

CITY OF EMMETT, IDAHO
ZONING COMMISSION
www.cityofemmett.org/zoningmeeting

AGENDA

Monday, May 5th, 2025, 6:00 P.M.
Emmett City Hall, 501 E. Main St.

REGULAR MEETING

1. Call to Order:
2. Roll Call:
3. Pledge of Allegiance:
4. Review Agenda:
5. Approval of Minutes: March 3rd, 2025 Action Item

Public Hearing: Sign Ordinance revisions

- Zoning Administrator's Presentation
- Applicant Presentation
- Public input
- Rebuttal
- Decision of Public Hearing: **ACTION ITEM**

Public Hearing: Accessory Dwelling Unit (ADU) and Short-Term Rental

- Zoning Administrator's Presentation
- Applicant Presentation
- Public input
- Rebuttal
- Decision of Public Hearing: **ACTION ITEM**

6. New Business: Action Items
7. Unfinished Business: Action Items
8. Items from the Commission:
9. Items from the Building Official/Zoning Administrator:
10. Upcoming Meeting(s): Monday, June 2nd, 2025
11. Adjournment:

This institution is an equal opportunity provider. Any person needing special accommodations to participate in the above noticed meeting should contact City Hall prior to the meeting at 501 East Main Street, Emmett, Idaho (208-365-6050)

Posted, May 1, 2025, at _____ am/pm by: _____

EMMETT CITY ZONING COMMISSION

March 3, 2025

The Emmett City Zoning Commission held a Regular Meeting at 501 E. Main Street, Emmett, Idaho.

Chairman Earls called the meeting to order at 6:00 p.m.

Chairman Earls led the Pledge of Allegiance.

Commissioners Present: Gwen Earls, Tracy Howard, Kim Butler

Commissioners Online: none

Commissioners Absent: Brian Gregory

Staff Present: Zoning Administrator, Brian Sullivan; City Attorney, Jake Sweeten

Staff Online: none

Public Present: none

Review of Agenda: Chairmen Earls calls for review of agenda.

Approval of Minutes: Commissioner Butler moves to approve minutes for meeting held on January 6, 2025

Commissioner Howard seconded motion. All in favor. Motion carried.

New Business: Chairman Earls calls Official Brian Sullivan forward. Accessory Dwellings Unit ordinance, as well as Short-term Rental ordinance. Chairman Earls asks if the accessory dwelling units are the module homes that are used as a second home that is put on a property.

Official Sullivan states that you could put a second home on your property, and that there is a square footage requirement. Tiny homes are not allowed, but you could build a small home or use your garage, or a bonus room above your garage as an accessory dwelling.

Chairman Earls asks for clarification on a tiny home.

Official Sullivan states it must be on a permanent foundation. Also, that tiny homes are built to RV standards, not IBC standards. The questions that Official Sullivan has pertains to the size of the ADU; at a maximum of 800 sq ft, or half the size of the primary dwelling, but no more than 1,200 sq ft.

Chairman Earls then asks if there will be any land restrictions.

Official Sullivan states that the ADU will have to meet the regular required setbacks, as well as having their own water and sewer connections. Also, the ADU will have to have off street parking and its own address. Impact fees will be required as well. And just like a regular home the ADU is required to have a working kitchen and bathroom. It is specified in number 8 that tiny homes and recreational vehicles are prohibited as an ADU. Official Sullivan states that ADU's are in the Comprehensive Plan, to encourage Accessory Dwelling Units, and that it is a huge demand in our community.

Chairman Earls brings to attention that 1 off street parking space will be required. Also that the ADU can not be used for Bed and Breakfast or short term rentals as stated in number 14. Official Sullivan states that there are restrictions for the ADU's, and that there is an application process that is required for Short-term Rentals.

Chairman Earls asks the commissioners if they have any questions about the ADU's.

Chairman Earls would like to see how the Short-term Rentals will work.

Attorney Sweeten states that the ADU's and Short-term Rentals are mutually exclusive.

Chairman Earls asks if an ADU can be used as a Short-term Rental. Official Sullivan states that an ADU can be used as a Short-term Rental, but not as a long-term rental at the same time. Your Short-term rental application would have to be canceled, and there is also a renewal fee, and a registration fee for Short-term Rentals.

Commissioner Bulter asks if there are ADU's in Gem County.

Official Sullivan states that yes there are. It was originally 1,100 sq ft max, but has now been changed to 1,800 sq ft..

Official Sullivan states that part of regulating ADU's is for emergency services, so that they know that there are two dwellings on a property.

Commissioner Butler brings to attention number 14, that the owner occupied dwelling does not have to be the principle dwelling.

Attorney Sweeten then states that this is part of the Zoning Ordinance and would take a public hearing, and what he would do is if they would like to proceed with this it would be put into an ordinance form and then bring it back for a public hearing. Then at that point the commission would make a recommendation to amend the Zoning

Ordinance to include this. The Commissioners then review the Short-term Rental portion. Official Sullivan brings to attention that there is some communication regarding trash pick up. That the owner of the Sort-term Rental would have to arrange with Emmett Sanitation for the trash to be picked up daily. Also that with a Short-term Rental, a business license is required. They would register with the city and that they would have to register as a business with the state of Idaho for tax purposes. The Fire Department would do inspections for the bedrooms and any campfires on the property. Also that ADU's are not for a commercial venture such as wedding venues, corporate retreats, etc., that it may be used solely for a residential purpose.

Official Sullivan states that in letter H there must be a placard on the wall which will show the maximum occupancy, parking restrictions, property address, emergency exit plan, contact information and also quiet hours. Commissioner Butler asks about parking.

Official Sullivan states that if there are two bedrooms in the ADU there is a requirement for two spaces. If there are four bedrooms then there is a requirement for 4 spaces. The topic of grandfathering in an ADU is brought up. Official Sullivan states that he is not sure if legally he can go back and ask them to comply with the new ordinance if the ADU is already existing.

Attorney Sweeten states it could be done voluntarily.

Official Sullivan brings up the administrative process as drawn out in 9-22-4, which talks about a completed application, there is also a self-limitation form which is part of the application process. Also a site plan showing the parking, lighting, and any fire pits, operational plan, and there are tax requirements that have to be met as well. There are also proof of water and sewer, trash pick up etc. Charman Earls asks how realistic is it to enforce something like this.

