall have direct access to collectors, boulevards, or arterials, unless otherwise approved by the City.

D. Flag Lots: Flag lots are prohibited unless allowed by the city as part of a preliminary plat. When a flag lot is allowed, the minimum lot frontage to a public road shall be twenty feet (20'), and the minimum lot width and setbacks are measured from where the lot widens for a building.

(Ord. 588, 3-1-2017; amd. Ord. 600, 12-20-2017; Ord. 609, 7-3-2018; Ord. 620, - -2019)

5-4-10-5: EASEMENTS:

A. A general utility and access easement of not less than ten feet (10') in width shall be dedicated along all front lot lines.

B. Where alleys are not provided, easements of not less than ten feet (10') in width shall be dedicated on each side of all rear lot lines and five feet (5') on each side of side lot lines where necessary for proper utility maintenance or construction.

C. Easements for pathways shall be a minimum of fifteen feet (15') in width. (Ord. 568, 12-21-2015; amd. Ord. 609, 7-3-2018)

5-4-10-6: TRAFFIC BUFFER REQUIREMENTS:

The purpose of a traffic buffer is to reduce the visual impact of collector and arterial roadways on a residential area. A combination of the following shall be used: a) solid fence or wall; b) berm; and c) landscaping.

A. Buffer Dimensions: Traffic buffers shall be accomplished by a combination of berm (varying height: minimum 3 feet, maximum 5 feet; 2.5:1 side slopes) and fence (varying height) to a total height of not less than nine feet (9') or greater than eleven feet (11') in a twenty four foot (24') (minimum) easement dedicated for traffic buffer area. Traffic buffers shall be harmonious with adjacent screening techniques, materials, and colors.

B. Landscape Design: For each portion of three hundred thirty feet (330') along right-of-way, breaks featuring landscaped cutouts (200 square feet) may be employed to alter linear visual effects.

C. Vehicular Access: Unless Council grants a waiver, no vehicular gate or access shall be permitted onto a collector or arterial road from the side or rear yard of a lot.

D. Rear Setbacks: Rear setbacks on lots backing up to a traffic buffer may be reduced to fifteen feet (15'). (Ord. 588, 3-1-2017; amd. Ord. 609, 7-3-2018)

5-4-10-7: LANDSCAPE BUFFERS:

A. Commercial use zones shall contain a minimum eight foot (8') high perimeter landscaped berm, or landscaped berm and fence, buffer between it and a residential use or zone.

B. Industrial use zones shall contain a minimum fifteen foot (15') high perimeter landscaped berm buffer between it and a residential use or zone. (Ord. 588, 3-1-2017; amd. Ord. 609, 7-3-2018)

5-4-10-8: PATHWAYS AND PARKS:

A. Pathways:

1. Pathways are required as indicated on the Middleton Comprehensive Plan Transportation, Schools and Recreation map. Pathways that are not along a road shall be on a twenty foot (20') wide lot or easement, dedicated to the City, and shall be constructed of asphalt, ten feet (10') wide and centered on the lot.

2. In addition to the pathways identified on the Middleton Comprehensive Plan Transportation, Schools and Recreation map, developers shall plan for and construct sidewalks and pathways designed to connect neighborhoods with schools, parks and downtown.

B. Parks: Parks locations are required as indicated on the Middleton Comprehensive Plan Transportation, Schools and Recreation map so there is approximately one-half mile walking distance from each residence in the City, shall be at least eight (8) acres in size, improved with pressurized irrigation and sod, and dedicated to the City for future maintenance.

(Ord. 588, 3-1-2017; amd. Ord. 609, 7-3-2018; Ord. 620, - -2019)

5-4-10-9: STORMWATER MANAGEMENT:

A stormwater management plan shall be prepared addressing both construction and postconstruction control of stormwater. The introductory comments, general stormwater requirements, control method requirements, stormwater Best Management Practices and plans to improve stormwater quality shall be detailed.

A. When possible, retention and detention facilities should be designed as open surface facilities for multiuse. (Ord. 568, 12-21-2015; amd. Ord. 609, 7-3-2018)

B. A plan for operation, maintenance, repair and replacement of the facility shall be prepared and submitted to the City for approval. Grease and sediment traps and catch basin inserts shall not be used alone to treat stormwater runoff, but rather in combination with other BMPs to improve water quality. For grease and sediment traps, sand filters and other maintenance intensive facilities, a life cycle cost, including cost of replacement, shall be submitted and will be considered by the City as a part of the process of deciding on acceptance or nonacceptance of that option. Generally, for facilities requiring City maintenance, an option with least postconstruction life cycle cost is preferred by the City. (Ord. 600, 12-20-2017; amd. Ord. 609, 7-3-2018)

C. Retention facilities which incorporate absorption trenches and subsurface infiltration elements for stormwater management shall conform to Idaho Code title 42, chapter 39, and to the Idaho Department of Water Resources Rules for Waste Disposal and Injection Wells.

