

**THE ZONING ORDINANCE OF BANNOCK COUNTY, IDAHO
AS AMENDED 11/13/2001 (see listing page 105)**

ORDINANCE NO. 1998 1

AN ORDINANCE ESTABLISHING NEW ZONING REGULATIONS FOR UNINCORPORATED BANNOCK COUNTY AND REPEALING ORDINANCE NO. 1990-1, APPENDICES A AND C OF ORDINANCE NO.1984-3; PROVIDING FOR TITLE, PURPOSE, CONSISTENCY WITH THE COMPREHENSIVE PLAN, APPLICABILITY, RESOLUTION OF CONFLICTS WITH OTHER ORDINANCES, CODES OR PRIVATE AGREEMENTS AND SEVERABILITY OF EACH PROVISION; DEFINING TERMS; DESIGNATING ZONING DISTRICT NAMES AND ESTABLISHING ZONING DISTRICTS ACCORDING TO THE OFFICIAL ZONING MAP; PROVIDING FOR PERMITTED USES AND USES CONDITIONALLY PERMITTED IN EACH ZONING DISTRICT; PRESCRIBING THE PURPOSE OF EACH DISTRICT AND DESCRIBING THE CHARACTERISTICS OF THE LAND IN EACH DISTRICT; SETTING STANDARDS AND PERFORMANCE REQUIREMENTS FOR LOCATING USES IN EACH DISTRICT; PROVIDING FOR PLANNED UNIT DEVELOPMENTS; INCLUDING A USE REGULATIONS SUMMARY CHART; ESTABLISHING GENERAL REGULATIONS FOR ACCESSORY USES, TEMPORARY USES, RESIDENTIAL USES, OFF STREET PARKING, MOBILE HOMES, HOME OCCUPATIONS, FENCES, SCREENING, AGRICULTURAL OPERATIONS, NON CONFORMING USES, STRUCTURES AND LOTS, AND OTHER USES SPECIFIED IN THE SECTION; REQUIRING ZONING PERMITS, BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY; PROVIDING FOR SITE PLAN REVIEW; PROVIDING FOR CONDITIONAL USE PERMITS, VARIANCES AND CHANGES IN ZONING DISTRICT BOUNDARIES (REZONING), INCLUDING PROCEDURES AND STANDARDS THEREFOR; PROVIDING FOR MINOR VARIANCES; PRESCRIBING PUBLIC HEARING PROCEDURES; PROVIDING FOR APPEAL OF DECISIONS; PROVIDING FOR ENFORCEMENT, VIOLATIONS AND PENALTIES, INCLUDING CRIMINAL MISDEMEANOR PENALTIES AND CIVIL REMEDIES; PROVIDING FOR A PLANNING AND DEVELOPMENT COUNCIL; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BANNOCK COUNTY, IDAHO, AS FOLLOWS:

100 BASIC PROVISIONS:

101 TITLE: This Ordinance shall be known and cited as "The Zoning Ordinance of Bannock County, Idaho." This Ordinance hereby replaces and repeals Bannock County Ordinance 1990-1 and Appendices A, B and C of Ordinance No. 1984-3.

115 PURPOSE: The purpose of this Ordinance shall be as follows:

- A. To promote and protect the health, safety, comfort, and general welfare of the public.
- B. To support and implement the stated goals of the County as expressed in the Comprehensive Plan.
- C. To provide for and protect agricultural lands and sensitive natural resource areas.
- D. To mitigate the effects of incompatible land uses upon adjacent uses.
- E. To provide protection against fire, explosions, hazardous materials, obnoxious fumes, loud noise, and other hazards and nuisances which constitute environmental pollution.
- F. To preserve and enhance the value of land and buildings throughout the County.
- G. To protect and improve the County's quality of life so that the County will be increasingly valued by residents and Nonresidents as a desirable place for recreation, living and working.

120 CONSISTENCY WITH COMPREHENSIVE PLAN:

- A. It is the intent of Bannock County that the Zoning Ordinance shall be consistent with the Bannock County Comprehensive Plan, and with any supplemental land use and community development policies which may be adopted by the Board of County Commissioners.
- B. In the event the Zoning Ordinance becomes inconsistent with the Comprehensive Plan or with any supplemental land use and community development policies of the County, by reason of the adoption of a new plan or by amendment of the existing plan or supplemental policies, it is the intent of the Board of County Commissioners that the Zoning Ordinance be amended within a reasonable time so as to become or remain consistent with the revised or amended Comprehensive Plan and land use and community development policies.

C. Additionally, it is the intent of the Board of County Commissioners that all amendments to the Zoning Ordinance shall maintain and enhance the consistency between the Zoning Ordinance and the Bannock County Comprehensive Plan.

125 APPLICABILITY:

The Zoning Ordinance shall apply to all of the unincorporated areas of the County. The use of all land and any buildings or structures located upon the land, and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the district in which the land is located except as otherwise provided below. No land, building, structure or premises shall be used for any purpose or in any manner other than as permitted in the district in which such land, building, structure or premise is located except as provided below. The provisions of this Ordinance shall be applied to all land, buildings, structures and premises of the unincorporated areas of Bannock County.

135 CONFLICTING PROVISIONS:

The Zoning Ordinance shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not the intent of these regulations to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When these regulations impose a greater restriction upon the use of buildings or land, or upon the height of buildings, or require larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of these regulations shall control.

145 SEVERABILITY OF PROVISIONS:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations, it being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

END OF SECTION

200 DEFINITIONS:

For the purpose of this Ordinance, certain words and phrases are defined as follows:

ACCESSORY USE: A use which is both customary, incidental, and subordinate to the primary use or structure on the same parcel of land. See Section 401, Accessory Uses and Buildings.

AESTHETICS: the visually pleasing properties of an area relating to its natural state or the built environment, such as reduced visibility of development, consistent bulk and placement limitations including height, and the like.

AGRICULTURAL SOILS, PRIME: Land highly suited for the production of food, feed, and other crops. See National Resource Conservation Service standards for location and evaluations.

AGRICULTURAL SUPPORT USE: A use that provides services that directly support agricultural uses on the same property or on adjacent agricultural lands such as:

1. Production, storage and sale of seeds, feed, and other agricultural produce;
2. Storage, fabrication and sale of irrigation systems;
3. Processing of milk products;
4. Storage, mixing, and sale of fertilizers;
5. Transportation services for hauling on premises-produced agricultural products;
6. Repair and sales of farming equipment.

ANIMAL, DOMESTIC: Animals customarily reared as pets, including dogs, cats, rabbits, fish, etc., and farm animals.

ANIMAL, FARM: See Livestock

ANIMAL, WILD: Animals that are customarily not reared as domestic animals or livestock.

BED AND BREAKFAST: The use of a dwelling as an inn, where the residence remains the primary use.

BICYCLE TRAIL: A public way, usually 10 to 20 feet in width and often surfaced, restricted from motorized or horse travel.

BILLBOARD: a sign advertising a facility, product or event not on the site occupied by the

sign. Also called outdoor advertising .

BOARD: Bannock County Board of Commissioners.

BOARDING HOUSE: A building other than an inn where, for compensation, lodging for three or more unrelated people is provided for usually a week or longer. Living quarters in said residence are not provided with separate kitchens.

BUILDING: Any structure, either temporary or permanent, having a roof supported by walls.

BUILDING CODE: Latest approved edition of the Uniform Building Code.

BUILDING SITE: A recorded lot or parcel of land occupied or to be occupied by a main building and its accessory buildings, or a specified area within a lot as indicated on a recorded survey or plat.

CANOPY TREE: A deciduous tree that grows to a height of 30 feet or more.

CENTRAL SEWER: a sewage and effluent pre-treatment facility serving more than one structure, and owned privately or in common by other than a governmental entity.

CERTIFICATE OF OCCUPANCY: A statement signed by the Planning Director and Building Official setting forth that a structure and land may lawfully be employed for specific uses, and certifying that the structure and land meet the requirements of this Ordinance and the Building Code as adopted by the County.

CLERK OF THE PLANNING AND DEVELOPMENT COUNCIL: The Planning Director or his/her representative.

COMMERCIAL AGRICULTURE: A for-profit operation which is devoted to horticulture and/or to the production of livestock, dairy animals, dairy products, fur bearing animals, fish, crops, nursery stock, fruit, vegetables, forage, grains, bees, or apiary products.

CONDITIONAL USE: A land use that would not be appropriate generally, but may be allowed if restrictions can be provided to render the land use compatible with surrounding uses. See Sections 530 and 535.

COUNCIL: Bannock County Planning and Development Council.

DAY CARE CENTER: A building originally constructed for non-residential purposes where children, not children of the operator, are cared for.

DAY CARE HOME: A day care operation conducted in the home of the operator.

DENSITY: The number of dwelling units per acre of land. Each zoning district has a specified density.

DEVELOP, DEVELOPMENT: To divide land for purposes other than agriculture; to prepare land for division, building, or improvements, including grading, fencing for planned residential lots, road building, or utility placement; to place structures or utilities, fencing for other than agriculture, or roads. Also includes a change in the use of an existing structure or on land; mining or excavation; a material change in the external appearance of a structure or land; placement of accessory buildings; demolition of a structure; deposit of waste or fill on a parcel of land; alteration of a shore, or flood plain of a body of water or riparian area. Development does not include maintenance and repair within a right-of-way, external maintenance or improvement of an existing structure, or the use of land for growing plants, crops, trees, and other agricultural or forestry products.

DWELLING, MULTIPLE: A building or portion thereof, containing three (3) or more dwelling units.

DWELLING, SINGLE FAMILY: A building or portion thereof, containing a single dwelling unit.

DWELLING, TWO FAMILY OR DUPLEX: A building or portion thereof, containing two dwelling units.

DWELLING UNIT: A building or portion thereof, containing two or more rooms and used for independent living quarters by one family only, with bath and kitchen facilities permanently installed.

EXTRACTION: See "mining".

FAMILY: Three or fewer unrelated persons, or two or more persons related by blood, marriage, adoption or custody, living together in a dwelling unit.

FEEDLOT: Corrals or holding areas for the impoundment of livestock for market or production of milk, eggs, and the like, and not incidental to a farm or ranch livestock operation.

FLOODPLAIN: An area susceptible to flooding, as designated by the Army Corps of Engineers on Flood Insurance Rate Maps, published by Federal Emergency Management Agency.

GARDEN CENTER: A retail business or portion of a retail business devoted to the sale of outdoor plants, as well as garden equipment and tools.

GAS STATION, SERVICE STATION, OR FILLING STATION: An establishment where motor fuels are sold at retail. Incidental vehicle maintenance and repair is sometimes also conducted on the premises.

GRANDFATHER RIGHT: The right to continue operating a legal nonconforming use.

HARDSHIP: The proposed use of the property and associated structures in question cannot be established under the requirements of this Ordinance, and no other reasonable alternative exists.

HAZARDOUS MATERIALS: Any materials that are considered by the Building Official or Federal Environmental Protection Agency to be hazardous to public health or safety.

HEIGHT: The vertical distance from the highest point on a building, except chimneys or antennas, to the average ground level where the walls or other structural elements intersect the ground.

HOG OR PIG FARMING, COMMERCIAL: The keeping of more than six adult swine on the premises.

HOME OCCUPATION: A use conducted entirely within an enclosed dwelling, employing only the inhabitants thereof, and no more than one additional person and which is clearly incidental and secondary to residential occupancy and does not change the character thereof. Specifically excluded is the storage and display of merchandise not produced by such home occupation, window displays, building alterations, and outdoor storage.

IMPACT AREA, city: That area surrounding a city, defined by County and City ordinances, and in their absence Idaho Code, as being one mile beyond a city's borders.

IMPACT AREA AGREEMENT: An agreement reached by city and County officials which prescribes which entity's ordinances will apply in the impact area, and how development applications are processed. An impact area agreement is enacted by ordinances (separate) by the County and city, the result of which is an ordinance or resolution by both governments.

IMPORTANT WILDLIFE HABITAT: As determined by Idaho Fish and Game (see Appendix B). Habitat values change with development, agricultural activities and other land use changes; therefore, important wildlife habitat is relative and changes over time. Table 11 of the Soils Survey, evaluates the potential of soils for habitat and will also be considered by Staff and Council.

INN: See Motel, Hotel.

INSTITUTIONAL HOUSING: Housing for certain classes of people such as students, nurses, mentally or physically disabled, and elderly. Such housing does not provide individual kitchens for the residents.

JUNKYARD: Any land used for a salvaging operation, including but not limited to the storage or sale of waste paper, rags, scrap metal, discarded materials, and used auto parts. A junkyard includes the collection, dismantlement, storage, or salvage of four or

more unlicensed or inoperative vehicles. This definition excludes uses established entirely within enclosed buildings, and farm machinery in agricultural zoning districts.

KENNEL: Any place on which more than four dogs and/or more than four cats, of six months in age or older are kept, or any number of dogs or cats are kept for the purpose of sale, placement, boarding, care, or breeding, for which any fee is exchanged.

LANDSCAPING: Outdoor plants such as trees, grass, shrubs and flowering plants.

LIVESTOCK: Animals maintained as a source of food, clothing, transportation, or power.

LOT: The contiguous land in the same ownership which is not divided by any public road right of way.

LOT, CORNER: A lot situated at the intersection of two roads.

LOT DEPTH: The distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, INTERIOR: Any lot other than a corner lot.

LOT LINE: The lines bounding a lot.

LOT, REVERSE CORNER: A corner lot, the rear of which abuts the side of another lot, whether across an alley or not.

LOT, SUBSTANDARD: A lot or tract of record by deed or plat that does not comply with minimum area, width, or depth requirements currently applicable to the district in which it is located, but which complied with applicable requirements when it was placed on record.

LOT WIDTH: The distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.

MINIMUM LANDSCAPED SPACE: The percentage of lot areas which must be maintained in grass or other living vegetation.

MINING: The extraction of sand, gravel, rocks, soil, or other material from the land and the removal thereof from the site. For the purposes of this Ordinance, mining shall not include the removal of excess materials in accordance with approved plats, or utility and highway construction, normal farming practices, and sod removal.

MOTEL, HOTEL, INN: A building or group of buildings designed mainly to serve travelers and others on a short term basis.

MUNICIPAL SEWER: A system of sewer lines and treatment facilities to deliver and treat sewage; developed, serviced and managed by a governmental entity or agency.

NEIGHBORHOOD COMMERCIAL USES: Retail uses and personal services which primarily serve the neighborhood in which they are located, including convenience stores, dry cleaners, bakeries and day care centers.

NOISE PARK: An area, track, course, structure or structures, grading, and the like devoted to the use of off road vehicles such as motorcycles, cars, snowmobiles, trucks, carts and the like, either for personal or commercial use.

NONCONFORMING USES: See Section 470 of this Ordinance.

NURSERY, WHOLESALE: A business which grows and sells living plants primarily to other businesses.

NURSERY, RETAIL: A business which grows and sells living plants primarily to individuals for use inside or outside a residence.

NURSING HOME: A form of institutional housing that is provided with facilities for the boarding and care of the aged and the infirm.

OPEN SPACE SUBDIVISION: A division of land which produces individual lots and reserves a specified amount of the original area in perpetually undeveloped or unchanged condition.

OUTDOOR STORAGE: Storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

OVERLAY ZONE: A zone superimposed over another zone or zones allowing for additional uses or restrictions.

PERFORMANCE STANDARDS: regulations providing specific standards for design and/or construction.

PLANNED UNIT DEVELOPMENT (P.U.D): A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of stages of development. Subdivision and zoning regulations are applied to the project as a whole rather than to individual lots. Therefore, densities are calculated for the entire development, usually permitting a trade off between clustering of housing and provision of open space. A P.U.D. often includes a mix of residential uses and may also include non-residential uses that are compatibly and harmoniously incorporated into the unitary design of the project.

PRIMARY USE: The principal use to which the premises are devoted, and the principal purpose for which the premises exist.

PRIME AGRICULTURAL LAND: See Agricultural Soils, prime.

PUBLIC UTILITY AND PUBLIC SERVICE FACILITY: Structures essential to furnishing the public with electric power, gas, water, water treatment, and public services, including power plants and substations, pumping stations, fire stations and police stations.

RECREATIONAL VEHICLE: A vehicle towed or self propelled on its own chassis or attached to the chassis of another vehicle, and designed or used for temporary dwelling, recreational or sporting purposes. The term "recreational vehicle" shall include, but not be limited to travel trailers, pick up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

RECYCLING COLLECTION POINT: A container for the collection of recyclable materials which are specified on the container.

RECYCLING FACILITY: A building used for the collection, shipping and distributing of used materials, or for the remanufacture of waste materials into another product or form. If materials are stored outside the building, the facility shall be deemed a junkyard.

RIPARIAN AREAS, RIPARIAN CORRIDORS: All lands within and adjacent to areas of groundwater discharge, or standing and flowing surface waters where the vegetation community is significantly affected by the temporary, seasonal, or permanent presence of water. Examples include springs, seeps, creeks, streams, rivers, ponds and lakes and their margins. Riparian corridors are connected riparian areas; usually serves as a movement route for fish or wildlife.