Official Sullivan states that once an application has been submitted and approved it would be our job to monitor those. Official Sullivan then states if we see someone advertising on Facebook Market place or Air BNB platforms for example, we can notify the owner that there is an ordinance in place. We could also contact the platform and let them know that the owner is not in compliance with the ordinance.

Official Sullivan brings to attention a highlighted area, that is about mailing notices with a 300 foot list. We would mail out notices to property owners within 300 feet of the applications address notifying them that there is a Short-term rental at said address.

Chairman Earls asks if this would be public information, and also brings up people with disabilities. Official Sullivan states that he sees nothing in the state statute about the notice.

Attorney Sweeten says to take it out if that the case.

Chairman Earls states the application fee is \$225 plus \$50 for the fire safety inspection which is required annually at time of renewal. Chairman Earls also asks that this if will all be put into an ordinance form, and then brought back to the commission.

Official Sullivan answers yes.

Chairman Earls requests a motion to close meeting. Commissioner Howard motions to close meeting. Commissioner Butler seconds. All in favor, meeting adjourned.

Unfinished Business: none

Items from the Commission: none

Items from the Building Official/ Zoning Administrator: none

Next Regular Meeting – April 7, 2025

Meeting adjourned at 6:36pm

Chairman Gwen Earls

Acting Secretary

ORDINANCE NO. O2025-

AN ORDINANCE AMENDMENT OF THE CITY OF EMMETT, IDAHO, AMENDING DEFINITIONS; APPLICATION REVIEW; HANGING SIGNS; SIGNS ALLOWED WITHOUT A PERMIT; PROHIBITED SIGNS; FREESTANDING SIGNS; PROJECTING SIGNS; SIGN TYPES PERMITTED IN ZONING DISTRICTS; SIGN OVERLAY DISTRICTS; PROVIDING SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on _____, 2025, the Planning and Zoning Commission for the City of Emmett, Idaho, held a public hearing on the proposed sign ordinance, and made recommendations to the Emmett, Idaho, City Council, including a recommendation that the ordinance be passed; and

WHEREAS, on _____, 2025, the Emmett, Idaho, City Council held a public hearing on the proposed sign ordinance and concluded that the ordinance should be adopted.

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

Section 1. SIGN REGULATIONS: After the effective date of this ordinance, the placement, replacement and alteration of signs in the City of Emmett, Idaho, shall be governed as follows:

Sec. 9-12-1. - Title.

This chapter shall be known as the "Emmett Sign Ordinance."

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-2. - Purpose.

The purpose of this chapter is to establish standards for the fabrication, erection, and use of signs, symbols, markings, and advertising devices within the city. These standards are enacted to protect the public health, safety, and welfare of persons within the community. They are intended to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design of such devices without creating detriment to the general public.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-3. - Definitions.

Words and phrases used in this chapter shall have the meanings set forth in this section and in chapter 1 of this title. All other words and phrases shall be given their common, ordinary meaning,

unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

Abandoned sign means a sign which no longer advertises a bona fide business, lessor, owner, product or activity.

Alterations means the change or alteration of a sign structure or design, whether by extension, enlargement, or in moving from one location or position to another.

Animated sign means any sign that uses movement or change of lighting to depict action or create a special effect or scene, except LED reader boards as defined herein.

Area of sign/sign area means the entire area within a single face of a sign within a contiguous perimeter which forms the outside shape of the copy area, excluding any necessary supports, ornamental trim, column covers and other such incidental objects attached thereto upon which the sign may be placed.

Art means that which has form or beauty and which is not intended to display a commercial message, including paintings, photography, sculpture, murals or drawing.

Awning sign means a sign displayed on or attached flat against the surface or surfaces of an awning.

Banner sign means a type of temporary sign usually made of lightweight fabric, plastic, or similar material. Governmental flags or emblems shall not be considered banner signs.

Building frontage means the width of a building facing the street to which the building or business is oriented. In the case of corner lots the frontage shall be one of the streets to which the building is oriented, to be determined by the administrator.

Canopy sign means a sign affixed to the surface(s) or under of a canopy that is visible from a public right-of-way.

Center sign means a freestanding sign associated with multi-tenant developments designed to advertise two or more businesses or tenants and approved through a master sign plan. See section 9-12-11-3 of this chapter.

Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the sign. A sign on which the message changes more than one time per day shall be considered an animated sign, except LED reader boards, as defined herein.

City means the City of Emmett, Idaho.

City entry sign means a permanent sign identifying the City of Emmett or the central business district. No advertising is permitted on city entry signage.

Clear vision triangle means the area formed by a line measured from the corner of the property back 40 feet along each right-of-way, and connected by a line drawn between them to form a triangle. The triangle also includes the area formed by a line measured ten feet along the edge of

driveway and 20 feet along the right-of-way, connected by a line drawn between them to form a triangle.

Construction sign means an informational sign which identifies the architect, engineer, contractor, or other individual or firms involved with the construction of a building, or announcing the character of the building or enterprise.

Copy means Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof which is intended to advertise, identify, or notify.

Dark sky lighting means lighting designed in a manner where the light source is shielded and/or downcast to prevent any spillover of direct rays onto abutting properties or upwards to the sky.

Directional sign means a sign that foremost contains words such as "entrance", "enter", "exit", "in", "out", or characters indicating traffic or pedestrian traffic directions and used either in conjunction with such words or separately.

Flag means any fabric banner or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or political subdivision.

Flashing sign means any sign which contains a light source which changes color, position or can be turned on and off more frequently than one time every five seconds. Excluded from the definition are public service message center signs, such as those indicating time and temperature and LED reader boards, as defined herein.

Freestanding sign means any sign erected on a freestanding frame, platform, base, mast, or pole and not structurally attached to any building.

Height of sign means the vertical distance measured from the adjacent street grade as measured from the top of curb (or edge of pavement where no curb exists) to the highest point of the sign or visual appurtenances. The height of any landscape berm or other structure erected to support or ornament the sign shall be measured as part of the sign height. For residential subdivision identification signs, architectural elements primarily related to the entry feature are not regulated as part of the sign height.

Home occupation sign means a wall mounted sign located on a residential property that has received a home occupation permit. See additional standards in section 9-12-11-7 of this chapter.