D. Preconstruction erosion and sedimentation control methods must be installed or otherwise in effect prior to any site disturbance. (Ord. 568, 12-21-2015; amd. Ord. 609, 7-3-2018)

5-4-10-10: OPEN SPACE:

A. For developments that do not include parks as shown on the Middleton Connects Master Plan, developers shall include five percent (5%) irrigated and landscaped open space in a concentrated location(s), agreed to with the City, that is aesthetically pleasing and sufficiently large to accommodate group and/or recreational activities. (Ord. 609, 7-3-2018)

5-4-11: REQUIRED ROAD AND UTILITY IMPROVEMENT REQUIREMENTS:

5-4-11-1: GENERAL:

A. Responsibility Of Subdivider/Developer:

1. Construction and installation of all improvements such as roads, curb, gutter, bioswales, sidewalks, pathways, alleys, irrigation, water and sewer utilities, easements and other facilities intended to be conveyed to the City for future maintenance shall be constructed by the subdivider/developer according to the Idaho Standards for Public Works Construction and City supplemental standards.

2. All roads and utilities shall be constructed to and through.

B. Irrigation Supply And Distribution Systems: Prior to the time of recording the final plat, the subdivider shall file with the City evidence that the irrigation water appurtenant to the land within the plat to be recorded has had an adequate system designed and assurance of the necessary improvements provided, including, but not limited to, the following:

1. Copies of the plans of the proposed distribution system for the lots and areas to be served in the proposed development. Said distribution system must be a closed system.
2. All irrigation shall be moved outside the right-of-way (see section 5-4-10-2 of this chapter), and existing irrigation shall be relocated outside the right-of-way.

C. Approach Permits: Prior to the construction, modification or repair of any access or driveway onto City right-of-way, the owner shall apply for permission to construct said approach and pay the appropriate fee established by the City Council. All applications for permits must be made in writing upon the proper forms prepared by the City, and signed by the owner or his authorized agent, and when it is required by the City, the application shall be accompanied by a plan showing the entire approach which is to be constructed and such other information as may be required for the proper direction of the work. (Ord. 609, 7-3-2018)

5-4-11-2: REQUIRED IMPROVEMENTS:

A. Minimum Improvements: The owner or subdivider shall construct the following improvements for the subdivision/development according to the Middleton Comprehensive Plan Transportation, Schools and Recreation map, Idaho Standards for Public Works Construction, (ISPMC) and the Middleton supplement to the ISPMC.

Subdivisions in an R-1 Zone: Local roadway curb, gutter and sidewalks are not required. Local roadway public roads may be narrowed, and no parking on the public roads. Right-of-way may be narrowed if there are not sidewalks. A three-car garage and lighting the entire front of house are required on each residential lot. Reminder, this code prohibits large farm animals on any lot less than one-half (1/2) acre in size.

Subdivisions in an R-2 and R-3 Zone: Local roadway curb, gutter and sidewalks are not required, if all residential lots are at least one-half (1/2) acre in size. Local roadway right-of-way may be narrowed if there are not sidewalks. A three-car garage and lighting the entire front of house are required on each residential lot. Reminder, this code prohibits large farm animals on any lot less than one-half (1/2) acre in size.

Subdivisions in an R-3 Zone: Curb, gutter, sidewalks, and streetlights are required. A two-car or three-car garage is required on each residential lot.