ROAD: A public or private thoroughfare which affords principal means of access to abutting property.

SCREENING: Earth mounds or berms, sight obscuring fence and walls, landscaping used singly or in combination to block direct visual access to an object.

SETBACK: The minimum distance between a structure or improvement and a lot line.

SIGN: a lettered board, name, emblem, identification, trade name, trademark, illustration or the like which is affixed to, painted on or represented, directly or indirectly upon a building, structure or land which relates to an person, activity, facility, organization, or business located on the premises.

SIGN, FREESTANDING: A sign which stands on the ground and is not attached to a building.

SHOOTING PRESERVE: An area used for shooting for which a fee is charged.

STABLE, COMMERCIAL: A facility where horses are boarded, bred, or raised by the occupants of the premises for a fee. Also includes facilities that rent horses for riding. Typical uses include boarding stables or public stables.

STAND, ROADSIDE: A structure used only for the display and sale of locally grown produce with no space for customers within the structure.

STREAM OR RIPARIAN CORRIDOR SETBACK: the distance from the outer riparian edge of a natural waterway on which structures are prohibited.

STRUCTURE: Anything constructed which requires permanent location above or below the ground or attached to something having a permanent location on the ground, including but not limited to: buildings, bridges or culverts across streams, signs, fences, billboards, tennis courts, swimming pools, satellite dishes, antennas, yard lights, etc.

SUBDIVISION ORDINANCE: Bannock County's currently adopted ordinance providing standards and process for the division of land.

TRAVEL TRAILER: See Recreational Vehicle

TREE SIZES: For evergreens, height is used. For deciduous trees, the diameter of the trunk at a height of 1 foot above the ground is used.

URBAN SERVICE AREA: The portion of an area of city impact in which a city's land use ordinances apply as stated in the applicable area of city impact agreement.

VARIANCE: A modification of the requirements of this Ordinance as to lot size, lot coverage, width, depth, height of structure, setbacks, parking space, or other ordinance provisions affecting the size and shape of a structure or the placement of the structure upon lots, or the size of lots. See Section 540.

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Identified and defined by Army Corps of Engineers).

WILDLIFE CORRIDOR: the daily or seasonal migration patterns of native animal species.

WILDLIFE PRESERVE: A parcel of land whose primary purpose is a habitat for wild animals, indigenous to Idaho. Wildlife preserves are confined, private areas and do not include State of Idaho wildlife management areas or unconfined lands which are wildlife-habitat.

YARD: The area between any lot line and the setback required therefrom.

YARD, FRONT: A yard extending across the full width of the lot, the depth of the yard being the minimum distance between the front lot line and the part of a building closest to the front lot line, or to the required setback from the street if development is not present.

YARD, REAR: A yard extending across the full width of the lot, between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured from the nearest point of the rear lot line toward the nearest part of a main building.

YARD, SIDE: A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest part of a main building.

END OF SECTION

300 ZONING DISTRICT REGULATIONS:

301 ZONING DISTRICTS DESIGNATED:

To further the purposes stated in this section and Section 115, the following names shall apply to zoning districts created by this Ordinance:

DISTRICT NAME	SYMBOL
Agricultural	A
Residential Rural	RR
Residential Suburban	RS
Recreational	REC
Multiple Use	MU
Commercial General	CG
Light Industrial & Wholesale	LIW
Industrial	I
Special Lands	SL

302 ZONING DISTRICTS ESTABLISHMENT:

In order to separate land uses which are incompatible and to mitigate the effects of land uses which conflict, the County is divided into zoning districts as shown on the official zoning map of the County which is adopted and made a part of this Ordinance as though fully set forth in this Ordinance. The zones shown on the official zoning map shall correspond to the zones described in the text of this Ordinance. All land within the unincorporated areas of Bannock County shall be subject to the restrictions contained in this Ordinance.

303 ZONING MAP REQUIREMENTS AND DISTRICT BOUNDARIES:

A. The official zoning map shall serve as the true record of zoning district boundaries and shall bear the signatures of the Board of County Commissioners. Signed originals of the official zoning map shall be kept on file in the office of the County Clerk and Department of Planning and Development Services. Zoning district boundaries shall conform as closely as possible to surface features such as roads, alleys, streams, and ridge lines or valley bottoms or to legal boundaries such

as lot lines, subdivision boundaries, property lines, and government survey boundaries.

B. Should disagreements arise concerning district boundary interpretations made by the planning staff, the question may be submitted in writing to the Board of County Commissioners for a final decision.

310 AGRICULTURAL DISTRICT (A)

311 PURPOSE:

To preserve commercial agriculture as a viable permanent land use and a significant economic activity within the County.

312 CHARACTERISTICS OF LAND IN THIS DISTRICT:

The agricultural designation is to be applied to land which includes prime farmland, and which has not been divided into small agriculturally unusable parcels. The Agricultural zone is not intended to accommodate non agricultural development. Factors to be considered in designating land for Agricultural districts should include, but not be necessarily limited to the amount of prime farmland in the area, existing lot sizes and land uses in the area and the character of surrounding land uses.

313 PERMITTED USES - WITH STAFF REVIEW AND APPROVAL OF SITE PLAN (SECTION 503)

A. Detached single family dwellings including mobile homes defined by this Ordinance, Section 420.

B. Accessory uses which are customarily incidental to residential uses.

C. Agricultural uses and buildings and structures customarily incidental to such uses.

D. Home occupations as defined in this Ordinance; see Section 424.

E. Outdoor for-pay recreation uses.

F. Agricultural support.

G. State licensed day care homes up to six client children.

H. Public utility installations not including business offices.

I. Commercial Stables.

J. Kennels.

314 USES CONDITIONALLY PERMITTED:

The following land uses may be conditionally permitted in the AGRICULTURAL district subject to conditions established in this section and elsewhere in this Ordinance:

- A. All non-residential uses permitted as conditional uses in the Residential Suburban district.
- B. Mining.
- C. Rendering, butchering, slaughter, skinning or processing of animals.
- D. Feed lot.
- E. Zoo.
- F. Wildlife preserves.
- G. Shooting preserves.
- H. State licensed day care homes or centers with seven or more client children.

315 DIVISIONS OF AGRICULTURALLY ZONED LAND FOR RESIDENTIAL USE:

Land in the Agricultural District may be divided for residential use in the following manner:

- A. One (1) dwelling unit shall be permitted for each quarter-quarter section* of land in a single ownership up to four (4) quarter quarter sections. This amounts to one dwelling unit for approximately every forty (40) acres up to approximately 160 acres.
- B. When more than four (4) contiguous quarter quarter sections are held in a single ownership, then one (1) dwelling unit shall be permitted for each additional group of four (4) contiguous quarter quarter sections. This amounts to one dwelling unit for approximately every additional 160 acres owned.
- C. After the first two residences, each dwelling unit shall be located on its own separate lot, the size of which shall be equal to or larger than the Minimum Lot Area specified in the Building Bulk and Placement Standards for the Agricultural District.
- D. Building lots shall be created by following the requirements set out in the subdivision ordinance of Bannock County, as amended.

E. Amendment #3: Subdivision, as defined in the Bannock County Subdivision Ordinance, shall be permitted in the Agricultural District, according to Section 315.E.1.

1. **SUBDIVIDING IN THE AGRICULTURAL ZONE.** Open space subdivisions, designed according to Section 401.B of the Bannock County Zoning Ordinance, No. 1997-4, shall be permitted with a density of one residence per 40 acres.

A. Requirements for sewage treatment and water systems shall not apply to lots over one acre.

B. Lots shall be clustered and may vary in size with a minimum of one acre.

C. Subdivision shall have a single access, built to county standards, to a county maintained road.

D. The recorded plat must include all the land used to determine the number of lots, and all but the permitted lots be restricted from residential development.

E. All other requirements and standards of the Subdivision Ordinance shall apply.

Example: A 160-acre tract could result in a four-lot subdivision designed according to the criteria in Section 401.B of Subdivision Ordinance No. 1997-4. All but the individual lots would serve as the open space with no additional open space required.

F. These regulations are to be regarded as limitations on the overall density of development in the Agricultural District, not as minimum building site or minimum lot size requirements.

G. No more than four non farm and/or farm dwellings or a combination thereof may be placed in the same quarter quarter section.

*For the purposes of these provisions, a Government Lot shall be equivalent to a quarter quarter section.

316 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:
 The following table sets forth building bulk and placement standards for the Agricultural district.

AGRICULTURAL DISTRICT

MINIMUM SETBACKS (FT)⁽¹⁾

	FROM LOCAL ROAD ROW	FROM ARTERIAL OR COLLECTOR ROAD (2)	REAR YARD	SIDE YARD
PERMITTED USES				
Single family Residence	30	50	30	20
Residential Accessory Structures	30	30	15	20
Accessory Structures for Commercial Agriculture	30	50	15	20
Accessory Structures for Commercial Agriculture Farm Animals	100	100	100	100

CONDITIONAL USES

TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

Minimum lot size is one acre; density is one dwelling per 40 acres. See Section 315 for subdividing in the AG District. Larger lot sizes may be required by the District Health Department.

(1) Setback for all structures shall be 100' from any stream or riparian area.

(2) Setback for accessory structures same as for local road.

320 RESIDENTIAL RURAL DISTRICT (RR)

321 PURPOSE:

The Residential Rural zoning district is established to provide low density, single family residential areas in rural settings. RR districts require lot sizes or sufficient open space to maintain a semi rural setting.

322 CHARACTERISTICS OF LAND IN THIS DISTRICT:

The Residential Rural designation is to be applied to existing neighborhoods with larger, rural sized lots, and for areas of underdeveloped land which will serve as buffer areas between Agriculture districts and urbanizing areas. Factors to be considered in designating land for RR districts should include, but not be limited to, availability of county services and roads, types of surrounding land uses, and suitability of land to safely handle individual well and sewage systems on lots 5 acres or more in size, or higher densities with central or municipal water and sewer systems.

323 USES PERMITTED - WITH STAFF REVIEW AND APPROVAL OF SITE PLAN (SECTION 503)

- A. All uses listed as permitted in the RS district, except attached housing unless such housing is in an open space designed subdivision.
- B. Commercial Agricultural uses for use on the premises, buildings, and structures, except hog farms, feed lots, and agricultural support uses.
- C. State licensed day care homes or centers with up to six client children.

324 USES CONDITIONALLY PERMITTED:

The following land uses may be permitted conditionally in the RR district subject to conditions established in this section and elsewhere in this Ordinance.

- A. All uses permitted by conditional use permit in the Residential Suburban district, except attached housing unless such housing is in an open space designed subdivision.

325 PARKING STANDARDS:

All residential development shall meet the parking standards set forth in the Residential Suburban District Section 335 inclusive.

326 SUBDIVIDING IN THE RESIDENTIAL RURAL DISTRICT: The following methods

of subdividing are permitted in the RR zone:

A. Open Space Designed Subdivision (see design standards of Subdivision Ordinance) with density of one dwelling to 2.5 acres.

Open Space designed subdivisions are required in the RR zone if one or more of the following apply:

1. A proposed subdivision s average net lot size is less than five acres;
2. If 25% or more of the subdivision is above 5000' elevation.
3. If the proposed subdivision includes important wildlife habitat.

B. Conventional: Five acre minimum lot size if individual well *or* septic systems are used. Such subdivisions are prohibited from further division.

C. Planned Unit Development provided that municipal water and sewer are provided; density may be up to one dwelling per ½ acre; for residential uses or for mixed-use developments which include neighborhood commercial uses subordinate to residential uses in the same development.

D. All subdivisions on a city boundary must apply to be annexed into that city which has designated that land to be within its Area of City Impact

1. In the event the City declines in writing, to annex the development, the County shall hear the application in accordance with it s Area of Impact Agreement with the City, or Idaho Code shall apply if none exists.

327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:
 The following table sets forth building bulk and placement standards for the Residential Rural District.

RESIDENTIAL RURAL DISTRICT

	MINIMUM SETBACKS (FT) ⁽¹⁾				MAX STRUCTURE HT. (FT.)
	FROM LOCAL ROAD ROW	REAR YARD	SIDE YARD		
PERMITTED USES					
Single family Residence	30	30	10		35
Two-family Residence	30	30	10		35
Residential Accessory Structures see 401.C.4	30	20[c]	20[c]		Res. Ht.
Agricultural Structures	30	20	20		
Farm Animal Structures	30	30	30		15
Commercial Agriculture Accessory Structures for Farm Animals	100	100	100		-
Non-Residential Buildings	30	20(b)	20(b)		-

CONDITIONAL USES - TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

Minimum Lot Size: Five acres; see Section 326. Larger lot sizes may be required by the District Health Department.

(1) Minimum setback from Collector or Arterial road: 50 feet. Residential accessory building setbacks shall be same as local road in this chart. Setback for all structures shall be 100' from any stream or riparian area

(b) Or height of building, whichever is greater

[c] Or height of structure, whichever is greater.

330 RESIDENTIAL SUBURBAN DISTRICT (RS)

331 PURPOSE:

The Residential Suburban zoning district is established to provide small (one acre or less) residential estates on municipal sewage treatment facilities and/or water systems, or larger lot development where sewer effluent and water systems can be provided. The RS district is located on the boundaries of the County's cities where municipal services are expected to be extended, and usually within a city's area of impact.

332 CHARACTERISTICS OF LAND IN THIS DISTRICT:

The Residential Suburban designation is to be applied to existing smaller lot neighborhoods which are currently developed for residential use and are designated to remain so by the Comprehensive Plan, and for areas of undeveloped land which are deemed suitable and appropriate for development of residential uses according to criteria set forth in the comprehensive plan. Factors to be considered in designating land for Residential Suburban districts should include, but not be limited to, availability of county services and roads, surrounding land uses, the suitability of the land for extension of municipal services.

333 USES PERMITTED - WITH STAFF REVIEW AND APPROVAL OF SITE PLAN (SECTION 503)

Uses permitted in the Residential Suburban district shall be as follows:

- A. Single family dwellings.
- B. Duplexes.
- C. Livestock on one acre or more of land.
- C. Parks.
- D. Livestock pens or runs located a minimum distance of 50 feet from a neighboring house, or the minimum setback for a residence if no house yet exists.
- E. Accessory buildings, structures and uses which are customarily incidental to residential uses.
- F. Home occupations as defined in this Ordinance.
- G. Public Schools primary and secondary.

H. Fire Stations.

I. Churches.

J. State licensed day care for up to 6 client children at any one time in the day care operator's primary residence or a day care center.

K. Golf courses.

L. Private, noncommercial recreational facilities.

334 USES CONDITIONALLY PERMITTED:

The following land uses may be permitted conditionally in the Residential Suburban district subject to conditions established elsewhere in this Ordinance.

A. Public utility installations, not including business offices, repair or storage facilities.

B. State licensed day care for more than six client children at any one time to a maximum of 20 children in the day care operator's primary residence; licensed day care for over 20 children may be conditionally permitted in a structure which was not initially constructed for residential purposes.

C. Cemeteries.

D. Institutional housing.

E. Multi family dwellings.

335 PARKING STANDARDS:

Parking spaces for residential uses within the Residential Suburban district shall be required in accord with the standards established by this section.

335.1 Developers of residential structures shall provide parking spaces as required by the following table:

PARKING SPACES REQUIRED PER UNIT

DWELLING UNITS/STRUCTURE (read across)

		1	2	3	4	5 or more
Number of	1	2	2	1.6	1.5	
Bedrooms/Unit	2	2	2	1.8	1.6	
	3	2	2	2.0	1.8	
	4	3	3	2.2	2.0	
	5 or more	3	3	2.4	2.0	

*Applies to congregate parking for apartments in the Residential Suburban district. Attached single family units on individual lots shall provide parking in accord with standards for single family dwellings.

- 335.2 All congregate parking areas shall be separated from adjacent lands by a sight proof fence or hedge at least four feet in height. No paving for congregate parking areas shall be placed any closer than five feet from an adjacent residentially zoned property line.
- 335.3 Landscaping for congregate parking lots in the Residential Suburban district shall contain at least one and one half inch caliper tree per fifty square feet for all required landscaping within the bounds of the parking lot.
- 335.4 Any trash collection or storage facilities for multi family residential uses shall be located at least ten feet from adjacent residential property and at least ten feet from any windows in the walls of the buildings they serve.
- 335.5 Congregate parking lots shall be located behind the front setback line of the buildings they serve.
- 335.6 Congregate parking lots shall have direct driveway access to a public or private road.
- 335.7 Parking lots shall be maintained in a dust free condition.
- 335.8 Parking lot landscaping equal to ten percent of the total parking lot area shall be provided in residential parking lots. Said landscaping shall be placed within the perimeter of the actual parking area.
- 335.9 Parking spaces shall have an effective width of nine feet and an effective length of

eighteen feet. Maneuver space for parking spaces shall be provided on the site in question. Parking spaces shall be arranged in such fashion that circulation is convenient and well integrated with off site traffic flow.