Led reader board means a sign or portion of a sign that is constructed of monochrome light emitting diodes (LED) and can be electronically changed, programmed or rearranged without altering the sign face or surface. It may also be called a digital display board, electronic sign, electronic reader board or similar term. See additional standards in section 9-12-11 of this chapter.

Monument sign means a freestanding sign with a solid base, including rock signs, or with supports that are designed to be structurally similar to the sign construction, and which incorporate architectural features which complement the sign construction.

Neon sign means any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.

Nonconforming sign means any advertising structure or sign which was lawfully erected and maintained prior to the effective date of this chapter, and which fails to comply to any applicable regulations and restrictions herein.

Overlay district means a special geographic area, the boundaries of which are defined by this chapter, that is subject to unique sign standards that are in addition to the sign regulations that would normally apply. See section 9-12-12 of this chapter.

Pennant means any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Permanent sign means a sign constructed and intended to exist for the duration of time that the use or occupant is located on the premises.

Personal sale sign means a type of temporary sign posted for the purpose of advertising a yard sale, garage sale, estate sale, moving sale, auction, flea market, swap meet and all other temporary private sales.

Pole sign means a freestanding sign that is supported by one or more poles.

Principal building means the building in which is conducted the primary use on the property.

Projecting sign means any sign affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of a building or wall.

Roof sign means a sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall or the top of an eave of a building and which is wholly or partially supported by such a building.

Sandwich board sign means a type of temporary sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing, as regulated under section 9-12-11-10.H of this chapter.

Sign means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, to communicate information of any kind to the public. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

Temporary sign means a sign intended for use during a specified, limited time, and removed from display following that specified time.

Vehicle sign means a sign mounted on a vehicle that is operated solely or primarily for the purpose of displaying the sign within the public right-of-way.

Wall sign means any sign attached parallel to, but within 12 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window sign means any sign installed upon or within two feet of a window for the purpose of viewing from outside the premises. This term does not include displayed merchandise.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-4. - Applications and permits.

Sec. 9-12-4-1. - Permit required.

No sign contractor and/or person contracted to design, construct, shall erect, alter, or relocate any permanent or temporary sign greater than four square feet in sign area within the city without first obtaining a sign permit from the city, unless the sign is exempt under section 9-12-9 of this chapter. Any person who hangs, posts, or installs a sign which requires a permit under this chapter and who fails to obtain a permit before installing the sign, shall be in violation of this chapter.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-4-2. - Application contents.

Applications for sign permits must include the following:

- A. A site plan drawn to scale which specifies the building frontage, the location of the sign structure(s), and drawings which show the scale of the sign in context with the scale of the building if the sign is to be mounted on the building.
- B. Colored rendering including dimensions of all sign faces, descriptions of materials to be used, manner of construction and method of attachment, and, if requested, color samples.
- C. A copy of a State of Idaho electrical installation permit for any internally lighted or neon sign.
- D. A sign permit application on the form provided by the city.
- E. The application shall be accompanied by the written consent of the owner or the owner's authorized agent of the premises upon which the sign is to be erected.
- F. The building permit fee for signs as approved by resolution of the Emmett City Council.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-4-3. - Application review.

Except for signs in the historic central business district, complete sign permit applications will be reviewed by the building department staff, within ten days of the receipt of the complete application and the application fee and either approved, denied, or returned with requested modifications. Any applicant who feels a denial is not justified has the right to appeal the decision to the Emmett Zoning Commission, and to appear on the next regularly scheduled meeting for which proper notice can be given and for which agenda space is available. Applications to appeal to the commission shall be filed with the Emmett City Clerk in writing within ten days following the date of the denial of the permit.

Signs for properties located within the historic central business district are required to file a separate design review application and must be approved by the design review board prior to filing a sign

permit application. See the "Design Manual For City of Emmett and Gem County" for additional information.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-4-4. - Computations of dimensions for sign area.

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the sign display, not including the supporting structure. Any color or material that forms an integral part of the sign shall also be factored in when calculating sign area.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-4-5. - Violations.

Any person violating this chapter shall be guilty of a misdemeanor and may be punished by fine or incarceration. The maximum penalty for any offense shall be by fine of not more than \$300.00, but at least equal to the amount of the required permit, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-5. - Removal of illegal or unsafe signs.

A. Time frame for repair or removal. Any sign which has been determined to be unsafe by the Emmett Building Official, or which has been constructed, erected or maintained in violation of this chapter, must be repaired, made safe, made in conformance with this chapter, or removed within ten working days after receipt of certified notice from the city. Failure to respond to remedy the violation is unlawful, and the person having charge or control over the sign will be guilty of a misdemeanor.

B. Obsolete sign copy. Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 15 days after written notification from the city.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-6. - Nonconforming signs.

Nonconforming signs shall not be enlarged, extended, structurally reconstructed or altered in any manner, except that the sign face (gross surface area portion of the sign) may be changed as long as the new sign face is equal to or reduced in height, sign area, and/or projection.

A sign permit is not needed for a new sign face, or a change in the advertising content appearing on the sign face. Nonconforming signs may remain, provided they are maintained in good repair, except for the following:

A. Removal is required if the sign and/or the structure supporting the sign is damaged or destroyed to the extent of 50 percent or more of the sign's replacement value. If the damage or destruction is less than 50 percent, the sign must be under repair within 60 days and all repairs must be completed within six months. The sign shall not be enlarged in any manner.

B. If the nonconforming sign is relocated and/or the supporting structure is replaced, the new sign shall be conforming.

C. Any sign, display or device allowed in this chapter may contain (in lieu of any other copy) lawful noncommercial messages that do not direct attention to a business operated for profit or to a commodity or service for sale. The sign, display or device must comply with all other requirements of this chapter.

D. If a business changes but does not require remodeling in excess of the 50 percent threshold, the new business will be allowed to change existing nonconforming sign faces.

No temporary sign, prohibited sign or sign for an illegal use shall be eligible for nonconforming status.

A change of property ownership on which a nonconforming sign is located shall not require replacement of the sign unless the terms of this section apply.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-7. - Maintenance of signs.