1. Roads, Curbs And Gutters: Roads and portions of roads constructed to finished grade with approved centerline monuments to be set to the road surface by a registered professional land surveyor; improved with asphalt plant mix and combination of concrete curb and gutter, or alternate road section as approved by the City. Roads, rights-of-way and associated improvements shall be extended to the property boundary providing connectivity and orderly growth as directed by the City.
2. Sidewalks, Pathways, Bicycle Lanes, and Greenbelt: Five-foot (5') wide concrete sidewalks abutting the curb on both sides of the road, unless otherwise approved by the City; eight-foot (8') wide asphalt detached pathways on both sides of the road, unless otherwise approved by the City; and six-foot (6') wide bicycle lanes on both sides of the road, unless otherwise approved by the City; and twelve-foot (12') wide asphalt pathway, centered on a minimum twenty foot (20') wide lot or easement, dedicated to the city, in the greenbelt.
3. Stormwater Disposal: The management of stormwater shall conform with the City stormwater management policy (section 5-4-10-9 of this chapter).
4. Utilities: The extension of utilities, including power distribution lines, shall be underground and at the developer's expense, and shall have the capacity and placement necessary to serve land located beyond the project site. Developer is responsible for construction of utilities to and through Developer's project site as determined by the City.
5. Sanitary Sewer System: Connection to City sewer is required. Approval of the subdivision shall be based on treatment capabilities, such as density requirements, the need for entirely new systems and other treatment possibilities that are in harmony with officially recognized practices of the City.
6. Domestic Water System:
 - a. Connection to City water is required. Water hookups shall be allowed only within the City limits unless approved by the Council upon recommendation of the City Engineer.
 - b. If the City requires a larger water main to accommodate future development than the size of line required by the City for the subdivision/development, the developer shall install the larger line size required by the City.
 - c. Four inch (4") blowoffs for water lines shall be required at the terminus of all dead end main lines unless a standard fire hydrant is available at the terminus.
7. Monuments: Monuments shall be set in accordance with Idaho Code section 50-1303. For each subdivision phase or development, any portion of which is located within a regulated floodplain, one elevation monument setting forth the elevation and datum shall be located within a monument box, as well as identified on the record drawings. The location of the monument shall be approved by the City Engineer.
8. Fire Hydrants: Fire hydrants shall be installed by the subdivider in locations specified by the City, every six hundred feet (600'), or as determined by the Fire Code and the Middleton Rural Fire District.
9. Road Name Signs: Road name signs shall be installed in the appropriate locations at each road intersection. Cost of road signs shall be the responsibility of the developer and the signs shall be installed to City specifications.
10. Streetlights: Streetlights shall be required to be installed by the subdivider/developer at the intersections, cul-de-sacs, at approximately every four hundred feet (400'), and where the City deems necessary throughout the subdivision/development. All costs to install streetlights and poles shall be borne by the developer.
11. Service Connections: All service connections for sanitary sewer and domestic water shall be installed to the property line before placing base gravel for the road.
12. Irrigation Improvements: A pressure irrigation system shall be provided. All irrigation structures, lines and drain lines except mains used for stormwater management shall be located or relocated out of the road right-of-way. City water may not be used for irrigation supply unless specifically approved by the City.
13. Perimeter Fence: Developers of residential subdivisions shall install a six-foot (6') fence along the perimeter of each phase of the subdivision by the time the City signs the final plat for that phase.
14. Monument Signs at Entrances: Obtain a sign permit from the City and construct a monument-type sign at subdivision entrances from public roads.
15. On Site And Off Site Improvements: On-site and off-site improvements of any of the above are required where it is deemed necessary to properly serve the proposed development or protect the integrity of the usefulness of existing off-site improvements or utilities.

B. Inspections:

1. Appropriate agencies, departments, the City and/or others shall inspect or cause to be inspected improvements such as buildings, public utilities and infrastructure, in the course of construction, installation or repair. Excavations shall not be covered or backfilled until such installations have been inspected. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued by the City to the responsible person.
2. The owner and/or subdivider shall retain a full time licensed professional engineer or licensed construction manager who shall supervise the construction inspection, certify that all improvements were constructed in accordance with the approved improvement drawings and City standards and furnish the City two (2) hard copies and one electronic PDF copy of the certified as built improvement drawings and construction logs complete with ties to all water valves and service connections.
3. The City shall be notified when construction begins on any of the improvements listed and prior to performing utility line pressure tests. Any improvements deemed unsatisfactory by the City Engineer shall be corrected at the subdivider's expense.