336 SUBDIVIDING IN THE RESIDENTIAL SUBURBAN DISTRICT: The following methods of subdividing are permitted in the RS zone:

A. Open Space Designed Subdivision (Sec. 401 of Subdivision Ordinance) with density of one dwelling per acre.

1. OPEN SPACE designed subdivisions are required in the RS zone if 25% or more of the proposed development is 5000 feet elevation or more or if proposal includes lands designated important wildlife habitat.

B. Conventional Subdivision: **Amendment #4 Ord. 2000-2, 3/20/2000**

1. Within a city's area of impact, on-site sewage disposal systems may be proposed where lot size is five acres or greater. Lots created in the RS zone may not be further subdivided and the plat and deeds must so indicate.

2. Outside a city's area of impact, the usual lot size of one acre may be proposed for on-site sewage disposal where soil type, distance to ground water and other factors are adequate to prevent ground or surface water contamination.

C. Planned Unit Development provided that municipal water and sewer is provided; density may be up to one dwelling per 1/3 acre; for residential uses or for mixed-use developments which include neighborhood commercial uses subordinate to residential uses in the same development.

1. Developments for uses other than residential and neighborhood commercial shall not be permitted in the RS district.

2. The increased density allowed in a PUD shall be offset by provision of common open space equal to at least ten percent of the net developed area of the project. The open space shall be usable ground.

D. All subdivisions on a city boundary must be annexed into that city which has designated that land to be within its Area of City Impact .

1. In the event the City declines, in writing, to annex the development, the County shall hear the application in accordance with its Area of Impact Agreement with the City, or Idaho Code shall apply if none exists.

337 **TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:**
 The following table sets forth building bulk and placement standards for the Residential Suburban district.

RESIDENTIAL SUBURBAN DISTRICT

	MINIMUM SETBACKS (FT) ⁽¹⁾					MAX. HT.
	MINIMUM LOT AREA (A)	FROM LOCAL ROAD ROW*	REAR YARD	SIDE YARD		
PERMITTED USES						
Single-family Residence	1 acre**	30	45	10	35	
Two-family Residence	3\4\D.U.**	30	20	10	35	
Residential Accessory Structures (see sec. 401)	-	-	30	20[c]	10[c]	
Non-residential Buildings	-	30	20(b)	20(b)	-	

**CONDITIONAL USES
 TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL**

(1) setback for all structures shall be 100' from any stream or riparian area

* SETBACK FROM ANY ARTERIAL OR COLLECTOR SHALL BE 50' FOR PRIMARY USE STRUCTURES AND 30' FOR ACCESSORY STRUCTURES

**five acres is minimum lot size where well and or septic tank/drainfield system is used within a city's area of impact.

(a) Larger lot sizes may be required by the District Health Department.

(b) Or height of building, whichever is greater

[c] Or height of structure, whichever is greater

340 RECREATION DISTRICT (REC)

341 PURPOSE:

To encourage a compatible blend of recreation and tourist uses with public recreational uses in such a way as to preserve Bannock County's recreational resources.

342 CHARACTERISTICS OF LAND IN THIS DISTRICT:

When considering designating land to the REC district, that land must meet the following criteria: the land is not suitable for agricultural uses; is adjacent to land already used for recreational purposes; is not environmentally sensitive; is not an important habitat for wildlife, and additional improved county arterial or collector roads would not need to be provided.

343 PERMITTED USES - WITH STAFF REVIEW AND APPROVAL OF SITE PLAN (SECTION 503)

- A. Uses permitted in the RS district.
- B. Outdoor Recreational uses, such as skiing, tennis, stables, golf courses, commercial skating rinks, parks, and swimming pools, and the like.
- C. Uses which are accessory to the principal permitted uses listed above.

344 USES CONDITIONALLY PERMITTED:

- A. Uses conditionally permitted in the RS district.
- B. Indoor entertainment and commercial uses permitted in CG districts, except as shown on use chart, Section 395. Such uses include hotels, inns, indoor recreational activities such as bowling alleys, theaters, skating rinks, parks, dry cleaning shops, restaurants, R.V. parks, camp grounds, gift shops, and gas stations accessory to a commercial recreational facility.
- C. Public utility and public service facilities, excluding distribution and service lines.
- D. Mining.
- E. Non hunting uses that involve firearms.
- F. Campgrounds and Recreational Vehicle parks.

Because no list of uses can be complete, decisions on specific uses will be

rendered by the Office of Planning and Development Services with appeal to the Planning and Development Council available to the applicant.

345 PERFORMANCE REQUIREMENTS FOR NON-RESIDENTIAL DEVELOPMENT:

All new non-residential construction within the RECREATION district shall conform to the following standards:

A. Existing attractive and healthy trees with trunk diameters of eight or more inches shall be preserved, unless they are in conflict with proposed building locations, create safety hazards, or are excluded from the Planning and Zoning Department's list of approved trees. Site plans shall be arranged so that suitable trees can be saved wherever possible. Tree removal plans shall be reviewed by the above department for compliance with this section. If a suitable tree is found to have been removed in violation of this section, the property owner shall replace it with one or two trees, as determined by the Planning Director, at least twelve feet in height for conifers or at least two inches caliper in diameter for deciduous trees.

B. Site development will avoid unnecessary disturbance of ground so as to maintain existing native plant species, inhibit weed growth, and abate dust.

C. Landscaped yards with full vegetative ground cover shall conform to the standards for the Residential Suburban district in terms of dimension. The rear yard requirement may be reduced by fifty percent if it abuts a commercial or industrial use. Front areas to be landscaped may be crossed by access drives or exits and sidewalks, but may not otherwise be paved. All landscaping must be maintained in a healthy, growing condition and conform to the following additional requirements:

1. Landscaped yard areas shall contain at least one canopy tree for each fifty feet of lot width or length for the business in question. This shall be in addition to the landscaping required for the parking area of the building in question.

D. Signs for all non residential uses shall be as follows:

1. Building mounted. No higher than the building roof line, indirectly lighted, and not exceeding thirty two square feet in size per sign face.

2. Freestanding. Set back at least ten feet from any property line, no more than six feet in height, indirectly lighted, not exceeding thirty two square feet in size per sign face, supported by two or more posts or resting directly on the ground, made an integral component of the landscaping plan for the use, and compatible in appearance with the building(s) on the site. All such signs shall be approved by the Planning Director prior to being erected.

E. Site plans shall be designed in such manner that they minimize the traffic impact

of non residential uses on local residential roads.

F. Buildings and their appurtenances shall be oriented to limit conflicts with surrounding residential uses due to noise, light, litter, or dust.

G. Where a non-residential use abuts a residential use, the following standards shall be complied with concerning development of the non-residential use:

1. The developer of any non-residential use shall provide between the residential use or district, and the developed portion of the non-residential use, a minimum of 50 foot landscaped buffer (see Section 485.) It shall count as the required yard. All required buffer areas shall meet the requirements set forth in Sections 435 and 436.
2. Fences, whose design and materials shall be approved by the Planning Director, shall be erected and thereafter maintained along residential property lines to provide privacy and to prevent the intrusion of unwanted light, dust, or blowing debris.
3. Mechanical equipment must be screened to limit its visibility from neighboring residential uses and residentially zoned lands.
4. Noise producing mechanical equipment must be located at least fifty feet from any common property line with residential uses and residentially zoned lands.
5. Lighting of the site shall not exceed fifteen feet in height and shall be directed away from residences, or residentially zoned land in the vicinity of the site.
6. Openings in buildings and activity centers on sites shall be located to minimize interference with residential uses.
7. Drainage from buildings and parking lot areas shall be detained on site and shall be directed away from residential land which abuts non-residential uses.
8. Loading and delivery entrances shall be located away from the interface with residential uses or zoning shall be screened to prevent the intrusion of the non-residential activities into the adjacent residential neighborhood.

346 SUBDIVIDING IN THE RECREATIONAL DISTRICT: The following methods of subdividing are permitted in the RR zone:

A. Open Space Designed Subdivision (Sec. 401 of Subdivision Ordinance) with density of one dwelling per acre.

Open Space designed subdivisions are required if 25% or more of the subdivision is above 5000' elevation, or if the proposed subdivision includes important wildlife habitat.

Applicant may seek design deviations with regard to sewage treatment facilities and water delivery systems.

B. Conventional: (when at least 75% of the area to be subdivided is below 5000' elevation) One acre minimum lot size. Such lots will be restricted from further division, and the plat and deeds shall so reflect.

1. Lots may not be further divided and plat and deeds must so indicate.

C. Planned Unit Developments

1. Planned unit developments may be proposed in the REC district for uses permitted within the district.
2. Design deviations may be applied to building bulk and placement requirements. Planned unit developments net density may be up to seven times greater than that which is permitted in the REC district.
3. Minimum size for a planned unit development in the REC district shall be ten acres.

D. All subdivisions on a city boundary must be annexed into that city which has designated that land to be within its Area of City Impact .

1. In the event the City declines, in writing, to annex the development, the County shall hear the application in accordance with its Area of Impact Agreement with the City, or Idaho Code shall apply if none exists.

347 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:
 The following table sets forth the building bulk and placement standards for the Recreation district.

RECREATION DISTRICT

MINIMUM SETBACKS (FT)⁽¹⁾

	FROM LOCAL ROAD ROW	REAR YARD	SIDE YARD	MAX. FREESTANDING SIGN HT.	MIN. PERCENT LANDSCAPED	MAX . HT.
PERMITTED USES						
Non-Residential Uses [c]	30	20	20(b)	20	5	35
Accessory Bldg. for Non-res. Uses	30	10	20(b)	N/A	--	15
Parking Lots	30	0	0	5	5	N/A
Residential Uses (a)	30	20	10	N/A	--	35
Residential Accessory Structures	30	10(b)	10(b)	N/A	--	--
Agricultural Structures	30	10	10	N/A	--	15
Farm Animal Structures	30	30	30	N/A	--	15

CONDITIONAL USES

TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

(1) all structures shall be 100' from any stream or riparian area. SETBACK FROM ANY ARTERIAL OR COLLECTOR SHALL BE 50' FOR PRIMARY USE STRUCTURES AND 30' FOR ACCESSORY STRUCTURES

(a) One acre minimum lot area; larger lot sizes may be required by the District Health Department.

(b) Or height of building, whichever is greater.

350 MULTIPLE USE DISTRICT (MU)

351 PURPOSE:

The Multiple Use district was established to provide a location for a mix of uses allowed in RS, CG, and LIW districts. This district has been applied to areas where a mix of these uses was established before the adoption of this Ordinance. The 1995 Comprehensive Plan recommended elimination of this zone over time. This zone will be redesignated to other zoning districts according to the predominate development, or as development occurs.

352 CHARACTERISTICS OF LAND IN THIS DISTRICT:

The MU district was located in areas where a significant mix of uses had already occurred and where there is direct access to roads which are capable of carrying the traffic generated by the uses allowed in this zoning district. Residential uses shall be protected from the effects of non-residential uses by adequate buffering and restraint of external effects. Non-residential uses that are incompatible with residential uses, or whose negative impacts on adjacent residential uses cannot be mitigated, shall not be permitted in this district.

353 USES PERMITTED:

Until land designated MU is redesignated, proposed uses will be permitted according to the surrounding uses as determined by the Planning Director. In example, a commercial use will be permitted if it is surrounded by commercial or more intense uses; a residence will be permitted where it is surrounded by residences, and a light industrial use where surrounded by light or heavy industrial uses. Those uses permitted only in the Industrial District shall not be permitted unless the land is designated Industrial.

Applicants may appeal the decision of the Planning Director to the Council. If the Council approves, the applicant may apply for a conditional use permit to which all provisions of Section 530 shall apply.

355 PERFORMANCE REQUIREMENTS:

All new non-residential construction within the MU district shall conform to the following standards:

A. Landscaped yards with full vegetative ground cover shall conform to the standards for the Residential Suburban district in terms of dimension. The rear yard requirement may be reduced by fifty percent if it abuts a commercial use. Front areas to be landscaped may be crossed by access drives or exits and sidewalks, but may not otherwise be paved. All landscaping must be maintained in

a healthy, growing condition and conform to the following additional requirements:

1. Landscaped yard areas shall contain at least one tree for each fifty feet of road frontage for the business in question. This shall be in addition to the landscaping required for the parking area of the building in question.

B. Signs for all permitted non-residential uses shall be permitted as follows:

1. Building mounted. No higher than the building roof-line, indirectly lighted from above, and not exceeding thirty two square feet in size per sign face.

2. Freestanding. Set back at least ten feet from any property line, no more than six feet in height, indirectly lighted from above, not exceeding thirty two square feet in size per sign face, supported by two or more posts or resting directly on the ground, made an integral component of the landscaping plan for the use, and compatible in appearance with the building(s) on the site. All such signs shall be approved by the Planning Director prior to being erected.

C. Site plans shall be designed in such manner that they do not use local residential streets.

D. Buildings and their appurtenances shall be oriented to limit conflicts with surrounding residential uses due to noise, light, litter, or dust.

E. Where a non-residential use abuts a residential use, the following standards shall be complied with concerning development of the non-residential use:

1. The developer of any non-residential use shall provide between an abutting residential use or district and the developed portion of the non-residential use a landscaped buffer according to Section 485. It shall count as the required yard. All such buffer areas shall meet the requirements set forth in Section 435 and 436.

2. Lighting of the site shall not exceed fifteen feet in height and shall be directed away from residences or residentially zoned land in the vicinity of the site.

3. Mechanical equipment must be screened to limit its visibility.

4. Noise producing mechanical equipment must be located at least twenty feet from any common property line.

5. Fences shall be maintained along residential property lines to provide privacy and to prevent the intrusion of unwanted light, dust, or blowing debris.

6. Openings in buildings and activity centers on sites shall be located to

minimize interference with neighboring uses.

7. Drainage from buildings and parking lot areas shall be detained on site.

8. Loading and delivery entrances shall be located to restrict visibility from residential uses, and/or roads or streets, and shall be screened to prevent the intrusion of the non-residential activities, such as light, sound, dust or traffic into any residential neighborhood.

356 SUBDIVIDING IN THE MULTIPLE USE ZONE: RESIDENTIAL SUBDIVISION DEVELOPMENT SHALL BE REDESIGNATED TO THE RR OR THE RS ZONE, ACCORDING TO THE EXISTING DEVELOPMENT AND CHARACTERISTICS OF THE SITE. REGULATIONS FOR THE ZONE DESIGNATION SHALL APPLY.

357 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

The following table sets forth building bulk and placement standards for the Multiple Use district:

MULTIPLE USE DISTRICT

MINIMUM SETBACKS (FT)⁽¹⁾

	FROM LOCAL ROAD ROW	REAR YARD	SIDE YARD	MAX. SIGN HT. FREESTANDING	MIN. % LANDSCAPED	MAX. HT.
PERMITTED USES						
Residential Uses (a)	30	25	10	35	--	N/A
Res. Accessory Structure	30	10(a)	10(a)	--	--	N/A
Non-residential Uses	25	20(b)	20(b)	35	5	20
Parking Lots	25	10	10	N/A	5	5
Accessory Buildings, Non-residential uses	25	10	20(b)	15	--	N/A
Agricultural Structures	30	10	10	15	--	N/A
Farm Animal Structures	30	30	30	15	--	N/A

CONDITIONAL USES

TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

A one acre minimum lot area; larger lot sizes may be required by the District Health Department. Smaller lots with one dwelling per acre density allowed in Open Space subdivisions; see Subdivision Ordinance 1997-5.

(1) all structures shall be 100' from any stream or riparian area

* SETBACK FROM ANY ARTERIAL OR COLLECTOR SHALL BE 50' FOR PRIMARY USE STRUCTURES AND 30' FOR ACCESSORY STRUCTURES

(a) or height of structure, whichever is greater.

(b) Or height of building, whichever is greater.

360 COMMERCIAL GENERAL DISTRICT (CG)

361 PURPOSE:

The Commercial General district is established to provide a location for commercial enterprise to serve the needs of the household consumer throughout the community. Design of the district shall focus on accommodating multi-modal transportation. A further purpose of this district shall be the provision of a complete variety of household goods and services in close proximity to one another.

362 CHARACTERISTICS OF LAND IN THIS DISTRICT:

A. The Commercial General district should be located with direct access to roads which are capable of carrying the traffic generated by the uses permitted in this zoning district. The intent of application of such a zone shall be to encourage the concentration of consumer business activities in locations where the resulting activity can be managed properly. Conversion of any land to these uses should be accompanied by plans to accommodate these uses in terms of public improvements, transportation and other facilities.

B. Proposed business developments should be zoned CG if they are determined to be suitable for extensive commercial retail development in the community's future. Approval of an application or designation of CG should not be made simply on the basis of high traffic counts, but only after an evaluation of the potential public costs which might be created and the compatibility of uses which are already in place on nearby lands, and the effect on the retail business of an adjacent city. Residentially zoned dwellings in the vicinity of lands zoned CG shall be protected from the effects of commercial uses by adequate buffering and restraint of external effects.

363 USES PERMITTED:

A. The following uses shall be permitted in the CG district:

1. Retailing businesses for general household merchandise;
2. Personal service businesses which provide household services as well as personal care services.
3. Indoor recreation facilities.