It is the affirmative obligation of the owner of every sign within the city to maintain the sign in a good state of repair at all times. Nonconforming signs may be repaired and maintained provided the repairs are for the purpose of maintaining the sign in its original condition, do not increase the degree of nonconformity in the sign, and are in accordance with this chapter.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-8. - Political signs.

Political signs shall not be posted in any place or in any manner that is destructive to public property upon posting or removal. No political signs shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than 60 days before an election. All candidates for public office, their campaign committees or other persons responsible for the posting of campaign material shall remove such material within two weeks following election day.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-9. - Signs allowed without a permit.

The following signs shall not be subject to the permit process as defined by this chapter:

A. Signs not exceeding six square feet in area, erected for the convenience of the public, such as signs identifying restrooms, public telephones, walkways and similar features or facilities.

B. Memorial signs or tablets, names of buildings and dates of erection, when cut into the surface or the facade of the building or when projecting not more than two inches.

C. Religious symbols and seasonal decorations erected within the appropriate public holiday season.

D. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings.

E. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.

F. Flags, symbols, or insignias. The flag of Idaho, the United States, or any other flag adopted or sanctioned by the legislative body of Idaho or the United States.

G. Hours of operation or other such information signs. Neon "open" signs are subject to the provisions of section 9-12-14-2 of this chapter.

H. Private signs. Any sign that is intended for use from within a private facility. Signs located on private property, not oriented to the general public, and intended to provide information or direction to those using the facility.

I. Official notices and/or signs posted by a government entity, court or other public body.

J. Temporary signs less than four square feet per face in size and advertising the premises on which the sign is located as "for sale", "for lease", or "for rent".

K. Construction signs. Said signs are permitted a maximum of 60 days prior to commencement of construction and must be removed within 60 days of completion of construction. Each construction sign shall be a maximum of 32 square feet. All construction signs shall be securely fastened to the ground or a permanent structure and erected in a manner that does not create a potential hazard of any kind.

L. Wayfinding signs placed by a government entity.

M. Bench Signs. Any outdoor furniture with commercial signage

Sec. 9-12-10. - Prohibited signs.

No person shall erect, maintain, or relocate any sign as specified in this section in any zoning district:

A. Signs creating traffic hazards. A sign at or near any public street, or at the intersection of any public streets, situated in such a manner as to create a traffic hazard by obstructing vision. Additionally, any sign at any location which would interfere with, obstruct the view of, or be confused with any authorized traffic sign.

B. Signs within the "clear vision triangle" (as defined herein).

C. Signs within public rights-of-way (except as provided in sections 9-12-9 and 9-12-11-10 of this chapter). No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.

D. Hazardous signs. A sign which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety, and welfare of any person or property.

E. Flashing signs or lights. Any sign which contains an intermittent light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. A sign on which the only intermittent lights display an indication of time or temperature or which is an "LED reader board" as defined herein shall not be considered a flashing sign for the purpose of this chapter.

F. Animated signs. Permanent signs designed with electronic switches and/or electric lamps that display only stationary images which change copy no more than once per day or LED reader boards as defined herein are allowed with a permit and are not defined as animated signs.

G. Signs on vacant property. No sign over four square feet per face shall be erected or maintained on a property on which either no structure is erected or on which the primary structure is vacant. This provision shall not include those properties for which a valid building permit exists. This provision shall also not include signs advertising the property "for sale" or "for lease" as long as said sign is no larger than 32 square feet.

H. Roof signs (as defined herein). This section shall not pertain to mansard roof signs provided that the highest portion of any sign attached to a mansard roof is no more than two-thirds the height of the building to which it is attached.

I. A rotating or revolving sign, or signs, where all or any portion of the sign physically moves in some manner.

J. Wind signs. Any pennant, propeller, or similar device which is designed to flutter, rotate, whirl, or display other movement under the influence of the wind.

~~K. Bench signs. Any outdoor furniture with commercial signage.~~

~~K. L.~~ Vehicle signs (as defined herein). This section shall not pertain to student driver, auto transportation services, or similar signs or if the vehicle is used in the normal day to day operations of the business. This section shall pertain to signs painted or mounted on vehicles parked in the same location for more than 72 hours and visible from the public right-of-way, unless the vehicle is located at its place of business or at a personal residence.

~~L.~~ M. Inflatable signs or displays. Any inflatable object used for promotional or sign purposes.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11. - Types of signs allowed.

Sec. 9-12-11-1. - Awnings.

The copy area of awnings shall be included in the sign area permitted provided that no more than 25 percent of any one face of an awning may be used for signage.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11-2. - Changeable copy signs.

The copy on any changeable copy sign shall not be changed more than once per day. Changeable copy signs shall be maintained in a legible and serviceable manner. These signs must be constructed with a frame and made of durable material. These signs must be placed on a freestanding or monumental type sign structure.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11-3. - Center signs.

A developer who retains platting and/or ownership control over one or more lots or buildings intended for business occupancy in a commercial, mixed use or industrial zone or a similar type project shall submit a master sign plan to the zoning commission for approval. The project shall be allowed one center sign per street frontage, except more than one center sign is allowed if the project has more than 1,200 feet of frontage on the same street.

A "center sign" is a sign designed to advertise multiple tenants and may exceed the maximum height normally allowed by up to 20 percent and the maximum area normally allowed by up to 30 percent.

The master sign plan shall show sign colors, styles and locations of buildings, maximum size, illumination and materials to be used. All signs in a master sign plan shall be in harmony with the adjacent and nearby building architecture and colors.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11-4. - Directional signs.

Directional signs shall be a maximum of four square feet in size and four feet in height. If business identification is used on a directional sign, it shall only be incidental and secondary in all aspects to the directional text and/or symbols of the sign. Only one directional sign is allowed per entrance to a property. Directional signs must be constructed as permanent signs and be placed outside the public right-of-way.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11-5. - Freestanding signs.

A. The maximum height of any freestanding sign shall be 20 feet, except as otherwise regulated under section 9-12-12, sign overlay districts, of this chapter.

B. A maximum of one freestanding sign per legal building lot, except corner lots may be allowed one sign per street frontage.

C. The support structure of all freestanding signs shall be fully enclosed and covered with material that complements the architectural theme and coloring of the principal building on the property. Decorative elements such as sculptured metal, wrought iron or other aesthetically pleasing materials incorporated into the design that do not fully enclose the supports may be allowed as determined by the administrator. Bare and/or exposed metal poles are prohibited.

