

CHAPTER 11: SUPPLEMENTAL REGULATIONS

10-11-1: EFFECT OF SUPPLEMENTARY REGULATIONS:

The regulations herein set forth qualify or supplement the regulations within zoning districts and appearing elsewhere in this Title.

10-11-2: SALE OR LEASE OF REQUIRED SPACE:

No space needed to meet the yard, area or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided.

10-11-3: FILLING OF CANYONS:

Filling of canyons is prohibited and a special use permit shall be required for filling within 100 feet of canyon rims. Minor filling may be allowed by the Administrator for cosmetic purposes.

10-11-4: OUTSIDE STORAGE AND DISPLAY:

Merchandise shall not be stored or displayed outside of the primary business building unless in areas that are screened from public view. Exceptions include vehicles, as defined in Title 49 of Idaho Code, pickup shells, large agricultural implements and machinery for sale or rent, and seasonal items as determined by the Administrator. The term "primary business building" shall include any paved pedestrian area adjoining the building and parallel to any portion of the building facing the street.

A. Notwithstanding the above outside display restriction, a retail business may apply for a "parking lot sale" permit for the temporary outside display of retail merchandise. Parking lot sale permits are subject to the following conditions:

1. Up to 8 temporary parking lot sale permits shall be allowed on a lot or parcel in a calendar year, with not more than 2 per quarter.

2. A parking lot sale permit shall be issued for not more than 5 consecutive days. Parking lot sale permits issued in different calendar year quarters shall have a minimum of seven days between permits.
 3. Retail merchandise may only be temporarily displayed on private real property and only on the same lot, parcel or shared parking as the primary business building to which the parking lot sale permit has been issued.
 4. Retail merchandise shall not be temporarily displayed within required landscape areas or in any other area that creates a site obstruction or other traffic obstruction or hazard.
 5. Retail businesses that share a lot, parcel or parking with other businesses may apply for a parking lot sale permit if a parking lot sale site plan has been prepared by the applicant and the site plan has been approved by an authorized representative of each business sharing the same lot, parcel, or parking. Approval signatures shall be provided to the planning department with the permit application along with name and contact information for the authorized representatives who provided the approval.
- B. Parking lot sale permit applications shall be submitted to the planning department not less than 2 weeks prior to the planned parking lot sale. The Administrator may approve parking lot sale permit requests that comply with the standards contained herein.

CHAPTER 11 SUPPLEMENTAL REGULATIONS

10-11-5: RECREATIONAL VEHICLES ON RESIDENTIAL LOTS:

Motor homes, camp trailers, campers and other similar recreational vehicles may be stored, maintained, loaded or unloaded (but not occupied otherwise or connected to sewer, water or cable services, except in approved RV parks) on residential lots. The zoning administrator may approve a temporary RV park (not to exceed 6 months) for on site construction on nonresidential lots for a minimum of three and a maximum of 15 RVs, provided that all RVs are connected to centralized sewer and water services.

10-11-6: COMMERCIAL PAINTING:

Outside commercial painting is prohibited in all zoning districts. Inside commercial painting is permitted only by special use permit. The painting of interior and exterior of buildings and fixtures to real estate shall be excluded from these regulations.

10-11-7: WIRELESS COMMUNICATION FACILITIES:

A. General Regulations:

1. Preferred Locations and Facility Types:

- a. Site Selection Criteria: A master development plan is to be created, prior to any wireless communication facility permit request, based upon engineering constraints and desired areas of service. Wireless communication facilities shall be located on a master development plan in the following priority order:
 - i. Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate as described in this section.

- ii. Publicly owned property.
- iii. Other nonresidential buildings or vacant nonresidentially zoned land.

b. Priority Order: Facility types are preferred in the following priority order:

- i. Roof mounted.
- ii. Facade mounted.
- iii. Utility pole mounted.
- iv. Stealth Freestanding.
- v. Freestanding.