B. Professional and business offices. Uses which fall into this category shall include, but not be limited to the following:

1. Advertising agencies
2. Amusement enterprises

3. Animal feed sales
4. Antique dealers
5. Arts and craft supply
6. Auction halls
7. Auto electric repair
8. Auto rental business
9. Auto repair (mechanical) and trailer repair (mechanical) when conducted fully within an enclosed building.
10. Auto sales and leasing business
11. Automobile parts store
12. Banquet rooms and reception halls
13. Bars
14. Blueprinting or photocopying business
15. Business Offices
16. Campgrounds
17. Car wash facilities
18. Catering establishments
19. Ceramics business
20. Computer sales
21. Cycle sales and service
22. Drive in establishments
23. Dry Cleaners and laundries
24. Employment agencies
25. Floor materials
26. Frozen food locker
27. Furniture and appliance stores
28. Galleries Art
29. Gas Stations
30. Glass sales
31. Home appliance repair
32. Home heating and air-conditioning dealers and service
33. Home improvement
34. Household cleaning business
35. Kennels
36. Liquor stores
37. Motels and hotels
38. Paint or home improvement stores
39. Pest control business
40. Printing, excepting book publisher
41. Professional offices
42. Repair shop small appliances
43. Residential remodeling contractors
44. Restaurants
45. Secondhand household goods stores
46. Shoe store, shoe repair
47. Sporting goods sales

48. Tailor shop
49. Theaters, drive in or fixed seat
50. Tire stores
51. Tobacco shops
52. Travel agencies
53. Truck sales of trucks weighing less than two and one half tons.
54. Public utility and public service facility.

363.1 Because no list of uses can be complete, decisions on specific uses will be rendered by the Planning and Development Services Office with appeal to the Planning and Development Council available to the applicant.

364 USES CONDITIONALLY PERMITTED:

A. The following uses shall be eligible for consideration as conditional uses:

1. Wholesale businesses providing service or products to the household consumer on premises.
2. Residential uses and agricultural uses in compliance with the standards in Section 460.
3. Uses as set forth in Section 395.

365 PERFORMANCE STANDARDS:

Performance standards in a CG district shall be as follows:

- A. Landscaping shall be installed in accord with standards for commercial landscaping found elsewhere in this Ordinance . Landscaped buffer areas at least fifty feet wide shall be provided along common boundaries with residentially zoned land and shall meet the requirements of Sections 435 and 436.
- B. Pedestrian and bicycle facilities shall be provided on all sites except where the applicant can show that they are not, and will not be, needed.
- C. All setback areas shall be landscaped to the standards set forth in this Ordinance. Variation from the established standards may be granted for good cause, by the office of Planning and Development Services.
- D. Freestanding illuminated signs and signs greater than thirty two square feet in size shall not be permitted on road frontages opposite residentially zoned lands. When building frontage is opposite a residential district, all illuminated signs and non illuminated signs shall be building mounted. All such signs shall be approved by the Planning Director prior to being erected. All other signs in the district shall conform to sign regulations contained in this Ordinance and the Uniform Building

Code.

366 PLANNED UNIT DEVELOPMENTS:

A. Planned unit developments may be proposed in the CG district for uses permitted within the district.

B. Exceptions to specific terms of the CG district as they directly affect building bulk and placement or intensity of building use may be considered within the context of a planned unit development as defined by this Ordinance. Planned unit development net density may be up to seven times greater than that which is permitted in the Commercial General district for a single family dwelling. Only the uses listed above as permitted or permitted by conditional use permit shall be permitted in a planned unit development in this district.

C. Minimum size for a planned unit development in the CG district shall be five acres. Exceptions to this standard shall be treated as a variance concerning building bulk of placement.

D. Planned Unit Developments on a city boundary must be annexed into that city which has designated that land to be within its area of impact. In the event the City declines in writing, to annex the development, the County shall hear the application in accordance with its Area of Impact Agreement with the City, or Idaho Code shall apply if none exists.

367 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:
 The following table sets forth building bulk and placement standards for the Commercial General district:

COMMERCIAL GENERAL DISTRICT

MINIMUM SETBACKS (FT)⁽¹⁾

	FROM LOCAL ROAD ROW*	REAR YARD	SIDE YARD	MAX. SIGN HT. FREESTANDING	MAX. BUILDING HEIGHT
PERMITTED USES					
Non-residential uses as listed in CG District (b)	10	Bldg. Code	Bldg. Code	25	--
Parking Lots (b)	10	--	--	5	N/A
Accessory Buildings	10	Bldg. Code	Bldg. Code	N/A	15
Residential Uses (a)	25	20	7	N/A	--

**NON-RESIDENTIAL USES & CONDITIONAL USES
 TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL**

ONE ACRE MINIMUM LOT AREA; LARGER SIZES MAY BE REQUIRED BY THE DISTRICT HEALTH DEPARTMENT.

* Minimum setback from Collector or Arterial road: 50 feet.
 Minimum setback for any structure from stream or riparian area: 100 feet.

(a) or as determined by PLANNING AND DEVELOPMENT COUNCIL FOR
 CONDITIONAL USE PERMIT

(b) Minimum 5% Landscaped.

370 LIGHT INDUSTRIAL AND WHOLESALE DISTRICT (LIW)

371 PURPOSE:

The Light Industrial and Wholesale district is established to provide a location for light manufacturing, and for wholesale businesses and warehouses to provide supplies and storage space for the business sector of the community. Design features should emphasize accommodation of large trucks, the presence of rail trackage, and the materials handling space required by commercial suppliers. The district's purpose shall be to facilitate the conduct of commerce among businesses while minimizing the effects of such activities on the surrounding land uses. Its purpose shall also be to provide for businesses which sell bulky products or require outdoor storage or sales lots.

372 CHARACTERISTICS OF LAND IN THIS DISTRICT:

A. The Light Industrial and Wholesale district should be located with ready access to truck routes and possible railroad sidings. Locations should be chosen to minimize impacts upon or hazards to nearby residential areas. Accommodations should be made for large trucks and related commercial activity. Land for this use should be relatively flat and free of natural hazards such as flooding or unstable soil.

B. Locations should also be chosen based upon their ability to be screened from potentially affected residential uses. Convenience to commercial consumers should be taken into account when locating the Light Industrial and Wholesale zone.

373 USES PERMITTED:

The following uses shall be permitted in the LIW district subject to the conditions found elsewhere in this Ordinance:

1. Advertising billboards (outdoor advertising)
2. Agricultural support
3. Auto body, auto towing, and auto repair
4. Auto parts rebuilding
5. Auto sales and service
6. Beer and wine distributor
7. Blacksmith
8. Boat sales
9. Bookbindery
10. Cabinetmaking
11. Chemical distribution
12. Coal dealer

13. Commercial building contractor
14. Commercial heating cooling and mechanical contractor
15. Component assembly
16. Concrete contractor
17. Construction equipment sales and service
18. Construction products supply
19. Electric motor remanufacture
20. Engine rebuilding
21. Excavation contractor
22. Farm equipment sales
23. Fencing contractor
24. Firewood sales
25. Food Distributor
26. Freight terminals
27. Gas stations
28. General warehousing
29. Household furnishing movers
30. Industrial equipment sales
31. Industrial product supply
32. Insulation contractor
33. Kennels
34. Landscape contractor
35. Lumber yards
36. Machine shop
37. Masonry supply business
38. Manufactured housing sales lots
39. Mini storage warehousing
40. Painting contractor
41. Petroleum bulk plant
42. Produce wholesalers
43. Public service
44. Pump and well drilling contractor
45. Recycling facility
46. Repair uses
47. Road contractors
48. Roofing contractors
49. Sign contractors
50. Truck mechanical & body repair
51. Truck sales and service
52. Wholesale bakery
53. Wholesale dairy
54. Wholesale florist
55. Wholesale paper supply
56. Public utility and public service facility.

373.1 Because no list can be complete, decisions on specific use will be rendered by the

Planning and Development Services Office with appeal to the Board of County Commissioners available to the applicant.

374 USES CONDITIONALLY PERMITTED:

The following land uses shall be eligible for consideration as conditional uses as provided for in Section 530 of this Ordinance:

- A. Permitted industrial uses as long as the land in question does not share a common boundary with residentially zoned land.
- B. All uses listed in Section 395 as conditional uses.

375 PERFORMANCE STANDARDS:

Performance standards in the LIW district shall be as follows:

- A. On site landscaping shall be provided on areas which are open to the public. Service and/or storage yards need not be counted or landscaped if fully fenced and screened from view from roads and other zones of lower intensity use. Landscaped buffer areas at least fifty feet wide shall be provided along common boundaries with residentially zoned land, and shall meet the screening standards in Sections 435 and 436.
- B. Freestanding illuminated signs and signs greater than thirty two square feet in size shall not be permitted on road frontages opposite residentially zoned or used lands. When the front of a building is opposite a residential district, all illuminated signs and all non illuminated signs shall be building mounted. All such signs shall be approved by the Planning Director prior to being erected. All other signs in the district shall conform to sign regulations contained in this Ordinance and the Uniform Building Code.

376 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:
 The following table sets forth the building bulk and placement standards for the Light Industrial Wholesale district.

LIGHT INDUSTRIAL AND WHOLESALE DISTRICT

	MINIMUM SETBACKS (FT) ⁽¹⁾					MIN. PERCENT LANDSCAPED
	FROM LOCAL ROAD ROW	REAR YARD	SIDE YARD	MAX. SIGN HT. FREESTANDING		
PERMITTED USES						
Uses as listed in LIW District	10	Bldg. Code	Bldg. Code	35		5*
Parking Lots	10	--	--	5		--
Accessory Buildings	10	Bldg. Code	Bldg. Code	N/A		--

CONDITIONAL USES - TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

* See 375.A

Minimum setback from collector or arterial road: 50 feet.

Minimum setback for any structure from stream or riparian area: 100 feet.

380 INDUSTRIAL DISTRICT (I)

381 PURPOSE:

The Industrial district is established to provide the necessary lands within the community for manufacturing, processing raw materials, and using processes and equipment which are most significant in their effect upon the senses. The district is intended to accommodate trucks and rail facilities with minimal adverse impact upon the transportation system of the county. Space should be adequate to facilitate the movement of large equipment and to maintain adequate separation from uses which might be affected by the sight, smell, sound, dust, erosion or the like, of manufacturing or processing uses. Location of the Industrial zone shall facilitate the introduction of raw materials and movement of finished products.

382 CHARACTERISTICS OF LAND IN THIS DISTRICT:

The Industrial district should be located adjacent to truck routes and/or railroad switching facilities which are convenient to transportation routes. Transportation system capacities should be adequate to handle employee trips as well as those associated with the production aspects of the industry. Although all appropriate national, state, and local regulations concerning the external effects of industrial activity must be observed, industrial zone locations should be chosen with such natural environmental factors as drainage patterns, prevailing wind directions and geologic hazards in mind in order to minimize the effects upon surrounding uses and the community as a whole.

383 USES PERMITTED:

The following uses shall be permitted in the Industrial district subject to conditions found elsewhere in this Ordinance:

- A. Manufacturing, Processing, Fabricating.
- B. Uses permitted in the Light Industrial and Warehouse District.
- C. Railroad yards and facilities.
- D. Public utility and public service facility.
- E. Agricultural support.

384 USES CONDITIONALLY PERMITTED:

The following land uses shall be eligible for consideration as conditional uses in the INDUSTRIAL District:

- A. Junkyards.
- B. Mining.
- C. Refining.
- D. Feed lot.
- E. Commercial incinerator.

385 INDUSTRIAL PERFORMANCE REQUIREMENTS:

Industrial performance requirements shall be as follows:

- A. Industrial uses shall comply with appropriate local, state and federal environmental regulations. It shall be the responsibility of the industrial land use to minimize the effects of its activities on nearby uses.
- B. An Industrial district shall not share a common boundary with residentially zoned lands unless the line demarcates a substantial difference in elevation or other natural or manmade barrier which can separate the effects of these potentially incompatible zoning districts. At a minimum, such districts shall be separated by a street or equivalent barrier plus vegetative buffer per Sec. 485. Exceptions to the preceding conditions may be granted only after the completion of a public hearing and an evaluation of any special circumstances by the Planning and Development Council and the Board of Commissioners. Landscaped buffer areas of greater width may be required where appropriate.
- C. Freestanding illuminated signs and billboards of any size, and signs and billboards greater than 32 square feet in size shall not be permitted on road frontages opposite residentially zoned or used land. When the front of a building is opposite a residential district, all illuminated and non illuminated signs shall be building mounted. All such signs shall be approved by the Planning and Zoning Director prior to being erected. All other signs in the district shall conform to sign and billboard regulations contained in this Ordinance and the Uniform Building Code.
- D. Any proposed use shall meet Idaho air and water quality standards.
- E. All phases of industrial development shall meet all state and county standards.

386 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:

The following table sets forth the required building bulk and placement standards for the Industrial district.

INDUSTRIAL DISTRICT

MINIMUM SETBACKS (FT)⁽¹⁾

	FROM LOCAL ROAD ROW	REAR YARD	SIDE YARD	MAX. SIGN HT. FREESTANDING	MIN. PERCENT LANDSCAPED
PERMITTED USES					
Uses as listed in I District	10	Bldg. Code	Bldg. Code	35	5
Parking Lots for permitted uses	10	--	--	5	5
Accessory Buildings	10	Bldg. Code	Bldg. Code	N/A	N/A

CONDITIONAL USE - TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

(1) Setback from Collector or Arterial road may be greater depending on internal traffic pattern of site.

Minimum setback from stream or riparian area: 100 feet.

Minimum lot size: one acre

390 SPECIAL LANDS DISTRICT (SL)

391 PURPOSE:

This district includes all federal land and specially controlled land, such as Forest Service and Bureau of Land Management lands, as well as the Fort Hall Indian Reservation.

392 PERMITTED USES:

A. Fort Hall Indian Reservation:

1. Agriculture
2. Residential
3. Commercial
4. Warehouse and Wholesale
5. Industrial

B. U.S. Forest Service and BLM Lands

1. Agriculture.
2. Mining.
3. Outdoor recreational.
4. Residential.

C. State determines permitted uses on State owned lands.

393 APPLICATIONS FOR NEW LAND USES:

The basic uses of the land shall be presented to the County for their review and acceptance by the proper agency. Once uses have been established, all allowable uses shall be permitted via a permit through the assigned agency. Any changes in approved uses shall require review and approval by the county.

395 USE REGULATIONS SUMMARY

P = Permitted by staff with site plan approval; conditions may be imposed
 D = Permitted as part of a Planned Unit Development
 C = Permitted by Conditional Use Permit
 N = Not permitted

Please refer to the text for permitted uses in each zone. Where text and chart may differ, the text will prevail. Because no list can be complete, the Planning and Development Director shall decide the status of a use. That decision may be appealed. This is intended for reference purposes only.