(Ord. 609, 7-3-2018; amd. Ord. 620, -2019; Ord. 633, 9-16-2020)

5-4-12: PLAT RECORDING, BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY:

Construction of all required improvements for the subdivision or phase of development shall be completed and accepted by the City prior to the issuance of a certificate of occupancy within the subdivision or phase. The owner/subdivider shall guarantee all improvements within the public right-of-way and any other public dedication for a one year period following the date of final inspection and acceptance by the City. Any defects, repairs or maintenance during the one year guarantee period due to faulty workmanship or materials shall be corrected at the expense of the owner/subdivider. (Ord. 609, 7-3-2018)

5-4-13: SPECIAL DEVELOPMENTS:

5-4-13-1: HILLSIDES:

A. Appearance And Preservation: In order to preserve, enhance and promote the existing and future appearance and resources of hillsides, maximum retention of natural topographic features and qualities of the following shall be considered in subdivision review processes:

1. Skyline and ridge tops.
2. Rolling grassy landforms, including knolls, ridges and meadows.
3. Tree and shrub masses, grass, wildflowers and topsoil.
4. Rock outcroppings.

5. Streambeds, draws and drainage swales, especially where tree and plant formations occur.

6. Characteristic vistas and scenic panoramas.

B. Hillside Development Evaluation:

1. All hillside development proposals shall take into account current application of desirable land use planning, soil mechanics, engineering geology, hydrology, civil engineering, environmental and civic design, architecture and landscape architecture. Such current application includes, but is not limited to:

- a. Planning of development to fit the topography, soils, geology, hydrology and other conditions existing on the proposed site.
- b. Orienting development to the site so that grading and other site preparation is kept to a minimum.
- c. Shaping of essential grading to complement the natural landforms and to minimize padding and terracing of building sites.
- d. Division of large lots into smaller workable units on which construction can be completed within one construction season so that large acreages are not left bare and exposed during the winter/spring runoff period.
- e. Completion of paving as rapidly as possible after grading.
- f. Allocation of areas not well suited for development because of soil, geology or hydrology limitations for open space and recreation uses.
- g. Minimizing disruption of existing plant and animal life.
- h. Consideration of the view from and of the hills.

2. Areas having soil, geology or hydrology hazards shall not be developed unless it is shown that their limitations can be overcome; that hazard to life or property will not exist; that the safety, use or stability of a public way or drainage channel is not jeopardized; and that the natural environment is not subjected to undue impact.

C. Required Data: The developer shall retain professional expertise to obtain the following information when requested by the commission, and all of the following reports shall identify the specified area of building location:

1. Soil Reports: For any proposed hillside development a soil report shall be submitted with the preliminary plat. The report shall include data regarding the nature, distribution and strength of existing soil, conclusions and recommendations for grading procedures, design criteria for corrective measures and opinions and recommendations covering the adequacy of sites to be developed.

2. Geology Report: For any proposed hillside development, a geology report shall be submitted with the preliminary plat. This report shall include an adequate description of site geology and an evaluation of the relationship between the proposed development and the underlying geology and recommendations for remedial actions.

3. Hydrology Report:

a. For any proposed hillside development, a hydrology report shall be submitted with the preliminary plat. This report shall include an adequate description of the hydrology, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed.

b. Flood frequency information shall be provided for the area proposed for development.

D. Grading Plan:

1. A preliminary grading plan shall be submitted with each hillside preliminary plat proposal and shall include the following information:

- a. Approximate limiting dimensions, elevations or finish contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels and related construction.
- b. Preliminary plans and approximate locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed.
- c. A description of methods to be employed in disposing of soil and other material that are removed from the grading site, including the location of the disposal site.

2. A final grading plat shall be submitted with each final plat and shall include the following information:

- a. Limiting dimensions, elevations or finish contours to be achieved by the grading, including all proposed cut and fill slopes and proposed drainage channels and related construction.
- b. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed.
- c. A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage together with estimated starting and completion dates. In no event shall the existing ("natural") vegetative ground cover be destroyed, removed or disturbed more than fifteen (15) days prior to grading.

E. Development Standards:

1. Roadways:

- a. Road alignments should follow natural terrain and no unnecessary cuts or fills shall be allowed.
- b. One-way roads shall be permitted and encouraged where appropriate for the terrain and when public safety would not be jeopardized.
- c. The width of the graded section shall extend three feet (3') beyond the curb back or edge of pavement on both the cut and fill sides of the roadway. If sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus one foot (1').
- d. Standard concrete curb and gutter may be installed along both sides of paved roadways.

2. Driveways And Parking: Combinations of collective private driveways, cluster parking areas and on street parallel parking ways shall be used to attempt to optimize the objectives of minimum soil disturbance, minimum impervious cover, excellence of design and aesthetic sensitivity.

F. Vegetation And Revegetation:

1. The subdivider shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and the method of disposal, the vegetation to be planted and slope stabilization measures to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effects it may have on slope stability, soil erosion, water quality and fish and wildlife.

2. Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with perennial vegetative cover after all construction is completed. Efforts shall be made to plant those species that tend to recover from fire damage and do not contribute to a rapid rate of fire spread.

3. The subdivider shall be fully responsible for any destruction of native vegetation proposed and approved for retention. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion is filed. The subdivider shall be responsible for replacing such destroyed vegetation in kind or its equivalent.

G. Maintenance: The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved or a building permit granted under the provisions of this title shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means, and other protective devices, plantings and ground cover installed or completed.

H. Utilities: All new service utilities shall be placed underground. (Ord. 568, 12-21-2015; amd. Ord. 609, 7-3-2018)

5-4-13-2: SUBDIVISION WITHIN FLOODPLAIN:

A. Flood Areas:

1. For any proposed subdivision that is located within a floodplain, the subdivider shall provide the commission with a development plan of adequate scale and supporting documentation that will show and explain at least the following:

- a. Location of all planned improvements.
- b. The location of floodways and base flood elevation cross section lines in the floodway fringe in accordance with sound engineering practices.
- c. The location of the present water channel.
- d. Any planned rerouting of waterways.
- e. All major drainageways.
- f. Areas of frequent flooding.
- g. Means of floodproofing buildings.
- h. Means of insuring loans for improvements within the floodplain.
- i. Provide permanent elevation bench marks.

2. To give additional guidance in approving any proposed subdivisions within a floodplain, the City shall review proposed developments considering that new construction and substantial improvements of residential structures within the floodplain shall have the finish floor elevation of the lowest floor, including basement and crawl space, elevated to a minimum of one foot (1') above the base flood elevation; and, for new construction or substantial improvements of nonresidential structures, the finish floor elevation of the lowest floor, including basement and crawl space, elevated to a minimum of two feet (2') above the base flood elevation, or, together with attendant utility and sanitary facilities, shall be floodproofed to a point two feet (2') above the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water.

B. Justification For Development: Upon determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will alter the flow of water, the subdivider shall demonstrate conclusively that such development will not present a hazard to life or limb, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel and not have an adverse impact on the natural environment.

C. Appropriateness Of Subdivision:

1. In determining the appropriateness of subdivision for land located within a floodplain, the commission and City shall consider the objectives of this title, and at least the following:

- a. The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads and intended uses.
- b. The danger that intended uses may be swept onto other lands or downstream to the injury of others.
- c. The adequacy of proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions.
- d. The susceptibility of the proposed facility and its contents to flood damages and the effect of such damage on the individual owner.
- e. The importance of the services provided by the proposed facility to the community.
- f. The requirements of the subdivision for a waterfront location.
- g. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses.
- h. The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed subdivision to the comprehensive plan and any floodplain management program for the area.
- j. The safety of access to the property for emergency vehicles in times of flood.
- k. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
- l. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and roads and bridges.

2. No subdivision or part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights or damages. If only part of a proposed subdivision can be safely developed, development shall be limited to that part and the Council shall require development to proceed consistent with the determination.

D. Floodproofing Plans: Floodproofing plans must be individually approved by the City upon recommendation from the commission before such uses are constructed. Floodproofing may include, but not be limited to, the following:

1. Anchorage to resist flotation and lateral movement.
2. Installation of watertight doors, bulkheads and shutters or similar methods of closure.
3. Reinforcement of walls to resist water pressure.
4. Use of paints, membranes or mortars to reduce seepage of water through walls.
5. Addition of mass or weight to structures to resist flotation.
6. Installation of pumps to lower water levels in structures.
7. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
8. Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.
9. Building design and construction to resist rupture or collapse caused by water pressure or floating debris, including, but not limited to, the provision of engineered flood openings.
10. Installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and stormwaters into buildings or structures.
11. Location and installation of all electrical equipment, circuits and electrical appliances so that they are protected from inundation by the regulatory flood.
12. Location of storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare at elevations above the height associated with the regulatory protection elevation; or design of such facilities to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters. (Ord. 568, 12-21-2015; amd. Ord. 609, 7-3-2018)

5-4-13-3: RECREATIONAL VEHICLE PARKS:

A. Zoning: Recreational vehicle parks are allowed in the zones shown in section 5-4-1, table 1 of this chapter.

B. Application For Permit: To obtain a permit for construction of a recreational vehicle park, the applicant shall:

1. Submit an application with three (3) sets of plans and specifications to the City for review by the building official and other departments to check compliance with applicable laws or ordinances. If a special use permit is required, the application will be accompanied by a nonrefundable fee to be established by resolution of the City Council and the matter scheduled before the Planning and Zoning Commission for public hearing.