2. New Freestanding Towers: No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed wireless communication facility. Evidence submitted to demonstrate the unavailability of other towers or structures shall address all of the following:

- a. An RF engineering analysis of all utility poles, regardless of height, and of all towers or structures 35 feet in height or higher, within a 1,320 foot radius of the proposed wireless communication facility site.
- b. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for collocation are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

3. Prohibitions: The following are prohibited or restricted:
 - a. Lattice towers are prohibited.
 - b. Interference with city and public safety communication systems is prohibited.
 - c. Freestanding towers within residentially zoned areas are prohibited.
 - d. Diagonal bracing is permitted only to anchor the antenna to an existing building to which the antenna is attached.
 4. The City Shall follow the requirements for review of Micro and Macro Towers as regulated by the FCC.
 5. When a Wireless Communication Facility is identified as causing radio frequency interference (RFI) with the City of Twin Falls public safety communications equipment, the following steps shall be taken:
 - a. Upon notification by the City of interference with public safety communications equipment, the owners of the Wireless Communications Facility equipment shall utilize the hierarchy and procedures set forth in the Federal Communication Commission's (FCC) Wireless Telecommunications Bureau's Best Practices Guide. If the Wireless Communication Facility owner fails to cooperate with the City and/or County in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the City of Twin Falls may take steps to contact the FCC to eliminate the interference.
 - b. If there is a determination of RFI with the public safety communications equipment, the party that caused the interference shall be responsible for reimbursing the City and/or for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the City to determine the source of the interference.
 6. Lighting: Lighting shall follow the Federal Aviation Administration (FAA) minimum standard.
 7. Pedestrian and Vehicular Movement: No facility, structure, or associated equipment shall impede pedestrian or vehicular movement and circulation.
 8. Facility Storage:
 - a. A wireless communication facility shall not be used for the storage of any excess equipment or hazardous materials, nor be used as habitable space.
 - b. No outdoor storage yard(s) shall be allowed in a wireless communications facility equipment compound.
- B. Application Procedure: The administrator shall be the granting authority for wireless communication facility collocating on existing structures or utility poles in accordance with the standards set forth below. All other wireless communications facilities shall require a special use permit from the planning and zoning commission. An application for a special use permit for a wireless communication facility shall contain the information set forth below, in addition to the standard application information required for all special use permits:

CHAPTER 11 SUPPLEMENTAL REGULATIONS

1. Elevation drawings or before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosures and other accessory uses.
 2. The master development plan showing the location of all existing and proposed wireless communication facility sites of the applicant within the city and its area of impact, including the service area of each wireless communication facility.
 3. Evidence demonstrating the unavailability of collocation, as set forth above.
- C. Standards For Wireless Communication Types:
1. Colocation
 - a. Roof Mounted:
 - i. Height: Roof-mounted wireless communications facilities may extend above the highest portion of the roof, including parapet walls, by a distance equal to its distance to the nearest exterior wall. The maximum height for any roof-mounted facility, including the building, shall be 100 feet.
 - ii. Setback: Roof-mounted wireless communications facilities shall be set back from the edge of the building the height of the antenna and support system.
 - b. Facade Mounted:
 - i. Height: Facade-mounted wireless communications facilities may not exceed five feet above the facade to which it is attached.
 - ii. Setback: Maximum projection of 24 inches but may not encroach into the public right of way.
 - iii. Attachment: The antenna and supporting electrical and mechanical equipment must be the same color as the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.
 - c. Utility Pole Mounted:
 - i. Height: Maximum height of 133 percent of the height of the original utility pole or an additional 15 feet, whichever is greater.
 - ii. Attachment: The antenna shall be either fully concealed within the utility pole or face mounted (not to exceed 24 inches from the face of the pole). When located within the right-of-way the antenna shall be fully concealed within the utility pole.
 - iii. Pole Replacement: Existing utility poles may be replaced with a new utility pole of the same height, dimensions and appearance as the existing utility pole.
 - iv. Equipment Enclosures: Aboveground equipment enclosures are classified as utility distribution facilities.

- v. Relocation Of Utilities:
In the event the utilities located on a utility pole are relocated underground, the wireless communication facility shall be relocated to another location pursuant to the requirements of this section.

2. Freestanding:

- a. Height: Freestanding towers shall not exceed 100 feet in height as measured from the ground.
- b. Setback: Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all residential and residentially zoned property 125 percent of the tower height as measured from ground level.
- c. Color: Freestanding towers shall be a neutral color, simulate a standard utility pole, or otherwise be camouflaged or disguised so as to make the tower as unobtrusive as possible.
- d. Maintenance: All facilities and landscaping shall be properly maintained.

D. Modification: Modification to any existing wireless communication facility, which includes construction involving the replacement of support structure apparatus, antennas or any exterior alteration, shall comply with all the requirements of this title.

E. Abandonment: Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communication facility within 90 days of the date of abandonment or discontinuation of use, and restore the site to its original condition.