All site plans require approval in accordance with section 503 through 503.8

	DISTRICT						
	AG	RR	RS	REC	CG	LIW	I
<u>RESIDENTIAL USES:</u>							
Attached Housing - 3 or more dwelling units	N	D	P	P	C	N	N
Boarding House (see inn or hotel)	C	P	P	P	C	N	N
Duplex	N	P	P	P	C	N	N
Institutional Residential	C	C	C	C	C	N	N
Mobile Home Parks	N	D	D	D	N	N	N
Residential Planned Unit Development	N	P	P	P	N	N	N
Single Family Residential (detached)	P	P	P	P	C	N	N
<u>NON-RESIDENTIAL USES</u>							
Administration & Business Offices	N	N	N	N	P	P	P
Airport/Heliport, Private	C	C	C	C	C	C	C
Auto Parts & Accessories	N	N	N	C	P	P	P
Auto Parts, Used, and/or Rebuilding	N	N	N	N	N	P	P
Auto Salvage (junkyard)	N	N	N	N	N	N	C
Auto Wash	N	N	N	C	P	P	P
Autobody Repair, Auto Towing	N	N	N	C	N	P	P
Automotive Repair	N	N	N	C	P	P	P
Automotive Sales	N	N	N	N	P	P	P
Bed & Breakfast Facilities:							
under 6 rooms	P	P	P	P	P	N	N
6 or more rooms	C	C	C	C	P	N	N
Billboards (outdoor/adv.)	N	N	N	N	N	P	P
Boat Sales	N	N	N	N	C	P	P
Boat Service	N	N	N	N	C	P	P
Building Contractor	N	N	N	N	P	P	P

	DISTRICT						
	AG	RR	RS	REC	CG	LIW	I
Building Maintenance Service	N	N	N	C	P	P	P
Building Material Sales:	N	N	N	N	P	P	P
Bulk Storage of Fuel or Chemicals	N	N	N	N	N	P	P
Cabinet Making	N	N	N	N	P	P	P
Campground	C	N	N	C	P	N	N
Cemetery*	C	C	C	C	N	N	N
*see Cemetery Regulation Ordinance #1998-2							
Circuses or Carnivals, temp.	P	N	N	P	P	P	P
Cocktail Lounge or Bar	N	N	N	C	P	P	P
Commercial Building Contractor	N	N	N	N	P	P	P
Commercial Heating, Cooling Contractor	N	N	N	N	P	P	P
Commercial Livestock	P	P	N	N	N	N	N
Commercial Off-Street Parking	N	N	N	C*	P	P	P
Component Assembly	N	N	N	N	N	P	P
Concrete Contractor	N	N	N	N	N	P	P
Construction Products Supply	N	N	N	N	N	P	P
Construction Sales, Service	N	N	N	N	P	P	P
Consumer Repair Service	N	N	N	C	P	P	P
Crop Production	P	P	P	P	P	P	P
Day Care Center 1 - 6 Children	P	P	P	P	P	N	N
7+ Children	C	C	C	C	C	C	N
Day Care Home 1- 6 Children	P	P	P	P	P	N	N
7+ children	C	C	C	P	P	N	N
Dry Cleaning Central Plant	N	N	N	N	N	P	P
Dry Cleaning Shop	N	N	N	C	P	P	N
Excavation Contractor	N	N	N	N	N	P	P
Explosives, Storage or Manufacture	N	N	N	N	N	C	P
Farm & Domestic Animals for single family recreation, consumption or education	P	P	P	P	P	P	P
Farm Equipment Sales		N	N	N	N	P	P
Feed Lots	C	N	N	N	N	N	C
Financial Service	N	N	N	C	P	P	P
Fire Station	P	P	P	P	P	P	P
Food Processing	C	N	N	N	N	P	P
Freight Terminal	N	N	N	N	N	P	P

	DISTRICT						
	AG	RR	RS	REC	CG	LIW	I
Gas Station	N	N	N	C	P	P	P
Golf Course	C	P	P	P	C	N	N
Greenhouse, Commercial	P	N	N	C	P	P	P
Hog Farms	C	N	N	N	N	N	N
Home Improvement Store	N	N	N	C	P	P	P
Hotel and Motel	N	N	N	C	P	P	P
Household Cleaning Business	N	N	N	C	P	P	P
Indoor Entertainment, Sports and Recreation	N	N	N	C	P	C	N
Industrial Equipment Sales	N	N	N	N	N	P	P
Insulation Contractor	N	N	N	N	P	P	P
Junkyards	N	N	N	N	N	N	C
Kennels:							
fully indoors	P	P	P	C	P	P	P
outdoors	P	N	N	N	N	P	P
Landscape Contractor	N	N	N	N	P	P	P
Machine Shop	N	N	N	N	N	P	P
Manufacturing, Processing, Fabricating	N	N	N	N	N	P	P
Masonry Supply	N	N	N	N	N	P	P
Mini Storage	N	N	N	C	P	P	P
Mining	C	N	N	C	N	C	C
Mobile Home and/or RV Sales	N	N	N	N	C	P	P
Noise Park	C	N	N	C	N	C	P
Nursery:							
Retail	N	N	N	C	P	P	P
Wholesale	P	N	N	N	P	P	P
Outdoor Entertainment, Sports and Recreation	P	N	N	P	C	N	N
Outdoor Shooting Range	C	N	N	C	N	N	N
Park	P	P	P	P	P	P	P
Professional Offices	N	N	N	C	P	C	N
Pump and Well Drilling Contractor	N	N	N	N	N	P	P
Railroad Car / Vehicle Bed (as storage)	C	N	N	N	N	P	P
Recycling bin for collection	P	P	P	P	P	P	P
Recycling facility	N	N	N	N	N	P	P
Recreational Vehicle Park	C	N	N	C	P	C	N
Refining	N	N	N	N	N	C	C

	DISTRICT						
	AG	RR	RS	REC	CG	LIW	I
Religious Assembly	P	P	P	P	P	P	P
Research Facilities	N	N	N	N	C	P	P
Residential Remodeling Contractor	N	N	N	N	P	P	P
Restaurant	N	N	N	C	P	P	P
Retail Store	N	N	N	C	P	C	N
Road Contractor	N	N	N	N	N	P	P
Schools:							
Academic	P	P	P	P	P	C	N
Vocational	C	N	N	N	P	P	P
Shooting Preserves	C	N	N	C	N	N	N
Sign Contractor	N	N	N	N	P	P	P
Stables, commercial	P	P	N	P	N	N	N
Truck Sales	N	N	N	N	P	P	P
Truck Service	N	N	N	N	P	P	P
Truck Stop	N	N	N	N	C	P	P
Utilities Transmission Line	P	C	C	C	C	P	P
Utility Installations & Public Service Facility	P	C	C	C	C	P	P
Veterinary Services	C	C	N	C	P	P	P
Warehousing & Distribution	N	N	N	N	N	P	P
Wholesale Business	N	N	N	N	N	P	P
Wildlife Preserve	C	N	N	C	N	N	N
Zoo	C	N	N	C	N	N	N

400 GENERAL REGULATIONS

Sections 400 through 495 shall be known as the General Regulations. These regulations apply to all districts and uses, except as specifically provided herein, in addition to other provisions of the Zoning Ordinance.

401 ACCESSORY USES:

A. AUTHORIZATION: Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district. Any question of whether a particular use is permitted as an accessory use by the provisions of this section shall be determined by the Planning Director pursuant to his or her authority to interpret the provisions of the ordinance.

B. ZONING CERTIFICATE REQUIRED: No accessory use or structure shall be established or constructed unless a zoning permit evidencing the compliance of such use or structure with the provisions of this section and other applicable provisions of this Ordinance shall have first been issued in accordance with Section 501.

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.
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.

* smaller than the primary use's structure in size by at least 25% of the residence's footprint; accessory buildings exceeding this requirement will require site plan approval by Council as a business item.

- *□ compatible in design with the primary use; that is, garages, storage buildings and shops, will look like residential garages, sheds, etc., not industrial or commercial.

D. DETAILED ACCESSORY USE REGULATIONS: COMMERCIAL STABLES.

The following minimum setbacks shall be provided:

1. Stables, corrals, piles of manure, and bedding shall be located a minimum distance of 75 feet from any street or non-residential lot line and 100 feet from any residential lot line, in order to minimize odor and nuisance problems.
2. Manure piles shall be stored, removed, and/or applied in accordance with Sixth District Health Department regulations; however, manure shall not be applied on land that is closer than 100 feet to a residential lot line.

E. DETAILED ACCESSORY USE REGULATIONS: PRIVATE SWIMMING POOLS AND TENNIS COURTS:

1. Pools and Courts, included but not limited to aprons, walls, and equipment rooms, shall not protrude into any required setback.
2. Pools shall be fenced or otherwise protected against intrusion.
3. Pools shall not be operated as a business or a private club, unless they are part of a planned unit development or otherwise permitted by the zoning ordinance.

F. DETAILED ACCESSORY USE REGULATIONS: RESIDENCE FOR CARETAKER OR WATCHMAN, OR GUEST HOUSE:

1. One single family residence for a caretaker, owner, operator, manager, or watchman and his immediate family is permitted as an attached or detached dwelling for any commercial or industrial use, kennel, stable, or veterinary clinic for purposes of security and protection of the principal use.
2. A guest house is permitted, provided that the minimum lot size, setbacks, and all other provisions relating to residential buildings are met; that it meets the size criteria in C.4 above; has no commercial use such as rental, and that a new deed be recorded which precludes division of the parcel upon which both residences are placed.
3. The standards applicable to a caretaker's residence shall not differ from those imposed by this Ordinance on any other housing unit of the same type, except the minimum lot size requirement.

A. **AUTHORIZATION:** Temporary uses are permitted only as expressly provided in this Section. Temporary uses not set forth herein may be considered on an individual basis by the Planning Director. Appeals of the Planning Director's decision may be made to the Planning and Development Council.

B. **ZONING PERMIT REQUIRED:** No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this section and other applicable provisions of this Ordinance shall have first been issued.

C. **PARTICULAR TEMPORARY USES PERMITTED:** The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.

1. Carnival or Circus, Fireworks Stands.

- a. Permitted in any Commercial General, LIW, or Industrial district.
- b. Maximum length of permit shall be 15 days.
- c. No structure or equipment within 500 feet of any residential property line.

2. Christmas tree sales.

- a. Permitted in any district.
- b. Maximum length of permit for display and open lot sales shall be 45 days.

3. Contractor's office and construction equipment sheds.

- a. Permitted in any district where use is incidental construction project.
- b. Maximum length of permit shall be one year.
- c. Office or shed shall be removed upon completion of construction project.

4. Events of Public Interest.

- a. Permitted in any district, except RS and RR.
- b. Events may include but are not limited to outdoor concerts, auctions, snowmobile events, and the like.

5. Real Estate sales office.

- a. Permitted in any district for any new subdivision approved in accordance with Bannock County subdivision regulations. A model home or mobile home may be used as a temporary sales office.
 - b. Maximum length of permit shall be one year.
 - c. The Planning and Development Council may grant one year extensions for cause.
 - d. Office shall be removed upon expiration of the permit.
6. Religious tent meeting.
- a. Permitted in any district.
 - b. Maximum length of permit shall be 30 days.
7. Seasonal Sale of Farm Produce.
- a. Permitted in A, RS, RR, MU and REC districts on parcels having a minimum area of one acre and a minimum road frontage of 100 feet.
 - b. If the site is used for growing a minimum of 50 percent of the farm produce sold, the owner or operator of the site may import a maximum of five farm produce products not grown on the site for seasonal sale.

If the site has a minimum area of four acres and a minimum road frontage of 300 feet, the owner or operator of the site may import a maximum of ten farm products not grown on the site for seasonal sale.
 - c. Maximum length of permit shall be for six months of each calendar year.
 - d. Sales area, including the produce stands, shall be set back a minimum of 30 feet from the nearest right of way of any street or highway. Entrances and exits to the parking lot shall conform to restrictions set forth in Bannock County's Design Standards for Public Roads.
8. Horse Show or Exhibition: Permitted for any commercial or private stable for special events, including but not limited to shows, exhibitions, and contests.
9. Tent Theater
- a. Permitted in any district, except RS.
 - b. Maximum length of permit shall be one month per calendar year.

D. OTHER TEMPORARY USES: Proposed temporary uses not specified in Section 405.C shall only be permitted if they meet the following requirements:

1. They cannot cause traffic congestion.
2. There must be adequate off street parking space provided for the use.
3. They cannot disrupt the tranquility or character of a residential neighborhood.
4. The maximum length of permit is six months in any one calendar year.
5. They must meet all building bulk and placement standards required of permanent uses in each zone.

E. ADDITIONAL REGULATIONS All temporary uses shall be subject to the following:

1. Documentation must be provided from the Sixth District Health Department that adequate arrangements for temporary sanitary facilities have been ensured, except where not deemed necessary by the Planning and Zoning Director.
2. No permanent or temporary lighting shall be installed without an electrical permit and inspection.
3. All uses shall be confined to the dates specified in the permit.
4. Hours of operation shall be confined to those specified in the permit.
5. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within 30 days after the closing event. A performance bond for a minimum of \$25,000 shall be posted or a signed contract with a disposal firm shall be required as a part of the application for a zoning certificate to insure that the premises will be cleared of all debris during and after the event.
6. Public parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.
7. Traffic control arrangements required by the Bannock County Sheriff's Department in the vicinity at major intersections shall be arranged by the applicant.
8. Proof of insurance for the temporary use shall be provided to the Planning Director by the applicant for all uses except the following:

- a. Construction office.
- b. Real estate sales office.
- c. Seasonal sale of farm produce.
- d. Recreational vehicle permitted in 420.4(3).

410 OFF STREET PARKING REQUIREMENTS:

411 APPLICABILITY:

The standards set forth in this section shall apply to the construction and use of buildings and land respectively as outlined below:

<u>CONDITION</u>	<u>STATUS</u>
New construction	Fully applicable
Replacement of conforming use	No change required
Replacement of nonconforming use	Proportionate compliance*
Expansion of existing use	Proportionate compliance*
Occupancy of existing structure	Proportionate compliance*
Exchange of conforming use	Proportionate compliance*

* Proportionate compliance is a requirement that the marginal difference in the parking requirement must be met to the extent that the use or area is changed.

412 GENERAL:

Every building or portion of a building hereafter erected, shall be provided with permanently maintained off street parking spaces as provided in this section. The parking spaces shall remain available for the use of building occupants or customers for the duration of the building occupancy. The terms of parking utilization shall be disclosed by a landowner at the time of the building and zoning permit request and shall be made part of any permit issued in accord with the terms of this Ordinance.

413 PARKING LOT DESIGN REQUIREMENTS:

Lots for parking six or more cars, in all but the residential zones, shall conform to the

standards established by this section. The office of Planning & Development Services may make minor modification in the standards contained in this section to avert unreasonable practical difficulties resulting from literal application of the requirements of this section. Variation from the stated standard by five percent or more shall require a variance as described in Section 540 of this Ordinance. The following requirements shall apply to all required parking lots for six or more cars in all zoning districts except residential.

- A. Lots shall be designed to facilitate convenient traffic circulation on site and at junctions of public streets and parking lot circulation lanes.
- B. Entry and exit from parking spaces should be convenient and safe and should not disrupt traffic on public streets.
- C. Maneuvering space for the entry to and exit from parking spaces shall be provided within the parking lot area rather than within a public right of way.
- D. Parking spaces shall have a nine foot effective width and an eighteen foot length and an eight foot effective width and sixteen foot effective length for compact car spaces.
- E. When the Planning Director deems it necessary, parking lots shall be equipped with appropriate drainage control measures to minimize the effects of storm water on public drainage systems. Drainage plans shall be submitted to the Planning Director upon request.
- F. Parking lot areas shall be maintained in a dust free condition.
- G. Parking lot landscaping areas shall be protected from damage by vehicles.
- H. Handicapped parking spaces shall be provided in all parking lots of twenty five spaces or more. Handicapped parking spaces shall be provided in locations which are most convenient to building entrances. Handicapped parking spaces shall be 1.5 times as wide as normal parking spaces. The ratio of handicapped to regular parking spaces shall be determined by the Americans with Disabilities Act as amended.
- I. Parking lot placement shall comply with standards set forth in each respective zone standards in Section 300.
- J. Size and location of directional signs shall be subject to approval of the office of Planning & Development Services.
- K. Lighting of parking lots shall be accomplished in a manner which complies with Section, Lighting, and does not disturb adjacent land uses with unnecessary light. Lighting shall avoid conflict with traffic and shall not intrude upon adjacent land uses. Parking areas shall be designed to avoid conflict with nearby vehicle traffic.

L. Parking space boundaries and directional traffic arrows shall be marked on the parking lot surface unless waived for cause by Planning and Development Services.

M. Parking areas shall be screened from adjacent residential uses by a solid fence or dense, sight proof hedge unless waived for cause by Planning & Development Services.

N. Signs which identify parking lot usage terms and conditions may be required by Planning & Development Services.

414 JOINT USE OF PARKING FACILITIES:

The shared use of parking facilities by occupancies which have complementary times of use may be permitted by the Office of Planning and Development Services. Planning and Development Services may require alternative plans prior to approving a joint use agreement and a guarantee of performance should the joint use agreement appear temporary in nature. A grant of permission for joint use of parking facilities may be conditional by Planning & Development Services based upon circumstances surrounding the uses involved. Written agreements must be in place between the parties sharing parking before approval may be granted for a joint parking agreement. Appeals from the Planning & Development Services decision may be made directly to the Planning and Development Council.

415 STANDARDS FOR LAND USES:

A. Parking spaces shall be provided for all land uses governed by this Ordinance. Exemption shall be permitted only for existing lawful nonconforming uses or for uses in zoning districts which have common parking arrangements. Parking space provision shall be worked out to the satisfaction of Planning & Development Services prior to issuance of a zoning permit.

B. In parking areas where up to thirty spaces are required, all spaces shall be full sized spaces. For uses requiring from thirty one to one hundred spaces, fifteen percent of the spaces may be sized for compact cars. For uses requiring over one hundred spaces, thirty percent of the spaces to be provided may be sized for compact cars. In all instances, compact car spaces shall be prominently identified as such by a clearly legible method of marking.

C. The following table sets forth the parking space requirements for land uses within the jurisdiction of this Ordinance:

USE	UNIT OF MEASURE FOR WHICH ONE SPACE IS REQUIRED
Business and professional offices (non medical)	250 sq. feet

Motels (including kitchenette units)	unit
Bowling alley	250 sq. feet
Church, mortuary	200 sq. feet
Restaurants, bars, food establishments providing on the premise service	200 sq. feet
Consumer goods, retail, personal service shops, business offices not providing customer services on the premises	250 sq. feet
Shopping centers	300 sq. feet
Medical and dental offices	200 sq. feet
Motor vehicle, machinery sales and wholesale equipment stores	600 sq. feet
Sanitariums, children's homes, nursing homes, elderly housing complexes, group homes	bed
Hospital	½ bed
Manufacturing uses, warehouses, wholesale Bakeries, commercial printers	as determined by site plan review
Schools, elementary	½ classroom
Auditorium, sports arenas, stadiums, theaters	4 seats
Schools (for students of driving age)	1/5 classroom

416 USES NOT LISTED IN CODE:

When a land use is not listed in the table in Section 415, the parking space requirements shall be determined by the office of Planning & Development Services based upon comparison with similar uses and evaluation of possible parking demand associated with the use contemplated. The decision of Planning & Development Services may be appealed to the Planning and Development Council in matters of

parking space requirements.

