

**BANNOCK COUNTY**  
**OFFICE OF PLANNING AND DEVELOPMENT SERVICES**  
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**MEETING DATE:** December 21, 2011  
**PUBLIC MEETING BY:** Planning & Development Council  
**TYPE OF APPLICATION:** Zoning Ordinance Amendment  
**TYPE OF HEARING:** Legislative – the Council will make a recommendation to the Board of Bannock County Commissioners  
**AGENDA ITEM :** E.2. Zoning Ordinance Amendment Public Hearing

**Proposed Amendment to the Zoning Ordinance**

The County proposes the following amendments to the Zoning Ordinance 1998-1, Section 401, Accessory Uses:

- Amend the current Zoning Ordinance section **401 C.4** “Accessory Uses: Use Limitations” prohibiting the permitting of residential accessory uses and buildings prior to the development of the primary use. The proposed change would allow a “personal storage building” to be permitted prior to the residence. However, the accessory use would be limited to the Agricultural, Residential Rural, Residential Suburban, and Recreation Zoning Districts, and the accessory structure would be limited in total square footage.
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**Background**

The Council discussed the County proposed zoning ordinance amendment to permit residential accessory uses prior to the primary use during the November 16, 2011 meeting. After evaluating the proposed amendment, the council requested staff to prepare the amendment text for consideration at the next public hearing.

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**Proposed Amendment Text - The following is a draft incorporating the Council's suggestions from the November 16, 2011 meeting:**

The text of the current Zoning ordinance section 401.C.4 is printed below. Proposed text changes are shown as “~~strikethrough~~” for deletions and “underline” for additions.

*Beginning of Proposed Zoning Ordinance Amendment Section*

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401 ACCESSORY USES:

C. USE LIMITATIONS: In addition to complying with all other regulations, no accessory use shall be permitted unless it strictly complies with the following restrictions:

1. In the case of all commercial and industrial uses: accessory structures shall maintain the same minimum front, side and rear yard as is required for the principal structure.
2. Setbacks: No accessory structure shall be closer than ten feet to a principal structure or closer than five feet to any other accessory structure, unless it is attached to such principal or other structure.
3. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.

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4. Residential accessory uses and buildings shall be:

- permitted after or concurrent with the development of the primary use: a shop or storage shed on a residential lot is an accessory building and cannot be permitted prior to issuance of the permit for the residence except one personal storage building of no more than 400 square feet in size may be permitted on a residential lot in the Agricultural, Residential Rural, Residential Suburban, and Recreation Zoning Districts prior to the issuance of a permit for the residence provided that a residential development right has been established.
- compatible in design with the primary use; that is, garages, storage buildings and shops, will look like residential garages, shed, etc., not industrial or commercial. Compatibility will be determined following application site plan review.
- the total area of structures on a lot, including the principal building, shall not exceed thirty-five percent (35%) of the total lot area. The maximum structure size shall be limited to four thousand (4000) square feet unless approved by the Council as a business item. Property owners within a three hundred (300) foot radius shall be notified within at least seven days of the meeting.
- the maximum height of the accessory structure shall be as shown in the district bulk and placement tables.
- ~~in the Recreation Zone, one storage building up to three hundred (300) square feet in size is allowed without a residence, concurrent with homeowner and/or property owner association approval.~~

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End of proposed amendment to the Zoning Ordinance

**Staff comments:**

**Proposed Zoning Ordinance Amendment in accordance with Comprehensive Plan:**

1. *The Comprehensive Plan allows residential accessory uses in the AG, RR, RS, and REC zones (Chapter 3: Future Land Use Plan: Land Use Plan Categories pages 15-19).*
2. *The plan identifies some new housing opportunities in the AG, RR, RS, REC, and MU zones that are outside of cities and their corresponding areas of city impact. However, residents of these unincorporated areas of the county “must expect that public facilities and services (water, sewer, police and emergency services, parks, etc.) will be limited or non-existent in these areas” (Chapter 7: Housing, Goal H 1, page 50). The Council may wish to evaluate the extension of services that may be required should accessory uses be permitted prior to primary uses (utilities, fire protection, etc.).*
3. *One of the plan’s goals is to maintain Bannock County’s scenic and aesthetic quality (Chapter 10: Natural Resources, Hazardous Areas, and Environment, Goal NR6, page 62). A policy to “limit further proliferation of junk yards, unscreened or unsightly gravel pits, and **outdoor storage or sheds in highly visible areas** through the Future Land Use Plan” is part of this goal.*

4. *Another Comprehensive Plan goal is to promote a positive image for residents and visitors alike (Chapter 13: Community Design and Special Sites, Goal CD 2, page 74). A policy to “ensure that development and landscaping quality positively affects the identity and image of communities” and to “discourage junk yards or unsightly development” is part of this goal. Allowing a landowner to store items in a personal storage building may be more aesthetically pleasing than leaving items within view.*
5. *The plan reiterates that the **County has a responsibility to protect public health, safety, and welfare** (Chapter 14: Property Rights, Goal PR 1, page 78). The Council will need to determine whether or not the proposed amendment meshes with this responsibility.*

**Additional Comments:**

1. *The Zoning Ordinance was recently amended to allow 300 sq. ft. storage buildings in the Recreation Zone. However, the proposed amendment conflicts with the 300 sq. ft. allowance. Active homeowner’s associations may continue to limit the size, placement, and permitting of storage buildings by enforcing their restrictive covenants.*
2. *The average detached accessory structure permitted in the county between 2008 and 2010 is approximately **1350** sq. ft. This includes shops, sheds, barns, and garages. A size limit of 400 sq. ft. may not solve the exception problem, and perhaps a larger size limit should be considered.*