D. All freestanding signs shall be placed within a landscaped area that is at least the size of the sign background area. For example, a 60 square foot sign must be located within a minimum 60 square foot area of landscaping. Said landscaped area shall include vegetation, sod, or other plant material. A street buffer shall be considered to meet the intent of this requirement.

E. All permanent, freestanding signs in nonresidential districts shall include the street address(es) of the subject property. Numbering shall be a minimum of six (6) ~~three and one-half~~ inches tall and be of a contrasting color.

F. No part of any freestanding sign, including the footing, shall be located closer than two feet from the front property line and five feet from the side and rear property lines.

G. Freestanding signs are allowed a maximum sign area of 100 square feet, without regard to the number of placards displayed. All placards displayed shall be totaled in the sign area, unless otherwise approved as a center sign.

H. Freestanding signs projecting over a public right-of-way must have at least 14 feet of ground clearance.

I. Residential Subdivisions of more than ~~20~~ 10 lots shall be allowed one freestanding identification sign at each major entrance to the subdivision. Said sign shall not be permitted on any public right-of-way, shall be no higher than nine feet above natural grade, and shall not exceed a maximum sign area of 50 square feet.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11-6. - Hanging signs.

Hanging signs may be placed on a building or underneath an approved canopy, awning or colonnade, but may not project beyond the same. Signs hanging over a public right-of-way must have at least ~~eight~~ seven feet of ground clearance. Maximum size of any hanging sign is six square feet. (Hanging signs installed in the historic central business district must be approved by the design review board.)

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11-7. - Home occupation signs.

A home occupation, as permitted under section 9-7-5 of this title, is allowed one sign for advertising purposes, in conformance with the following requirements:

A. The sign must be wall mounted; no freestanding signs visible from a public right-of-way are permitted;

- B. The sign must be no larger than six square feet in size;
- C. No direct illumination of the sign is permitted;
- D. The sign must be of a color and design to complement the wall on which it is mounted.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11-8. - LED reader boards.

The following standards shall apply to all LED reader boards:

- A. The LED portion shall not exceed 75 percent of the maximum sign area allowed for a sign, as prescribed in sections 9-12-12 and 9-12-13 of this chapter; and
- B. The sign must display each frame (message) for a minimum of five seconds; and
- C. Such displays shall contain only static messages that will not have movement or the appearance or optical illusion of movement on any part of the sign structure, design or pictorial segment of the sign; and
- D. LED signs shall be turned off when the place of business is closed to the public; and
- E. LED signs are prohibited in the following zones and districts: all residential zones, mixed urban residential zone, mixed development zone and within the Emmett Historic District (as identified in the joint comprehensive plan); and
- F. LED signs shall be oriented away from any adjacent residential dwelling so that the sign lighting is not visible from the dwelling.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11-9. - Projecting signs.

Projecting signs may be placed on any building in accordance with section 9-12-11-13 of this chapter. No projecting sign may extend over a public sidewalk in excess of two-thirds (2/3) of the width of the sidewalk., ~~at any point, more than three feet from the surface to which it is attached.~~ Signs projecting over a public right-of-way must have at least eight seven feet of ground clearance. ~~(Projecting signs installed in the historic central business district must be approved by the design review board.)~~

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11-10. - Temporary signs.

Temporary signs are those signs installed on a property with the intent of being displayed for more than 48 hours, including those for community and civic events. All signs intended for display for a period longer than 90 days shall be considered to be permanent signs and will be required to meet

the provisions of this chapter. All temporary signs greater than four square feet per face in size are required to obtain a temporary sign permit.

A. Sign permit. A temporary sign permit may be obtained through the planning and zoning department for 15-, 30-, 60-, or 90-day time periods.

1. In no instance shall a temporary sign requiring a permit be displayed for more than 90 days per year per business.

2. A permit must be obtained for every new temporary sign to be displayed.

B. Posted on premises. The temporary sign permit shall be posted on the premises.

C. Private property. All signs to be placed on private property shall obtain the written consent of the property owner and file that consent with the building department prior to issuance of a permit.

D. Size. The maximum size of any freestanding temporary sign requiring a permit is 32 square feet. The maximum size of any banner requiring a permit is 120 square feet.

E. Anchored. All temporary signs shall be safely anchored or otherwise secured to prevent any obstruction of a public right-of-way or the creation of any hazardous condition.

F. Clearance. Banner signs may extend over a public street right-of-way. Said signs shall maintain a minimum clearance of 20 feet.

G. Property on main street. Temporary signs for any property on main street, between Boise Avenue and Hayes Avenue, shall comply with the following standards:

1. A temporary sign permit must be obtained in accordance with the terms of section 9-12-4-1 of this chapter.

2. The sign must be on premises. However, for the purposes of this subsection G, on premises shall include that portion of a public sidewalk located between the curb line and the property lines.

3. The sign must be placed to allow a minimum "free and clear" pedestrian walkway of at least seven feet in width with no obstructions.

4. The sign must be placed at least five feet away from the flat edge of the landing of any ADA accessible corner ramp.

H. Sandwich board signs. The following standards shall apply only to sandwich board signs. Sandwich board signs shall also be regulated as temporary signs. Where there is any discrepancy between the standards, the more stringent standard shall apply.

1. Sandwich board signs are permitted for any nonresidential use.

2. A maximum of one sandwich board sign is permitted per building lot and the sign shall be located on the premises of said property.

3. The sign shall not be attached in any manner to street furniture, street trees, other signs or other fixtures on or in the sidewalk.

4. Any sandwich board sign shall not exceed three feet in height or nine square feet per side.

5. There shall not be any lighting on or power provided to said sign.

6. If located on a sidewalk, sandwich board signs shall be displayed only during open business hours.

I. Personal sale signs. The following standards shall apply only to personal sale signs. Where there is any discrepancy between these and temporary sign standards, the personal sale sign standards shall apply.

1. Personal sale signs may be placed on private property with permission from the property owner.

2. Personal sale signs may be placed on a legally parked motor vehicle as long as it does not create any vision obstruction or hazard to other vehicle drivers or pedestrians.