417 PARKING LOT LANDSCAPING:

A. Parking lot landscaping shall be provided where required by this Ordinance. It shall be maintained in a growing and healthful condition from the date of building occupancy. A sprinkling system shall be provided for all lots for more than thirty cars. All nursery stock shall be healthy. Deciduous trees shall be at least one inch (1") in caliper. Evergreen trees shall be at least three feet (3') in height. Shrubs shall be five gallons in size.

B. In commercial general zones, and for commercial general uses in MU zones, interior parking lot landscaping shall cover at least five percent of the total parking lot area for lots with fifteen or more parking spaces. One shade tree of at least 1 1/2 inch caliper shall be planted for every one hundred fifty square feet of the interior lot landscaping. All land in the area designated for landscaping shall be covered by growing plants. Rocks and other nonliving materials may be used only for accent in landscaping areas. Plans showing location, size, and type of plant materials for landscaping in parking areas shall be provided when application is made for a building permit.

420 MANUFACTURED HOUSING: Sections 420 through 420.4 shall apply to the use and placement of all manufactured housing outside mobile home parks.

A. DEFINITION: Manufactured housing is housing mass-produced in a factory and designed and constructed for transportation to a site of installation and long-term use when connected to required utilities; constructed on a chassis, and must meet the following standards as originally manufactured:

1. The manufactured housing unit must be certified as meeting the National Manufactured Home Construction and Safety Standards as administered by the U.S. Department of Housing and Urban Development, and built after June 15, 1976.
2. Shall be anchored to a permanent perimeter foundation in a manner that conforms to the Uniform Building Code and is approved by the County Building Official.
3. Shall have siding which is characteristic of site built houses. Such siding includes wood siding, horizontal lapped (clapboard), masonite, T 111 plywood or wood shakes. Vertical lapped metal siding and other sidings not customarily used on site built single family houses is prohibited.
4. Shall have a pitched roof constructed to withstand minimum snowloads for its placement area as determined by the Uniform Building Code. Pitch of the roof shall be a maximum of 55 degrees inside angle. The roof shall be finished with materials which give the appearance of a roof on a site built house.

420.1 RESIDENTIAL USE:

A. After obtaining the proper permits, including, but not necessarily limited to, a building permit and zoning permit, a manufactured housing unit meeting the standards in Section 420.A above may be placed on a lot and used as a single family residence permanently or temporarily in any zoning district in which single family residential uses are permitted. When applying for a zoning permit, the applicant shall provide a photo of the manufactured home and evidence that the unit meets the other standards as may be requested by the Planning or Building official.

420.2 PERMITTED NON-RESIDENTIAL USE: Manufactured Housing as defined in 420.A and meeting the standards in 420.A may be permitted in conjunction with permitted non-residential uses in any zoning district, either as the principal building or as an accessory building.

420.3 PLACEMENT REGULATIONS:

A. All other requirements and standards of this Ordinance, and those of the State Department of Industrial Services, shall apply. Where a conflict exists, the more restrictive requirement shall apply.

B. AGRICULTURAL ZONE: Manufactured housing units not meeting standards 420 and 420.A may seek a design deviation regarding siding and roof for placement in the Agricultural zone only. The Planning Director may grant the design deviation at his or her discretion. Minimum requirements for a design deviation are:

1. The manufactured home site shall be screened on four sides at the property line or at 100' from the manufactured home, whichever is shorter. The screening will comply with standards set forth in Section 436, and must in place before an occupancy permit is issued. The landowner may elect to site the manufactured home to take advantage of existing screening. If trees are used as screening, fire suppression and prevention measures must be taken by the owner.
2. If the manufactured home is placed in any city s area of impact, that City s Planning Official will be invited to make recommendations on the screening or buffering and other placement design details.
3. Other requirements may be imposed which will promote aesthetics and protect neighboring land values.
4. The manufactured home, if manufactured prior to 1977, be certified as rehabilitated according to Idaho Code Title 44 Chapter 25.

420.4 TEMPORARY USE:

A. A manufactured house or a recreational vehicle containing a kitchen and a

bathroom may, at the discretion of the Planning Director, be used as a temporary residence while a permanent site-built residence is under construction, or during rehabilitation due to fire or other natural disaster, if the applicant is able to obtain a building permit for construction of a permanent residence.

1. Separate building and zoning permits shall be required for the temporary unit. Such temporary placements shall not be placed prior to the permanent home having passed the building inspection for the foundation or basement walls.
2. The building permit authorizing the construction of the permanent residence and the permit authorizing the use of the manufactured home as a temporary residence shall become null and void if work on the permanent residence is suspended or abandoned for a period of 180 days.
3. Within no more than twelve months from the date the permit is issued for the temporary residence, the manufactured housing unit or recreational vehicle shall be vacated and removed from the premises and the premises shall be rehabilitated so as to remove all evidence of the prior presence of the manufactured home or recreational vehicle. If for reasons beyond the applicant's control, he or she is unable to complete the permanent residence within one year, the Planning and Development Council may grant one, one-year extension of the temporary placement.

424 HOME OCCUPATIONS:

Home occupations are commercial activities permitted in zones where the principal uses are not commercial. Permitting home occupations introduces flexibility into the ordinance by allowing people to conduct a business from their home. In order to ensure that the business activity does not change the character of a residential neighborhood or interfere with the pursuit of the principal uses permitted in the zone, limitations are placed on the scope and intensity of the business activity. The following provisions are intended to further that purpose.

Home occupations shall be permitted in RR, RS, and REC zoning districts subject to the conditions set forth as follows:

- A. Business activity must be secondary to primary use of a dwelling and must not consume over six hundred square feet or twenty percent of the gross floor area of the dwelling, whichever is less.
- B. The limited business activity shall not change the character of the dwelling.
- C. An accessory building may be used to house a home occupation, provided the home occupation does not subject abutting property to noticeable odors, sounds, dust, or debris. The accessory building must comply with the definition of residential accessory buildings in Section 401.

- D. Any work operations connected with a home occupation shall be conducted inside the dwelling or within the accessory building.
- E. Where a home occupation serves as an office for a business using heavy equipment or substantial accessory business inventory, no such equipment or inventory materials shall remain or be stored upon the site in question for more than twelve hours unless it is fully enclosed by a building or solid fence deemed satisfactory by the Planning and Zoning Director. No hazardous materials shall be stored on the property.
- F. A home occupation shall not use mechanical or electrical equipment of a heavier nature than is typical for household use.
- G. A home occupation shall not place any display in a yard or window which would indicate a business is being conducted at the address.
- H. A sign for a home occupation shall not exceed four square feet in size, shall be flat mounted on the dwelling, and shall not be directly illuminated. Signs on business vehicles, regardless of their storage location, shall not display the address of the home occupation.
- I. Only one home occupation business related vehicle may be kept at the residence overnight. It shall be no larger than a one ton nominal rating.
- J. Activities on site shall be conducted no earlier than eight a.m. or later than nine p.m.
- K. Activities associated with a home occupation should not cause more than incidental on street parking.
- L. No more than one nonresident of the household shall work on site in a home occupation.

425 FENCES IN NON AGRICULTURAL ZONING DISTRICTS:

The following regulations shall apply to fences constructed within all zones except Agricultural zones.

- A. All electrical fences shall be UL ^[tm] approved.
- B. No solid fence greater than three feet in height may be constructed within the required front setback.
- C. The following additional regulations shall specifically apply to corner lots within the county:
1. No solid fence or walled enclosure greater than three feet in height shall be constructed from the corner of an intersection (intersection of legal right of way

lines) in each direction for a distance equal to the required setback. Nor may any structure, hedge, shrub, tree or other growth be permitted which is over three feet in height within the triangular area so bounded.

2. If the rear lot line of the corner lot abuts a side property line of a lot facing the side road, the side building setback for the corner lot shall apply to any solid fence greater than four feet in height.

3. The diagrams set out in Section 429 of this Ordinance demonstrating fence limitations on corner lots are adopted and made a part of this Ordinance.

428 EXCEPTIONS:

Exceptions to these regulations may be considered by the Planning and Development Council and may be approved upon a showing that the proposed fence will not create traffic problems for the general public or any neighboring property owner, and will not be incompatible with the neighborhood where erected.

429 DIAGRAMS OF FENCE LOCATIONS (SIGHT TRIANGLES):

A. The following depicts permitted fence locations (for a solid fence over three feet in height) on residential corner lots which are back to back with neither building fronting on the side roads, where both roads are local roads:

Arterial or collector roads: increase the 30' to 50'.

B. The following depicts permitted fence locations (for a solid fence up to seven feet in height) on a corner lot where the rear lot line of the corner lot borders a lot on which a building faces the side street where both roads are local roads:

Arterial or collector roads: increase the 30' to 50'.

435 SCREENING REQUIREMENTS:

Screening meeting the minimum standards of Section 436 shall be provided by the following uses when located on sites as identified below:

A. Manufactured homes not meeting the standards in Sec. 420.A, mobile home parks, multiple family development, and institutional housing. Each use shall provide screening at the property line when abutting any residential district or existing single family residential uses.

B. Non-residential uses except agriculture. Each use shall provide screening at the property line where abutting any residential district or existing residential uses.

436 SCREENING STANDARDS All fence and screening materials and design require a zoning permit.

A. Screening shall be provided by installation and maintenance thereafter of a visual screen or buffer of one of the following types:

1. A berm or solid wood or masonry fence or wall at least 6 feet in height.
2. A hedge like screen of trees or shrubs capable of attaining a minimum height of 6 feet within three years. Said plant materials shall be planted closely together enough to form a branch to branch site obscuring buffer within five years. The planning director shall approve all plant material used for screening.
3. All such trees or shrubs shall be watered and maintained in a healthy, growing condition and shall be replaced with living plant materials of similar size and type if they die.

460 AGRICULTURAL OPERATIONS:

A. All farms and ranches in existence upon the effective date of this Ordinance shall be permitted uses. However, all regulations contained herein and other County ordinances in effect, shall apply to all changes of the farming and ranching operation which will cause it to become more intensive. The person who effects any change in an agricultural operation, not located in an A district, that the Planning Director deems an intensification of use, shall be required to obtain a zoning permit for a minor change, or a conditional use permit for a major change. The Planning Director shall determine whether a change is minor or major. Setback and other regulations shall apply to farming operations just as they do to urban developments.

B. Commercial farm operations may include necessary accessory uses for treating, storing, or processing farm market products; provided, however, that the operation of any such accessory uses shall be secondary to that of the primary agricultural activity.

C. The Board of Commissioners may require any farm operation not located in the Agricultural district to secure a conditional use permit to continue said operations in the event of the following:

1. A nuisance on a farm is adjacent to or within two hundred (200) feet of any property line and may be detrimental to living conditions by emitting noise, odor, vibrations, hazards to safety, and the like. Idaho Code Right to Farm Act shall apply to this Section.
2. The farm operations are so intensive as to constitute an industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade and further that such operations may tend to become a permanent industrial type operation that cannot normally be terminated as can a typical farming operation. Excessive trucking operations shall be considered an intensive use.

470 NONCONFORMING USES:

The purpose of these requirements is to keep to a minimum the negative impacts of nonconforming uses on surrounding permitted uses, and to eliminate those nonconforming uses which are most detrimental to the health, safety, and welfare of persons living in residential zoning districts.

A. Unless otherwise set forth in this Ordinance, legally established uses which were in existence prior to the adoption of this Ordinance, shall be permitted to remain, substantially unchanged, as long as their operation is not discontinued for a period of greater than twelve months.

B. Permits to expand existing and/or operating nonconforming uses by up to fifty percent in land and/or building area may be sought through the conditional use permit process regardless of the underlying zone. Cumulative expansion of 50% or greater shall not be permitted. Expansion of nonconforming uses by conditional use permit shall be allowed only when the use in existence can be made sufficiently compatible with its surroundings and if its expansion in its current location is consistent with the goals of the Comprehensive Plan. Interior remodeling which does not change the nature or extent of a nonconforming use is permitted. Any modification which will affect site development of a nonconforming use, e.g. parking spaces, traffic circulation, accesses, landscaping removal, etc., shall require a conditional use permit application.

C. A nonconforming use may only be changed to a use permitted in the district in which it is located, except that if no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification, and provided such change is approved by the Planning Director. Once changed to a conforming use, no building or land shall be permitted to be changed to a nonconforming use.

D. The Planning Director may allow a change of one nonconforming use to another nonconforming use only upon determination that the proposed new use will be less detrimental to its neighborhood and surroundings than is the use it is to replace. In determining relative detriment, the Planning Director shall take into consideration, among other things: traffic generated; nuisance characteristics such as emission of noise, dust, smoke, fire hazards; and hours and manner of operation.

E. The applicant or adjacent property owners may appeal the Planning Director's decision to the Planning and Development Council.

471 NONCONFORMING BUILDINGS AND STRUCTURES:

A. Buildings or structures lawfully existing on the effective date of this Ordinance or any amendment thereto, may be maintained although such buildings or structures do not conform to the dimensional standards of this Ordinance.

B. No such building or structure shall be structurally altered or improved beyond normal maintenance and safety standards.

C. Any expansion of a nonconforming use or building housing a nonconforming use shall only be permitted by a conditional use permit.

D. Any building or structure which is nonconforming only because it cannot meet the setback requirements of the zoning district, may be altered or improved provided such alteration or improvements do not increase any existing substandard dimension.

471.1 SUBSTANDARD LOTS: Substandard lots are defined as those created without subdivision review, or the filing of a record of survey.

Substandard lots legally created before July 9, 1984, may be developed provided the lot owner receives a sewer permit from the District Health Department, and that all other development standards in this Ordinance are met.

472 PERFORMANCE STANDARDS APPLIED TO EXPANSION AND MODIFICATION OF CONFORMING USES:

For land uses which are lawfully in existence at the time of adoption of this Ordinance and are considered to conform to its terms regulating use, any expansion and/or substantial modification of the use shall require compliance with the performance standards in the ordinance in relation to the degree of expansion or modification which is undertaken. Alteration of existing conditions which are potentially hazardous to adjacent uses may be required by Planning and Development Services in the course of considering plans for expansion or substantial modification of an existing conforming use.

475 MISCELLANEOUS:

475.1 STORAGE OF HAZARDOUS MATERIALS:

All uses associated with the bulk storage of over two thousand (2,000) gallons of oil, gasoline (other than in gasoline stations), liquid fertilizer, chemicals, or similar materials shall require approval of the appropriate regulatory agency so that the County will have assurance that fire, explosion, or air, water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. The County shall require the construction of dyking around said tanks, suitably sealed, to hold a leakage capacity equal to one hundred fifteen (115) percent of the tank capacity. No nuclear materials or fuels shall be stored or used in Bannock County without Department of Energy and EPA approval, and a conditional use permit granted after the applicant proves beyond a reasonable doubt that such storage or use will never be hazardous to the health and safety of present and future residents of Southeastern Idaho.

475.2 EXPLOSIVES:

A. No activities involving the storage, use or manufacture of materials or products which could decompose by detonation shall be permitted except such as are specifically permitted by the Board of County Commissioners in designated Industrial districts. Such materials shall include, but not be limited to, all primary explosives, such as lead azide and mercury fulminate, all high explosives and boosters, such as TNT, tetryl and nitrates, propellants and components thereof such as nitrocellulose, black powder and nitro glycerine, blasting explosives such as dynamite.

B. Use of explosives in conjunction with development may be permitted by the Board after applicant has consulted with County Engineer, Road and Bridge Supervisor and County Risk Management office. Such use must have the approval of the Board or its designee prior to use.

475.3 JUNKYARDS:

The purpose of the requirements for junkyards is to minimize the negative impact of junkyards on the public health, safety, and welfare by damaging the environment, or by reducing property values and the quality of life in the County.

A. The site plan required pursuant to Section 501 shall show the location of all buildings and the location of storage areas designed or used for automobiles and other vehicles, parts, lubricants, fuel, and other storage.

B. Vehicles or other materials listed in the definition of junkyard may not be stored or parked outside the fence or within 40 feet of any road right of way.

C. All lubricant and fuel oil substances which are to be stored on the site shall be stored with all necessary precautions taken to prevent their leakage and/or surface or subsurface drainage into streams or other bodies of water.

D. All hazardous materials shall be stored in a safe manner and, where required, shall not be permitted until after the issuance of a permit for such storage.

E. Screening: All materials shall be screened by a solid 8 to 12 foot fence or earthen berm. No material enclosed by the fence shall be permitted to exceed the height of the fence. Trees or shrubs may be used in place of, or in conjunction with, the fencing and berms, provided said trees or shrubs are of a type that is capable of forming a dense, hedge like screen. Said plant materials may only be used if they are approved by the Planning Director. The approved trees or shrubs shall be large enough to attain a height of at least 8 feet within three years after they are planted. Said trees or shrubs shall be spaced closely together enough to achieve branch to branch coverage within five years. Said plant materials shall be watered and maintained in a healthy, growing condition, and shall be replaced with living plant materials of similar size and type if they die.