2. The material submitted shall include a plot plan and building plans and specifications for all buildings, improvements and facilities, such as electrical, plumbing, gas and sewerage system to be constructed within the park. If the building official is satisfied that the proposal, as submitted, or subject to corrections, meets the requirements as set forth in this chapter, he shall then issue the permit to the applicant based upon the true valuation of construction.

3. A permit issued under the provisions of this chapter may be revoked or suspended whenever the permit is issued on the basis of incorrect information supplied or in violation of any ordinance or regulation or any of the provisions of this chapter. Said suspension or revocation shall be in writing and the permit may be reinstated upon correction of the problem within an established period of time.

C. Development Standards: The following minimum standards shall apply to the development of a recreational vehicle park:

1. Landscaping And Screening: The park boundaries shall be reasonably screened whether by barriers of ornamental fences, walls, trees, shrubs, or open spaces, to assure

reasonable integration with adjoining land usages and to assure health, safety and quiet enjoyment of the area.

2. Play Areas: Recreation and children's play area shall be provided in a ratio of two hundred (200) square feet per space and consist of a well-kept lawn with shade trees.
3. Occupant Improvements: Any space occupant shall not be permitted to erect, install or place any structure or facility upon the space.
4. Waste Disposal: Waste disposal facilities for recreational vehicles shall be provided in an isolated, screened service area in a manner and method acceptable to the building official and/or Health Officer.
5. Access: All spaces shall abut upon a roadway not less than thirty feet (30') in width which shall have unobstructed access to a public road or highway. Dead end roadways shall provide adequate vehicle turning space or a cul-de-sac with not less than a forty-foot (40') radius, exclusive of parking. Roads to service areas shall be not less than twenty feet (20') wide.
6. Utilities: All utilities shall be underground.
7. RV Spaces: Minimum requirements for each RV space:
 - a. Dimensions: Twenty-five feet (25') wide and fifty feet (50') long.
 - b. Parking Area: One off street, paved parking area not less than nine feet by twenty feet (9' x 20') or, in lieu of off-street parking, a thirty four foot (34') paved roadway.
 - c. Minimum Yards: Front, ten feet (10'); side and rear, five feet (5').
 - d. Patio: Masonry or concrete patio one hundred (100) square feet.
 - e. Hydrant: One frost proof exterior culinary water supply hydrant.
8. Central Facilities:
 - a. Laundry facilities shall be provided.
 - b. Connection to City water is required and not less than one water outlet for each recreational vehicle. There shall be no common drinking vessel. An abundant supply of hot water for bathing, washing and laundry facilities is to be provided at all times.
 - c. Flush toilets in conveniently located buildings, well lighted, ventilated with screened openings and constructed of moisture proof materials permitting satisfactory cleaning. Floors of concrete or similar material, slightly pitched to floor drain.
9. Each RV space is equal to one-half (1/2) an equivalent dwelling unit. City fees and other assessments will be based on this standard.

D. Fees and Charges.

Utility - Water and Wastewater Charges

Parks Impact Fees

Transportation Impact Fees

Rending and Future Impact Fees

1. Water rates: All sites that receive the benefit of the city's municipal water system shall pay the water user rate and water base rate per equivalent dwelling unit. See also Middleton City Code 7-1-5.
2. Sanitary sewer rates: All sites that receive the benefit of the city's municipal sanitary sewer system shall pay the wastewater user rate and wastewater base rate per equivalent dwelling unit. See also Middleton City Code 7-2-5.
3. The water and wastewater rates shall be paid for all on-site spaces per month.
4. Transportation impact fees will be imposed in accordance with a city-approved traffic impact analysis.
5. All other development impact fees and charges will be imposed per equivalent dwelling unit, fee assessment per area or other determinations. (Ord. 568, 12-21-2015; amd. Ord. 609, 7-3-2018; Ord. 620, - -2019; Ord. 638, 10-7-2020)

5-4-14: CROSS CONNECTIONS, WATER SUPPLY:

5-4-14-1: CROSS CONNECTIONS:

No water service connection to any premises shall be installed or continued in use unless the water supply is protected by backflow prevention devices as may be required by this section 5-4-14. The installation or maintenance of a cross connection which will endanger the water quality of the potable water supply of the City shall be unlawful and is prohibited. Any such cross connection now existing or hereafter installed is hereby declared to be a public nuisance and the same shall be abated. The control or elimination of cross connections shall be in accordance with this section 5-4-14 together with the latest editions of appropriate manuals of standard practice pertaining to the cross connections control approved by the State of Idaho. (Ord. 554, 3-18-2015; amd. Ord. 609, 7-3-2018)

5-4-14-2: USE OF BACKFLOW PREVENTION DEVICES:

A. Premises Requiring Devices: Backflow prevention devices shall be installed at the ties on the premises, or the materials used in connecting with service connection, or within any premises, where, in the judgment of the City and/or Health Officer, the nature and extent of the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health and/or be deleterious to the quality of the water should a cross connection occur; even though such cross connection does exist at the time, the backflow prevention devices shall be installed, under circumstances including, but not limited to, the following:

1. Premises having an auxiliary water supply.
2. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
3. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross connections do not exist.
4. Premises having a repeated history of cross connections being established or reestablished.
5. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
6. Premises where materials of a toxic or hazardous nature are handled in such a way that, if back siphonage should occur, a serious health hazard might result.
7. The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the public water supply. A backflow prevention device shall be installed at these facilities:
 - a. Hospitals, mortuaries, clinics.
 - b. Laboratories.
 - c. Metal plating industries.
 - d. Sewage treatment plants.
 - e. Food or beverage processing plants.
 - f. Chemical plants using a water process.
 - g. Petroleum processing or storage plants.
 - h. Radioactive material processing plants or nuclear reactors.
 - i. Others specified by the State of Idaho.
8. Other premises, as specified by the City, where backflow prevention devices are required to protect the public water supply.

B. Criteria To Determine Type: The type of protective device required shall depend on the degree of hazard which exists.

1. An air gap separation or reduced pressure principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a health or system hazard.

2. In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air gap separation, or a reduced pressure principle backflow prevention device shall be installed.

C. Location: Backflow prevention devices required by this section 5-4-14 shall be installed at the meter, at the property line of the premises when meters are not used, or at a location designated by the City. The device shall be located so as to be readily accessible for maintenance and testing, and furthermore, where no part of the device will be submerged.

D. Installation Supervised: Backflow prevention devices required by this section 5-4-14 shall be installed under the supervision of and with the approval of the City.

E. Device Model Approved; Cost: Any protective device required by this section 5-4-14 shall be a model approved by the City. A double check valve assembly or a reduced pressure principle backflow prevention device will be approved if it has successfully passed performance tests of the State of Idaho or other testing laboratories satisfactory to the State of Idaho and the City. These devices shall be furnished and installed by and at the expense of the customer.

F. Tests/Inspections Annual: Backflow prevention devices installed pursuant to this section 5-4-14, except atmospheric vacuum breakers, shall be inspected and tested annually, or more often if necessary. Inspections, tests and maintenance shall be at the customer's expense. Whenever the devices are found to be defective, they shall be repaired, overhauled or replaced at the customer's expense. Inspections, tests, repairs and records thereof shall be accomplished under the City's supervision by the certified testers.

G. Water For Irrigation: No underground sprinkling device will be installed without adequate backflow prevention devices at the point from which the water for irrigation is taken from the public water supply.

H. Adherence To Provisions Required: Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this section 5-4-14 shall be grounds for terminating water service to the premises or, in the alternative, the installation of an air gap separation at the customer's expense. (Ord. 554, 3-18-2015; amd. Ord. 609, 7-3-2018)

5-4-14-3: CROSS CONNECTION INSPECTION:

A. Safety Predetermined: No water shall be delivered to any structure hereafter built within the City or within areas served by City water until the same shall have been inspected by the City for possible cross connection and approved as being free of same.

B. Extra Protection Justified: Any construction for industrial or other purposes which is classified as a hazardous facility pursuant to subsection 5-4-14-2A7 of this chapter, where it is reasonable to anticipate intermittent cross connections, or as determined by the City, shall be protected by the installation of one or more backflow prevention devices at the point of service from the public water supply or any other location designated by the City.