3. Personal sale signs shall not be posted more than 30 days prior to a sale date.

4. Personal sale signs shall be removed within 12 hours of the end of sale.

5. No personal sale sign shall be allowed to be posted on any utility pole, light pole, street sign pole or any other city owned property.

6. No personal sale sign shall be allowed to be posted in the public right-of-way.

7. All personal sale signs shall be safely anchored or otherwise secured to prevent any obstruction of a public right-of-way and to avoid littering per Idaho Code § 18-7031.

8. No personal sale sign shall be larger than four square feet in size.

9. No personal sale sign located in a "clear vision triangle", as defined herein, shall be more than a total of three feet in height.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11-11. - Wall signs.

Wall signs may be placed on a structure provided that they meet the following standards and requirements:

A. Area. For wall signs oriented to a public street, the sign shall not exceed 15 percent of the wall area. For wall signs not oriented to a public street, the sign shall not exceed eight percent of wall area. "Wall area" shall mean the wall surface of a single tenant structure or the storefront of a multi-tenant structure. When a combination of wall and freestanding signs are used on a single site, the total area for wall signs oriented to a public street shall be reduced by 50 percent.

B. Height. No wall sign shall exceed the height of the wall face.

C. Lighting. Neon lighting may be permitted if contained within channel letters or raceways. Skeleton neon is not permitted.

~~(Wall signs installed in the historic central business district must be approved by the design review board.)~~

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11-12. - Window signs.

Permanent window signs may be placed in or on any window provided that no more than 25 percent of the total transparent area of the window is obscured. The aggregate area of temporary signs shall be included in the aggregate area for all signs associated with the use, and in no case shall the aggregate area exceed that allowed under this section. Merchandise displayed in windows that does not involve copy is not regulated by this chapter. ~~(Window signs installed in the historic central business district must be approved by the design review board.)~~

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-11-13. - Sign types permitted in zoning districts.

Sign types shall be permitted in each zoning district in accordance with the following table and in accordance with the code sections listed:

	R-1*	R-2*	R-3*	R-4*	MUR	I	C
Awnings	N	N	N	N	P (9-12-9-1)	P (9-12-9-1)	P (9-12-9-1)
Changeable Copy	N	N	N	P (9-12-9-2)	P (9-12-9-2)	P (9-12-9-2)	P (9-12-9-2)
Center Signs	N	N	N	N	P (9-12-9-3)	P (9-12-9-3)	P (9-12-9-3)
Free-standing	N	N	N	N	P (9-12-9-5)	P (9-12-9-5)	P (9-12-9-5)
Hanging	N	N	P	P (9-12-9-6)	P (9-12-9-6)	P (9-12-9-6)	P (9-12-9-6)
Projecting	N	N	N	P (9-12-9-7)	P (9-12-9-7)	P (9-12-9-7)	P (9-12-9-7)
Subdivision sign	P (9-12-9-5.i)	P (9-12-9-5.i)	P (9-12-9-5.i)	P (9-12-9-5.i)	N/A P	N/A P	N/A P
Temporary (See 9-12-7, 9-12-8 and 9-12-9-8 for provisions)	P	P	P	P	P	P	P
Wall	N	N	N	N	P (9-12-9-9)	P (9-12-9-9)	P (9-12-9-9)
Window	N	N	N	N	P (9-12-9-10)	P (9-12-9-10)	P (9-12-9-10)

P Permitted
N Not permitted

Notes:

1. If a use is allowed in an R zoning district with a special use permit or accessory use permit, a sign may be allowed for that use if it is approved as part of the permitting application, even if the above chart lists the sign as "not permitted".
2. Section 9-12-11-1 of this chapter.
3. Section 9-12-11-2 of this chapter.
4. Section 9-12-11-3 of this chapter.
5. Section 9-12-11-5 of this chapter.
6. Section 9-12-11-6 of this chapter.
7. Section 9-12-11-9 of this chapter.
8. Subsection 9-12-11-5I of this chapter.
9. Section 9-12-11-11 of this chapter.
10. Section 9-12-11-12 of this chapter.
11. Section 9-12-11-8 of this chapter.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-12. - Sign overlay districts.

The following areas are designated as sign overlay districts with special standards and restrictions as noted. The overlay district shall apply to all signs proposed on buildings and land that have frontage on the designated roadway. These overlay standards shall apply in addition to other sign standards within this chapter. In cases where standards overlap with other sections of this chapter, the overlay standards shall apply.

A. State Highway 16/52 (city limit line to Mill Road):

1. Maximum sign height: 25 feet.

B. Washington Avenue/State Highway 52 (intersection of State Highway 16 to Payette River):

1. Wall, awning, window, hanging, and projecting signs only.
2. Monument signs are also permitted, subject to the following standards:
 - a. Maximum sign height: Eight feet.

b. Maximum sign area: One square foot per linear foot of frontage, up to a maximum of 40 square feet.

C. Substation Road (State Highway 16 to Main Street):

1. Monument signs only.
2. Maximum sign height: Ten feet.
3. Maximum sign area: 40 square feet.

D. Historic central business district (as defined in the "Design Manual for City of Emmett and Gem County"):

1. Wall, awning, window, hanging and projecting signs only. No new freestanding signs permitted.
2. The design of all new signs must be approved by the design review board per the standards outlined in the "Design Manual for City of Emmett and Gem County".

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-13. - Size and design standards.

A. The maximum aggregate area of all signs, both permanent and temporary, shall not exceed the total allowable sign area established by this chapter. All sign faces displayed shall be included in determining the sign area for a building.

1. Total sign area permitted for any use shall not exceed a total of two square feet of sign area per linear foot of building frontage for the principal building.
2. Total sign area permitted for all wall, window, or other surface mounted signs shall not exceed a total of ten percent of the facade to which they are attached.

B. In no case will "Day-Glo", fluorescent, reflective colored material that gives the appearance of changing color, or brilliant luminescent colors be permitted.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-14. - Lighting.

Allowed methods of illumination are divided into several types as described below; all other forms of sign lighting are prohibited. All lighted signs shall comply with lighting standards as set forth in this chapter.

A. Unlighted. A sign with neither an internal light nor an external source intended specifically for the purpose of lighting the sign.

B. Internally lighted. A sign with an internal light intended to illuminate translucent portions of the sign.

C. Externally lighted. A sign with an external light source intended specifically to illuminate the sign. External light fixtures which produce glare shall not be permitted.