F. The owners of land that is lawfully used as a junkyard, either as a permitted use or as a legal nonconforming use shall have erected fencing to constrict or limit the view by the general public. The fencing shall comply with the screening requirements of this section, 475.3.E. Comment: Ordinance 1990-1 provided a schedule for having fenced or screened; schedule was for one to four years according to size, the largest to have been completed in 1994.

475.4 STORAGE OF INOPERATIVE OR UNLICENSED VEHICLES IN RR, RS, MU, AND REC ZONES:

All inoperative or UNLICENSED vehicles that are kept outdoors shall be placed to the rear of the front wall of the principal building on a parcel of land. Said vehicles shall be concealed from view by neighboring property owners, to the greatest feasible extent. Said concealment shall be in the form of fencing or screening that is approved by the Planning Director.

475.5 TRAFFIC CONTROL AND ACCESS MANAGEMENT:

A. All uses in all zones: Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas shall, in all cases, be forward moving with no backing into roads.

B. Bannock Planning Organization s Access Management Guidelines shall be considered when reviewing all site plans.

475.6 SIGHT TRIANGLE:

On any corner lot, nothing shall be placed or allowed to grow over a height of three feet in such a manner as to materially impede vision within the setback dimensions of the roads. Setbacks shall be measured from the lot line. Where two collector and/or arterial roads intersect, the sight triangle becomes 50 feet. Collector or arterial to local

road the triangle shall be 30' on the local side and 50' on the collector or arterial side. This restriction shall also apply to the planting of trees and shrubbery and to yard grades that result in elevations that impede vision within the sight triangle.

475.7 AUTO BODY AND REPAIR SERVICES:

Inoperative vehicles, or vehicles in various stages of repair, and vehicle parts shall be stored or parked in an area screened from view by the public and adjacent uses, by a wall or solid fence. All repairs shall be accomplished inside the structure. Said structure shall meet requirements of the Building Code.

475.8 GAS STATIONS:

A. All services except fuel sales shall be performed within a completely enclosed building.

B. Gas stations shall store all refuse and vehicle parts within a completely enclosed building or within an area which is completely visually screened from the view of the public and neighboring residences.

475.9 BILLBOARDS:

May be indirectly illuminated; neon, back lighting panels and the like are not permitted. Maximum height shall be 35' including structure and face. Maximum area of sign face shall be 200 square feet. Billboards will have a setback of at least 10 feet from any road's right of way. Staff and/or Council will have the option of imposing other restrictions upon site review. All permits for billboards shall comply with State regulations at a minimum, without regard to location.

475.10 LIGHTING:

Outdoor lighting for commercial and industrial uses shall be reviewed by staff. Lighting for all uses must be shielded so that it does not interfere with drivers' sight, illuminate neighboring lands or be directed skyward. Maximum height for lighting fixtures on free-standing pole is 15 feet and 25 feet if building mounted.

475.11 OTHER:

A. Outdoor structures (bleachers, movie screens, permanent rides) and outdoor seating area shall be at least 25 feet from any lot line.

B. Campsites and recreational vehicle campgrounds are subject to the building setback regulations of the district in which they are located.

C. Any outdoor display of vehicles for sale or storage shall be at least 10 feet from any road right of way line.

D. Any pumps, underground fuel storage tanks, and islands, including any canopies, shall be at least 20 feet from any road right of way.

E. No more than one single family house or duplex shall be permanently constructed on each building site.

475.12 EXCEPTIONS TO MINIMUM SETBACK REQUIREMENTS:

The following structures may be allowed to project into, or be constructed in any minimum required setback area as follows: awnings and canopies, not to exceed three feet; bay windows, not to exceed two feet; clotheslines, driveways, fences, walls, and hedges may be constructed or placed in minimum setback areas, provided their installation does not violate any other provision of this Ordinance.

480 DRAINAGE WAYS:

A. Where a lot is traversed by a water course, drainage way, wet weather line of surface drainage, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course. Such drainage ways shall be preserved as open space. Such areas shall be restricted from development of roads and structures, and the site plan shall so indicate.

1. **ALTERATION:** Regrading, stripping of vegetation, or filling may be permitted in these areas, provided that the drainage is not a riparian area as defined in this Ordinance, and a plan is submitted to and approved by the County Engineer. Such plans shall insure that storage capacity and flow is not degraded.

485 BUFFERYARD AREA: Residential and other types of development may conflict with existing or planned development. The following are minimum buffers and may be increased where deemed appropriate by the Planning Director.

Use or zone	Bufferyard Width (feet)
Agriculture, present use or zone	20
Forestry.....	Fire break at least 20' wide or as set by Council
Residential, existing or zoned	0
Commercial or retail, zone or use	50
Indoor Recreation,	50
Institutional Residential	50
Outdoor Recreation	50
Agricultural Support	30
Office and Professional uses, existing	30
Public Service	40
Road Service	40
Commercial Recreation	40
Light Industry	50
Extraction, Junkyard, or heavy industrial	75

490 RESOURCE AND NATURAL FEATURES PROTECTION DEVELOPMENT RESTRICTIONS:

A. The following natural features shall be restricted to development, including roads, as follows:

Feature	Percent Restricted
Lakes, ponds, water courses	100
Wetlands and riparian areas	100
Floodways	90 Floodplain Ordinance also applies
Slopes (15 to 30%)	80
Steep slopes (over 30%)	100

B. All development shall require identification of any environmental or natural features described above, and shall meet the standards of environmental protection as set forth below: Site alterations, regrading, filling, and clearing or planting vegetation prior to approval of the final plat shall be a violation of this Ordinance.

1. WETLANDS AND RIPARIAN AREAS:

a. All such areas shall remain as permanent open space, except as noted in Paragraph c below.

b. Wetlands shall not be filled nor dredged.

c. Permitted uses: The following buildings or structures may be permitted within wetlands: PERMITS ARE REQUIRED FROM THE ARMY CORPS OF ENGINEERS AND IDAHO DEPARTMENT OF WATER RESOURCES, IN ADDITION TO A COUNTY ZONING PERMIT.

(1) Boat launching ramps, boat, piers, bridge and bridge approaches, marinas, picnic shelter, and stormwater detention facilities, provided that a licensed engineer has certified that such structures are designed to withstand the forces exerted by the 100-year storm event. Evidence of this certification shall be presented as precondition to issuance of a zoning certificate.

(2) Boat houses, boat buildings, and accessory structures (except boat or motor repair buildings) associated with uses permitted in the preceding paragraph, provided that a licensed engineer certifies that such structures are designed to allow free entrance of floodwater and to withstand structurally the forces exerted by the 100-year flood event at that location, and conformance with the County Flood Damage Control Ordinance. Evidence of this certification shall be presented as a precondition to issuance of a zoning certificate.

2. STEEP SLOPES In areas of steep slopes, the following standards shall apply:

a. Fifteen percent to less than 30 percent slope: no more than 20 percent of such areas shall be developed and/or regraded or stripped of vegetation. All areas of disturbed soils shall be reseeded to National Resource Conservation Service(NRCS) standards.

b. More than 30 percent slope: no more than five percent of such areas shall be developed and/or regraded or stripped of vegetation. All areas of disturbed soils shall be reseeded to NARCS standards.

c. Buildings are not permitted on slopes of 20% or greater.

C. LAKES AND PONDS:

1. All such areas shall be permanent open space. No development or diverting of these bodies of water shall be permitted. Filling shall not be permitted.

D. SHORELINES OF LAKES, PONDS, RIVERS:

1. No structures, animal runs or enclosures, or septic drainfields are permitted within 100 feet of the riparian area surrounding a body of water.

E. **IMPORTANT AGRICULTURAL SOILS:** In the Agriculture zoning district at least 90 to 95 percent of all such areas shall remain as permanent open space. Accessory farm structures (i.e., barns, silos) shall be permitted in the open space. This is to preserve and protect the important agricultural soils, crop lands and grazing areas of the County. Also, see NRCS definition of important agricultural soils .

495 STORMWATER RUNOFF:

A. **ON SITE DETENTION AND LIMITATION OF STORMWATER RUNOFF:** No development shall cause downstream property owners, water courses, channels, or conduits to receive stormwater run-off from proposed developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped condition.

B. **INSPECTION OF FACILITIES.** The County Engineer and/or Building Official may inspect drainage facilities while under construction. If facilities are not constructed according to approved plans, the County has the explicit authority to compel compliance and require correction, including suspension of building permits, or by enforcement of this Ordinance (Section 570).

END OF SECTION

500 ADMINISTRATION AND PUBLIC HEARING PROCEDURES:

500.1 A. The position of Planning Director is hereby established. The Planning Director shall be appointed by the Board of County Commissioners and shall serve at their pleasure. He or she shall receive such compensation as determined by the Board of County Commissioners.

B. The Planning Director shall direct and administer the activities of the Planning and Zoning Department. He or she, or his or her designee, shall administer the provisions of this Ordinance and shall have all of the administrative powers connected therewith, which are not specifically assigned to some other officer or body. The Planning Director shall have no power to vary or waive ordinance requirements except where such discretion is given by specific provisions in this Ordinance.

501 ZONING PERMITS:

A. No development permitted by this Ordinance, including accessory and temporary uses, shall be established or changed; no structure shall be erected, constructed, reconstructed, altered, razed, or removed, and no building used, occupied, or altered with respect to its use after the effective date of this Ordinance, until a zoning permit has been secured from the Planning Director. A zoning permit is not required for remodeling or repairs of structures, providing said remodeling or repair will not enlarge the structure or use, or lead to a change of use. Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulation in compliance with all of the terms of this Ordinance.

B. The Planning Director shall not issue a zoning permit until all of the requirements of this Ordinance have been satisfied.

C. The procedure for making application for a zoning permit shall be the same as the site plan review procedure where applicable.

502 BUILDING PERMITS:

The construction, alteration, repair, or removal of any structure or the use of any structure or land as provided in this Ordinance or as restricted thereby, shall not be commenced, continued, or otherwise carried out without first securing a written permit for same from the Building Official of the County. The permit shall be displayed and made available to any officer of the county.

502.1 BUILDING AND ZONING PERMITS ISSUED CONCURRENTLY:

When a building permit and zoning permit are required for any construction, the permits shall be issued concurrently.

502.2 PERMITS REQUIRED FOR ELECTRICAL CONNECTION:

- A. No person may apply for or use electrical service in any newly placed or built structure without first securing a building permit For the construction or placement of the structure.
- B. No person or corporation shall furnish electrical service or power to any structure without first securing the number of the building permit for the structure, to which the electrical service is to be furnished.
- C. The term "structure" as used in this section shall mean one of the following:
 - 1. Any new building to which electrical service has not been previously furnished.
 - 2. Any manufactured or mobile home to which electrical service has not been previously furnished at the present site of said mobile home.
- D. In an instance where the Building Official determines that a structure is exempt from the requirements of the Uniform Building Code and therefore, no building permit is required, a zoning permit number shall be issued. In an instance where the planning Director determines that no zoning permit is required, a waiver number shall be issued.

503 SITE PLAN REVIEW:

The site plan review procedure is established as part of this Ordinance to further the protection of the health, safety, and general welfare through the detailed review of site plans for new developments, substantial remodels, changes of use of existing buildings, and additions to existing buildings. The purpose of the process shall be to minimize and, where possible, to eliminate conflicts between the establishment of new or different land uses and adjacent lands or affected public facilities.

503.1 LAND DEVELOPMENT SUBJECT TO SITE PLAN REVIEW:

Site plan review shall apply to the following zones and uses:

- A. All uses in commercial and industrial zones;
- B. All changes in use for existing buildings in commercial and industrial zones;
- C. All residential uses in whatever zone they occur;
- D. All churches, schools, and other public or quasi public uses which, by their nature, have a considerable effect upon their external environment;
- E. All development brought before the Planning and Development Council.

For all uses listed above, a site plan review shall be a necessary condition precedent to issuance of building and/or zoning permits, or a certificate of occupancy.

503.2 INFORMATION REQUIRED: When a site plan approval is required, the owner or owners of the tract of land in question shall submit to the Planning & Development Service Office a site plan of the area to be developed containing the following information:

1. Site plan drawn to scale, when deemed appropriate.
2. Lot, building, parking area, etc. dimension. ;
3. Diagram of all buildings, existing and proposed.
4. Location and type of walls, fences, and landscaping.
5. Vehicular, pedestrian, and service access.
6. Off street parking facilities, including number of spaces, ingress, egress, and traffic pattern.
7. Signs and lighting including location, size, height and method of illumination.
8. Outdoor storage activities (location and type).
9. Location of solid waste collection and disposal facilities.
10. Location of any bulk facilities for bulk storage of hazardous materials (see Section 475.1).
11. Road right of way dimensions, current easements, and necessary dedications of right of way or easements.
12. Size and location of water service and sanitary sewer discharge lines. Locations of connections to public lines if applicable.
13. Diagram of methods used for control of on site storm water (when requested).
14. Other such data as may be requested by Planning & Development Services to determine the effect of the development on surrounding property.
15. Proposed buffer from adjacent properties.
16. Proposed maintenance methods for living landscaping.
17. Contours depicting current site topography and final site topography (when requested).
18. Any additional information that may be pertinent to an individual situation.

503.25 If the Planning Director determines that some of the information required in Section 503.2 is unnecessary for a particular use in a particular situation, he/she may allow the applicant not to provide the information.

503.3 PLANNING & DEVELOPMENT SERVICES REVIEW:

The Planning & Development Services Office shall review a site plan within five days of receiving the plan, provided it contains required information as specified in Section 503.2. The Office shall review all aspects of the submitted site plan and either approve with stipulations necessary to protect the public interest or reject it for cause. Changes required by Planning & Development Services shall be incorporated into the site plan which is submitted for issuance of a zoning permit. Stipulations to the site plan shall be

made on the face of the submitted plan unless the applicant desires a written list of required changes, in which case such a list shall be provided within three days of the request for same. A zoning permit shall not be issued until the site plan and proposed use satisfy all the requirements of this Ordinance.

503.4 APPEAL OF DECISION:

- A. An applicant denied a zoning permit or site plan approval may appeal the Planning Director's decision within fourteen (14) days of delivery of the decision to the applicant.
- B. The Planning and Development Council shall review the Planning Director's findings, and the applicant's arguments as a Business Item and reach a decision to uphold, reverse, modify or return the Planning Director's decision for further findings.
- C. The Planning and Development Council 's decision may be appealed to the Board of Bannock County Commissioners within fourteen (14) days of delivery of the decision to the applicant.
- D. The Board of County Commissioners shall review the Planning and Development Council 's findings and the appellant's arguments and reach a final decision to uphold, reverse, modify, or return the Planning and Development Council 's decision for further findings.
- E. Appeals shall be filed in writing in the Planning and Development Services Office.
- F. Delivery of the decision shall mean the date of hand delivery or the date of mailing of the decision to the applicant.

503.5 POWER TO PROVIDE ADDITIONAL CONSTRUCTION CONDITIONS:

Planning & Development Services may require, upon examination of the proposed site plan and statement of just cause, additional conditions of construction prior to the issuance of a zoning permit or building permit. Such conditions may include:

- A. Additional building setbacks when it is found that the setbacks required by law are inadequate by reason of interference with utility or other easements; obstruction of traffic view; potential interference with the orderly extension of roads, or utility lines; existing geological hazards, or any combination of the foregoing.
- B. A limitation on building height when it is found that any geological hazard exists which would create any safety hazard if the site plan proposal were approved or when it is found that occupancy of a building of the height proposed could not be supported by existing or contemplated utilities.
- C. Walls, fences, buffer planting and screening devices when it is found that such are required for reasons of safety or the control of noise or other external effects.

D. Off site improvements in public rights of way adjacent to subject property when it is found that the site plan proposal might otherwise produce obvious traffic hazards or otherwise harmful, hazardous, or obnoxious effects on such right of way.

E. Limits on traffic circulation and vehicular access when it is found that such are required for reasons of safety or the control of sound or other pollution.

F. Limitations on signs and lighting when it is found that proposed signs and lighting would constitute an aesthetic nuisance or any potential safety hazard.

G. Any change which may be necessary for reasons of safety, public health, and comfort, or the promotion of the general welfare; provided, Planning & Development Services, when requiring any change under this subsection, shall specify in detail the precise nature of any factor or factors which are considered to require changes in the site plan proposal.

503.6 AGREEMENT WITH THE OFFICE OF PLANNING & DEVELOPMENT SERVICES:

If the permit applicant agrees to comply with Planning & Development Services findings, he shall submit a modified site plan with his building permit and zoning permit application. Copies of the approved site plan shall be retained by the Department of Planning and Development Services to be checked through building construction and when application is made for a certificate of occupancy.

503.7 REVISION OF AN APPROVED SITE PLAN:

If the permittee, under the terms of this Ordinance, desires to alter the various details of an approved site plan, he shall follow the procedures for approval of a new site plan. Failure to do so will result in placement of a stop work order on the project.