C. Periodic Inspection: Inspections shall be made periodically of all buildings, structures or improvements of any nature now receiving water through the City's system, for the purpose of ascertaining whether cross connections exist. Such inspections shall be made by the City. (Ord. 554, 3-18-2015; amd. Ord. 609, 7-3-2018)

5-4-14-4: INSTALLATION PERMITS:

If cross connection control device(s) are found to be necessary, the owner of the property served must apply to the City for a specific installation permit. (Ord. 554, 3-18-2015; amd. Ord. 609, 7-3-2018)

5-4-14-5: ADDITIONAL REMEDIES:

In the event an improper cross connection is not corrected within the time limit set by the City, or in the event the City is refused access to any property for the purpose of determining whether or not cross connections exist, delivery of water to the property shall cease until the deficiency is corrected to the City's satisfaction. In addition, the City may make the necessary repairs or modifications at the expense of the property owner and refuse delivery of water to the property until the cost thereof shall have been paid. (Ord. 554, 3-18-2015; amd. Ord. 609, 7-3-2018)

5-4-15: CLEAN AIR:

5-4-15-1: AIR QUALITY DESIGNATIONS AND ALERT CRITERIA:

A. The quality of the City's air shall be determined by monitoring pollutant levels in and/or around the City with equipment and methods approved by the Idaho Department of Environmental Quality (IDEQ).

B. The quality of the City's air shall be designated according to IDEQ's Air Quality Index (AQI).

C. All wood burning, including, but not limited to, within a solid fuel heating appliance designed for wood fuel (commonly known as a "wood stove") or open fireplace, is prohibited whenever the IDEQ issues an order of prohibition.

1. No person shall cause or allow, after a three (3) hour "burn down", the operation of a solid fuel heating appliance or open fireplace, unless an exemption has been granted by the City and/or the Middleton Rural Fire District.

2. No person shall cause or allow the operation of a solid waste incinerator.

3. No person shall build, ignite, or maintain any outdoor fire of any kind or character, or for any purpose whatsoever, except as provided within this section 5-4-15. (Ord. 554, 3-18-2015; amd. Ord. 609, 7-3-2018)

5-4-15-2: BURNING SOLID FUEL OR REFUSE:

A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel.

B. No person shall cause or allow refuse to be burned in a fireplace.

C. No person shall cause or allow a refuse incinerator or solid fuel heating appliance to be operated contrary to the design, specifications, and manufacturer's instructions. (Ord. 569, 12-21-2015; amd. Ord. 609, 7-3-2018)

5-4-15-3: PERMITTED OPEN BURNING:

A. Open burning of the following is permitted only in accordance with the provisions of this chapter and does not require a permit:

1. Fires used by organized firefighting personnel for the purpose of combating fire or training.

2. Barbecues or other fires used in the preparation of food, provided however, that the fire does not exceed three feet (3') in diameter and two feet (2') in height. (Ord. 554, 3-18-2015; amd. Ord. 609, 7-3-2018)

B. Open burning of the following is permitted only in accordance with the provisions of this section 5-4-15 and after notifying the Middleton Rural Fire District: (Ord. 569, 12-21-2015; amd. Ord. 609, 7-3-2018)

1. Fires used to keep irrigation ditches and fencerows clear of plant and weed growth.

2. Fires used to dispose of or reduce dry vegetative waste materials, such as, but not limited to, tree branches, gardening waste, weeds, or other dry vegetation, where mulching or other types of disposal are impractical. (Ord. 554, 3-18-2015; amd. Ord. 609, 7-3-2018)

3. Fires shall be ignited and attended between the hours of one-half ($\frac{1}{2}$) hour before sunrise and extinguished no later than one-half ($\frac{1}{2}$) hour after sunset.

C. Open burning for the purposes of agricultural activities requires a burn permit from the Middleton Rural Fire District prior to the ignition of any fire. (Ord. 569, 12-21-2015; amd. Ord. 609, 7-3-2018)

5-4-15-4: EXEMPTIONS FROM RESTRICTIONS:

A. The City shall grant exemptions from this section 5-4-15 if it is determined that:

1. A solid fuel heating appliance is the sole source of heat for the residence in which it is situated; or

2. Using alternative heating would cause an unreasonable economic hardship; or

3. The solid fuel heating appliance is listed as a clean burning appliance meeting the requirements of the Environmental Protection Agency; or

4. A Fire Department or district is burning a facility as part of a training exercise. (Ord. 594, 8-16-2017; amd. Ord. 609, 7-3-2018)

B. Any person denied an exemption under this section 5-4-15 shall be provided, at the option of the applicant for the exemption, an appeal hearing before the City Council. (Ord.