D. Neon. A sign with exposed neon tubes.

E. Dark sky lighting. All illuminated signs shall be designed as dark sky lights.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-14-1. - Internally lighted signs.

Only the copy portion of internally lighted signs may be translucent in nature. All other areas, including background, shall be constructed, treated and colored in a manner which makes those areas opaque.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-14-2. - Neon signs.

Neon used to draw attention to any business or building in any manner is considered a sign and shall be regulated according to the provisions of this chapter and as follows:

A. Application for any neon sign exceeding four square feet in sign area is required to receive design review approval from the Emmett Zoning Commission or another city council designated committee.

B. Any business proposing more than two neon signs, regardless of sign area, is required to receive design review approval from the Emmett Zoning Commission or another city council designated committee.

C. Neon lighting that is mounted inside a window shall be regulated as a window sign, per section 9-12-11-12 of this chapter.

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-14-3. - Lighting methods permitted in zoning districts.

Sign lighting methods shall be permitted in each zoning district in accordance with the following table:

Table 9.12.14

LIGHTING TYPE	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	MUR	I	C
Internal	N	N	N	N	N	P	P
External	P	P	P	P	N	P	P
Non-Lighted	P	P	P	P	P	P	P

Neon	N	N	N	N	N	N	P
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P Permitted
N Not permitted

(Ord. No. O2011-5, 8-23-2011)

Sec. 9-12-14-4. - Residential subdivision signs.

Subdivisions within the residential districts may be allowed one externally illuminated sign per public street entrance. Said lighting source shall be a maximum of 42 watts, 630 lumens and be unidirectional spotlights.

(Ord. No. O2011-5, 8-23-2011)

Section 2. Effective Date: This ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the city council as an ordinance of the City of Emmett, Idaho,
on , 2025

Approved by the Mayor on the day of , 2025.

MAYOR

ATTEST:

City Clerk

ORDINANCE NO. O2025-

AN ORDINANCE OF THE CITY OF EMMETT, IDAHO; AMENDING TITLE 9, BY ADDING SHORT TERM RENTAL, CHAPTER 23; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on , 2025, the Planning and Zoning Commission for the City of Emmett, Idaho, held a public hearing on the proposed SHORT-TERM ordinance, and made recommendations to the Emmett, Idaho, City Council, including a recommendation that the ordinance be passed; and

WHEREAS, on , 2025, the Emmett, Idaho, City Council held a public hearing on the proposed SHORT-TERM ordinance and concluded that the ordinance should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF EMMETT, IDAHO, as follows:

9-23-1 Purpose.

This chapter shall be called the “short-term rental ordinance.” The purpose of the short-term rental ordinance is to implement reasonable regulations to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in Emmett, Idaho, as allowed by Idaho Code, Section 67-6539.

9-23-2 Business license – Permitted where.

Short-term rentals (STR), as defined in this title, shall obtain a business license and shall be a permitted use in all zones that permit residential use within the City of Emmett subject to the following conditions and standards listed in this chapter. At no time shall an existing STR be considered a “grandfathered” use.

9-23-3 STR conditions and standards.

A. Number of Units. One STR unit is allowed on a parcel with a business license, along with a fee as adopted by resolution that meets the requirements described in this section. One or more STR use on a parcel in the Downtown Historic District, second floor, will require a special use permit in accordance-with Title 9, Chapter 8 ECC.

B. Water, Sewer, and Garbage.

1. The STR must meet all requirements of the city of Emmett with respect to the provision of individual potable water (approved water system) and be served by a municipal sewage system.
2. The STR cannot be serviced by Porta Potties for any portion of the approval including overflow in the number of occupants.

3. The STR must contract for garbage pickup with the local provider. STR property management is responsible for garbage removal daily. *(Staff Comment, this is up for discussion).*

C. Parking. Parking of vehicles shall not be in a public right of way. The parking areas must be clearly defined so that there is not a haphazard parking over landscaped area. All parking for the unit is contained on the site and not less than one parking space per bedroom provided.

D. The STR may be used for residential purposes only. It cannot be used as a wedding venue, corporate retreat, seminar, team-building event, or other use that requires a special use permit.

1. Bedrooms shall be defined as an enclosed portion of a building designed or intended to be used for sleeping purposes, including a closet, and an emergency escape and rescue opening, as defined by the International Fire Code. The Fire Marshall will have final determination on allowed sleeping areas.

E. On-Site Lighting. Must comply with city of Emmett Dark Sky ordinance (ECC 9-20).

F. Campfire Management. All campfires must be in an approved fire pit as determined by the Fire Marshal. A fire extinguisher and/or water hose must be accessible. Fire pits shall comply with all setbacks. Consideration should be given to smoke impacting neighbors.

G. Safety Monitors and Property Information. Each STR shall provide and maintain appropriate smoke detectors, carbon monoxide detectors, liquified petroleum detectors, etc., for the occupancy type of the property.

H. Posted Notice. A written notice shall be posted in a conspicuous location within the unit that describes restrictions on use of the unit. Notice shall include the following:

1. Maximum Occupancy
2. Parking restrictions
3. Property address posted on structure and on posted notice inside residence
4. Emergency exit plan
5. Emergency contact numbers
6. Quiet hours 10:00 pm – 6:00 am

I. Outdoor amplified sound, other than household speakers, shall not be allowed at any time.

J. Occupancy. There shall be no associated RVs or tents used to supplement the maximum occupancy. It will be limited to legal bedrooms with proper egress windows. At no time shall

occupancy exceed four people/bedroom up to a maximum of 11 people unless a special use permit is obtained.

K. Length of Stay. Not more than thirty (30) consecutive days.

K. Outbuildings are allowed but shall not be used for sleeping or any human habitation.

L. Must observe local ordinances in the use of recreational vehicles such as ATVs and UTVs.

M. Exterior change. No exterior change shall be made to the structures or site conditions at a Short-Term Rental that would eliminate its appearance or use as a dwelling unit for long term residency.

| 9-23-4 STR administrative permit process.

A. Application package shall be submitted to the City of Emmett Zoning Department and will be reviewed by the Zoning Director or designee with the appropriate fee as adopted by resolution.

B. Application package shall include the following:

1. Completed City of Emmett application form.
2. Completed Short Term Rental Occupancy Self-Limitation form.
2. Site plan showing structures, parking, lighting, fire pits, etc.
3. Operation plan that includes compliance with tax requirements: shall submit with the application proof of compliance with payment of sales tax, through the STR marketplace or provide the Employee Identification Number for the self-managed STR. Sales tax paid will need to be in accordance with Title 63, Chapter 36 of the Idaho Code.
4. Proof of water and sewer connection.
5. Rules that will be posted on site.
6. Garbage pick-up agreement.
7. Declaration as to whether this is a part-time STR or a full-time STR. If part-time, number of months it will be used as a rental.

C. Notice. Verification the STR does not violate a homeowner association's CC&R's.

D. Property manager or owner shall file an annual report with the fee as adopted by resolution, as follows:

1. Due date (renewal date) is before December 31 of each year.
2. Business license and Fire Inspection, renewed yearly, due prior to December 31 of each year.
3. Shall show compliance with all requirements of original license.
4. State intent for the current upcoming year.
5. List any changes that were made to operations and/or facilities. If changes are made to the structure, use, number of occupants, etc., a new license will be required with the updated information.
6. Permit and business license shall be revoked if not submitted within 30 days of the renewal date.
7. Within fourteen (14) days of a change of local contact person, or any other material change in facts pertaining to the information contained in the Short-Term Rental Permit, the new proposed local contact person shall submit an update to the Short-Term Rental permit, on a form provided by the Zoning Department, which must be obtained prior to continuing to rent the subject unit as a Short-Term Rental. An administrative fee adopted by resolution of the City Council will apply.

E. Staff can inspect the interior and exterior of the STR if complaints are received or there is a reason to believe the structure has been modified to accommodate a greater occupancy than allowed.

9-23-5 Violation – Penalty.

Failure to obtain a business license for an STR or violation of the business license shall be cause for revocation of the license and shall be subject to enforcement and penalties as outlined in ECC 1-4-1, Violation and penalty.

Effective Date:

Enacted by the city council as an ordinance of the City of Emmett, Idaho, on 2025.

Approved by the Mayor on the ____ day of _____, 2025.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. O2025-

AN ORDINANCE OF THE CITY OF EMMETT, IDAHO; AMENDING TITLE 9, BY ADDING CHAPTER 22, ACCESSORY DWELLING UNIT: AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on _____, 2025, the Planning and Zoning Commission for the City of Emmett, Idaho, held a public hearing on the proposed ADU ordinance, and made recommendations to the Emmett, Idaho, City Council, including a recommendation that the ordinance be passed; and

WHEREAS, on _____, 2025, the Emmett, Idaho, City Council held a public hearing on the proposed ADU ordinance and concluded that the ordinance should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF EMMETT, IDAHO:

Section 1 Accessory Dwelling Unit Regulations:

9-22-1- Title

This chapter shall be known as the “Emmett Accessory Dwelling Unit Ordinance.”

9-22-2- Purpose

The purpose for this chapter is establish guidelines for the addition of accessory dwelling units to all single-family residential lots where only a single-family residential structure is located on the building lot.

9-22-3 Definitions

Accessory Dwelling Units (ADUs) mean individual dwelling unit that contain a kitchen, a full bathroom (including a shower or tub), living and sleeping areas (which may be combined), that is incidental and subordinate to the principal use of the premises, that is located on the same lot or parcel as a principal dwelling unit, and that does not alter the essential characteristic of the principal use of the property.

9-22-4 Private Restrictions

This section is not intended to impair or interfere with other regulations of private restrictions on the use of land improvements and structures. The provisions of this section shall be in addition to, and shall not be deemed to repeal, abrogate, or impair, any other easement, covenant, or deed restriction. Where this section imposes greater restrictions than that imposed by private restrictions, this section shall prevail.

9-22-5 Setbacks and Dimensional Standards:

- A. Setbacks shall meet the zoning district setback requirements;
- B. No accessory dwelling unit structure shall be allowed in front of the principal structure.

9-22-6 Additional Standards:

In addition to meeting all adopted building codes for a dwelling unit, the following provisions shall be complied with:

- A. Not more than one (1) accessory dwelling unit shall be allowed per legal building lot;
- B. Direct ingress and egress to accessory dwelling unit shall be provided;
- C. ADU must have a separate water and sewer connection, and pay any impact fee that may be associated;
- D. Accessory dwelling unit may be eight hundred (800) square feet or up to fifty percent (50%) of the size of the principal dwelling unit, whichever is greater, up to a maximum of one thousand two hundred (1,200) square feet;
- E. Accessory dwelling unit shall have at least three hundred (300) square feet of habitable space as defined by the adopted building code;
- F. Accessory dwelling unit shall be clearly incidental to the principal structure in use. For the purposes of accessory dwelling units, "incidental" means used in connection with the residential use and structure on site, but does not constitute the principal dwelling unit;
- G. Accessory dwelling unit shall be compatible in design, materials, and scale with the principal structure;
- H. Accessory dwelling unit shall be declared real property and be on a foundation. ADU's are not "tiny homes on wheels," as these are mobile dwellings and are considered recreation vehicles

or campers. Such homes, (tiny homes, recreation vehicles) are prohibited from being classified as an ADU;

I. A minimum of one-off street parking space shall be provided;

J. Accessory dwelling unit shall be identified with an approved address;

K. Accessory dwelling unit shall provide a kitchen with appliances for the cooking of food, a sink and storage;

L. Accessory dwelling unit shall provide a bathroom with minimally a sink, toilet and bathtub and/or shower;

M. Accessory dwelling unit shall provide for at least one (1) closet per bedroom;

N. The ADU cannot be used as a commercial use, i.e. Bed and Breakfast, etc. Short-term rentals may only be allowed following the short-term rental ordinance and application process;

O. ADU's are permitted only when one of the structures on the property are owner-occupied. Owner-occupied structure does not need to be the principal dwelling. Ownership cannot be fractional or timeshare ownerships;

Section 2. Effective Date: This ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the city council as an ordinance of the City of Emmett, Idaho, on
, 2025

Approved by the Mayor on the ____ day of _____, 2025.

MAYOR

ATTEST:

CITY CLERK