503.8 COMPLIANCE:

No building permit or zoning permit shall be issued for any building or use for which site plan review is required unless site plan approval has been obtained. No occupancy shall be permitted or certificate of occupancy issued unless the terms and details of an approved site plan are met. The Planning Director or his/her representative shall conduct an "as built" inspection to verify compliance and shall sign off on a certificate of occupancy if terms are satisfactorily met.

504 CERTIFICATE OF OCCUPANCY:

A. No structure shall be occupied or used in whole or in part until a certificate of occupancy has been issued by the Planning and Development Services office indicating that the building or use complies with all zoning requirements of this Ordinance.

B. No permit for any new use or construction which will involve the on site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, or which requires the Sixth District Health Department's approval shall be issued until said approval has been issued by the Sixth District Health Department.

C. The issuance of a certificate of occupancy in no way relieves any recipient thereof from compliance with all of the terms of this Ordinance and all other applicable regulations.

510 PLANNED UNIT DEVELOPMENTS:

This section shall set forth the policy and general standards to apply to planned unit developments as defined in this Ordinance.

510.1 POLICY AND PURPOSE:

A. The regulations contained in this section are intended to allow greater flexibility in the formulation of development plans which will fit better with the environment in which the development is to be placed, than would be the case under conventional development requirements found elsewhere in this Ordinance. Particular emphasis is to be placed on architectural design and aesthetic values.

B. In consideration of the broad design latitude given to developers of planned unit developments, the Planning and Development Council and Board of County Commissioners reserve wide discretionary powers in judging the concepts incorporated into specific planned unit development design. Emphasized in the exercise of this judgment shall be consistency with the goals and policies of the comprehensive plan of the County.

510.2 PROCEDURES:

The applicant for planned unit development approval shall submit an application which complies with standards adopted by ordinance of the Board of County Commissioners pursuant to the terms of this Ordinance. Procedures to be followed shall be the same as those used for a conditional use permit if only residential development is proposed, and shall comply with procedural requirements for a zone change when any commercial land use is proposed in a residential zone.

510.3 OWNERSHIP OR UNITARY CONTROL:

A planned unit development shall be in one ownership or under singular management control through the entire planning and development stage to ensure that development can be accomplished as planned. The County may require documentation of unitary control as it deems necessary.

510.4 MINIMUM AREA:

The minimum area required for a planned unit development shall be five acres, unless otherwise specified in this Ordinance.

510.5 SKETCH PLAN INITIAL REVIEW:

A sketch plan of the planned unit development proposal shall be reviewed at a joint meeting of the Planning and Development Council and the Board of County Commissioners before the proposal can be submitted to the Planning and Development Council for public hearing. The purpose of the meeting shall be to make the prospective developer of a project aware of concerns which might affect the proposed development.

510.6 COMPLIANCE WITH SUBDIVISION REQUIREMENTS:

Any planned unit development which contemplates subdivision activity shall comply in all respects with the procedural and substantive requirements established by the subdivision ordinance of the County.

510.7 AREA FOR COMMON USE RESIDENTIAL PLANNED UNIT DEVELOPMENTS:

All planned unit developments which have a residential component shall provide open space for use in common equal to ten percent of the gross area committed to residential use.

510.8 INTEGRATION REQUIRED:

In the design process, paramount effort shall be made to fit a planned unit development proposal with the natural and developed environment around it. Of particular significance in this regard is maintenance of traffic circulation patterns.

510.9 PERFORMANCE STANDARDS:

The Board of County Commissioners, upon receipt of a recommendation from the Planning and Development Council, shall adopt such design and performance standards as may be necessary to direct conformity with the goals and objectives of this section. The standards may be adopted by ordinance of the Board of County Commissioners.

510.10 BUILDING CODE COMPLIANCE REQUIRED:

Although building placement requirements in this Ordinance may be excepted in the planned unit development process, terms of the Uniform Building Code concerning building construction and building separation shall be complied within their entirety.

510.11 MOBILE HOME PARKS:

Mobile home parks shall be developed as planned unit developments in conformity with the density requirements for the area involved. All requirements applicable to other planned unit developments shall govern the development of mobile home parks.

520 REZONING:

520.1 PROCEDURES FOR MAKING APPLICATION FOR A ZONING DISTRICT BOUNDARY CHANGE:

A. Either representatives of the County or any person possessing ownership rights or an exclusive contractual right to possession of a parcel of land may petition the Planning and Development Council for a zoning district boundary change (rezoning). The applicant for a district boundary change shall provide such information as may be required by the Planning and Development Council in the form desired, at least thirty calendar days in advance of a regularly scheduled meeting of the Planning and Development Council. Upon receipt of all materials required to complete the application, the clerk of the Planning and Development Council shall schedule a public hearing concerning the request, providing proper notice as required by the Idaho Code and application portion of this Ordinance.

B. The Planning and Development Council shall complete the public hearing on a district boundary request within forty five calendar days of its initiation. A formal recommendation on each request shall be transmitted to the Board of County Commissioners within forty five calendar days of the completion of the public hearing. Extension of these time limits may be accomplished with consent of the applicant.

C. Public hearings before the Planning and Development Council shall provide opportunities for all interested parties to testify in support of their points of view in accord with procedures and rules established by the Planning and Development Council. Written testimony may be accepted prior to a public hearing, during the public hearing, or until the Planning and Development Council deems the public hearing closed. The Planning and Development Council may vote to authorize the submission of appropriate written testimony for up to ten days following the conclusion of a public hearing. Final recommendations shall not be made until all testimony, oral or written, has been received by the Planning and Development Council. If a public hearing has been closed, additional public comment shall be received only after appropriate notice is provided in accord with the Idaho Code requirements and standards established by this Ordinance.

**520.2 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES
TRANSMISSION OF RECORDS TO BOARD OF COUNTY COMMISSIONERS FOR
DETERMINATION:**

A. The clerk of the Planning and Development Council shall compile the records of the

Planning and Development Council concerning a request for a zoning district boundary change and transmit them to the Board of County Commissioners. An additional public hearing shall then be scheduled before the Board of County Commissioners. The Board of County Commissioners shall consider the record compiled by the Planning and Development Council and additional testimony submitted during the Board of County Commissioners' public hearing process. The Board of County Commissioners procedure for accepting testimony at public hearings shall be consistent with standards established for the Planning and Development Council. The Board of County Commissioners shall conclude actions on a zoning district boundary change within forty five days of the completion of public hearings on the question.

B. The recommendation of the Planning and Development Council to the Board of County Commissioners, and final decision of the Board of County Commissioners respectively shall be stated in the form of a formal findings of facts and conclusions which shall be adopted by a majority of members taking part in deliberations on the request. This document shall list facts taken into account in arriving at a recommendation or decision, and shall state the conclusions drawn from the facts, specifically as they concern the goals and policies of the comprehensive plan and this Ordinance.

520.3 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES NOTICES OF PUBLIC HEARING:

A. Notice of public hearing shall be provided in accord with requirements of the Idaho Code and such other standards as this Ordinance may require. Where the names of landowners must be provided for mailing public hearing notices, the records of the county assessor's office shall serve as the official source.

B. Names of parties to receive notice concerning applications made pursuant to provisions of this Ordinance shall be provided by applicants seeking a change in zoning district boundaries. All responsibility for provision of accurate mailing lists shall rest with the applicant.

C. Notices of public hearing shall be prepared and mailed under supervision of the clerk of the Planning and Development Council.

D. Should notice be alleged to be defective, the allegations shall be reviewed by the Planning Director, Prosecuting Attorney, and presiding officer of the body scheduled to conduct the hearing to determine the nature of the alleged problem and its potential effect upon the proceedings.

E. Appeals concerning adequacy of notice may be made from the decision of the aforementioned committee to the entire membership of the Board of County Commissioners or Planning and Development Council involved.

520.4 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES

CONDITIONS FOR APPROVAL RESUBMISSION OF APPLICATION:

Changes in zoning district boundaries may be approved only if they are consistent with the goals and policies adopted in the County Comprehensive Plan. Zone changes may be achieved only by passage of an ordinance modifying the official zoning map of the county. The ordinance shall be accompanied by a map depicting the change to be made. Rezoning applications which have been rejected may not be refiled for twelve months following Board of County Commissioners action on them unless the rezoning application was rejected conditionally to permit reapplication.

The Planning and Development Council may grant a rezoning request if it makes affirmative findings of fact on each of the following standards:

- A. The uses allowed in the proposed district would be compatible with surrounding uses.
- B. The proposed zoning district would not adversely affect the surrounding neighborhood's stability and property values.
- C. The applicant has shown that there is a need for the proposed zoning district in the County or at the proposed location.
- D. The public cost resulting from the change in land use would not be excessive when compared with the public benefit derived from the change in land use.
- E. Adequate public services, utilities, and facilities would be available to serve the changed land use.
- F. The proposed zoning district would not allow uses that would be detrimental to the environment of the immediate neighborhood.
- G. The requested change would be in accordance with the goals and policies of the County Comprehensive Plan.

**520.5 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES
NECESSITY FOR ORDINANCE RESUBMISSION OF APPLICATION:**

Zone changes may be achieved only by passage of an ordinance modifying the official zoning map of the county. The ordinance shall be accompanied by a map depicting the change to be made. Rezoning applications which have been rejected may not be refiled for twelve months following Board of County Commissioners' action on them unless the rezoning application was rejected conditionally to permit reapplication.

530 CONDITIONAL USES:

A conditional use may be granted to an applicant if the proposed use is otherwise

prohibited by the terms of the ordinance, but may be allowed with conditions under specific provisions of the ordinance and when it is not in conflict with the comprehensive plan. The allowance of a conditional use is discretionary with the Planning and Development Council and may be granted only in the best interests of the general public. The applicant for a conditional use permit shall carry the burden of proof in showing that the proposed use does not conflict with the spirit or purpose of the comprehensive plan of the county and the standards for conditional use permits set forth in this Ordinance.

530.1 JURISDICTION:

The Planning Director shall be responsible for administration of the Conditional Use Procedure, and the Planning & Zoning Commission shall be responsible for review, evaluation, and action on all applications for a Conditional Use Permit.

530.2 CONCURRENT APPLICATIONS:

Application for a Conditional Use Permit and for rezoning for the same property may be made concurrently, subject to the fees applicable to both a conditional use permit and a rezoning. The Planning and Development Council may hold the public hearing on the rezoning and the conditional use permit at the same meeting and may combine the two hearings. In such cases, the date of the Planning and Development Council's decision on the Conditional Use Permit application shall be deemed to be the same as the effective date by the Board of County Commissioners of an ordinance changing the zone boundaries, provided that if the Board of County Commissioners modifies a recommendation of the Planning and Development Council on a concurrent zoning reclassification, the Conditional Use Permit application shall be reconsidered by the Planning and Development Council in the same manner as a new applications; provided, however, that no additional fee shall be required.

530.3 APPLICATION AND FEE:

Application for a Conditional Use Permit shall be filed with the Planning Director at least thirty days prior to the public hearing. The application shall include the following:

1. Name and address of the owner and applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a written statement signed by the owner that the applicant is the authorized agent of the owner of the property.
4. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or

uses potentially generating high volumes of vehicular traffic, the Director may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.

5. Site plan, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings, all sufficiently dimensioned, as required to illustrate the following:

- a. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
- b. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of existing and proposed roads and 100 year flood plains.
- c. The location, height, bulk, general appearance, the intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites
- d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.
- e. The number of existing and proposed off street parking and loading spaces, and a calculation of applicable minimum requirements.
- f. For sites with an average slope greater than 10 percent, a plan showing existing and proposed topography and grading and proposed erosion control measures.
- g. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off site improvements to be made.

6. Any applicable fee established by the Board of County Commissioners.

530.4 PUBLIC HEARING AND NOTICE:

The Planning and Development Council shall hold a public hearing on each application for a conditional use permit. Notice shall be given as prescribed in Section 560. At the public hearing, the Planning and Development Council shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to

the standards prescribed in Section 530.6

530.5 ACTION BY THE PLANNING AND DEVELOPMENT COUNCIL:

The Planning and Development Council shall act on the application not more than 30 days following the closing of the public hearing on a conditional use permit. The Commission may grant a conditional use permit as the permit was applied for or in a modified form, or subject to conditions, or may deny the application.

530.6 STANDARDS FOR APPROVING A CONDITIONAL USE PERMIT:

The Planning and Development Council may grant a conditional use permit if it makes affirmative findings of fact on each of the following standards:

- A. The proposed use would not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.
- B. The proposed use would not cause an undue disruption of travel or an extraordinary increase in the volume of traffic in the vicinity of the proposed use.
- C. The proposed use would not damage the public health, safety, or general welfare within its vicinity, or be materially injurious to properties or improvements in the vicinity.
- D. The proposed use would be consistent with the goals and policies of the comprehensive plan of the county.
- E. The proposed use would be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces, and landscaping with adjacent uses as is practical.

530.7 CONDITIONS OF APPROVAL:

Upon the granting of a Conditional Use Permit, conditions may be attached to a permit including, but not limited to, those:

- A. Minimizing adverse impact on other developments, such as:
 - 1. Requirements for special yards, open space, buffers, fences, walls, and screening.
 - 2. Requirements for installation and maintenance of landscaping and erosion control measures.
 - 3. Requirements for road improvements and dedications.
 - 4. Regulations of signs.

5. Regulation of hours or other characteristics of operation.
 6. Establishment of development schedules or time limits for performance or completion.
- B. Controlling the sequence and timing of development,
 - C. Controlling the duration of development,
 - D. Assuring that development is maintained properly,
 - E. Designating the exact location and nature of development;
 - F. Requiring the provision for on site or off site public facilities or services;
 - G. Requiring more restrictive standards than those generally required in an ordinance;
 - H. Imposing other conditions that the Planning and Development Council deems necessary to ensure compatibility with surrounding uses, to preserve the public health, safety and welfare and to ensure compliance with the standards listed in Section 530.6.

530.8 EFFECTIVE DATE:

The decision of the Planning and Development Council shall be effective ten days after the date on which decision is announced unless an appeal has been filed pursuant to Section 550.

530.91 LAPSE OF A CONDITIONAL USE PERMIT:

- A. Unless a longer time shall be specifically established as a condition of approval, a conditional use permit shall lapse and shall become void six months following the date on which such permit became effective, unless prior to expiration, a building permit and zoning permit are issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued for the use.
- B. A conditional use permit subject to lapse may be renewed by the Planning and Development Council for an additional period of six months provided that prior to the expiration date, a written request for renewal is filed with the Planning Director.

530.92 MODIFICATION OF CONDITIONAL USE PERMIT:

Sections 530 through 530.8 shall apply to an application for modification, expansion, or other changes in a conditional use permit, provided that minor revisions or modifications may be approved by the Director if he/she determines that the circumstances or conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed in Section 530.6.

530.93 SUSPENSION AND REVOCATION:

- A. Upon violation of any applicable provision of this Ordinance, or, if granted subject to conditions, upon failure to comply with conditions, a conditional use permit shall be suspended upon notification to the owner of a use or property subject to a conditional use permit.
- B. The Planning and Development Council shall hold a public hearing within 40 days of such notification, in accordance with Section 560. and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the conditional use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition.
- C. The decision of the Planning and Development Council to revoke a conditional use permit shall be effective immediately.

530.94 NEW APPLICATIONS:

Following the denial or revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same use on the same or substantially the same site shall be filed within one year from the date of denial or revocation.

530.95 APPROVAL TO RUN WITH THE LAND:

A Conditional Use Permit granted pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure.

530.96 PRE EXISTING CONDITIONAL USE PERMITS:

- A. Alteration or expansion of a pre existing conditional use shall be permitted only upon the granting of an amended conditional use permit, provided that alterations not exceeding \$2,500 in value as determined by the Building Official shall be permitted without the granting of an amended conditional use permit. The procedure for obtaining an amended conditional use permit shall be the same as for obtaining a conditional use permit.
- B. A conditional use permit shall be required for the reconstruction of a structure housing a pre existing conditional use if the structure is destroyed by fire or other calamity, to a greater extent than 50 percent. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the Building Inspector and shall be based on the minimum cost of construction in compliance with the Building Code.

540 VARIANCES:

540.1 PURPOSE: A variance shall not be considered a right but may be granted to an applicant upon a showing of undue hardship related to physical characteristics of the site, and then only if the proposal is not in conflict with the public interest.

A. Application for a variance shall be filed by the owner of the subject property with the Planning Director at least 30 days prior to the public hearing. The application shall include the information necessary to enable the Planning and Zoning Department to make a complete analysis of the variance request.

B. The Planning Director may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.

C. The application shall be accompanied by a fee established by the Board of County Commissioners. A single application may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

D. The applicant shall also provide the Planning Director with the names and addresses of the owners of property that abuts the applicant's parcel.

540.2 PUBLIC HEARING NOTICE:

Notice of the variance request shall be given to adjoining property owners at least seven days before the date of the public hearing.

540.3 ACTION BY THE PLANNING AND DEVELOPMENT COUNCIL:

A. The Planning and Development Council shall act upon the application within forty five days following the close of the public hearing on a variance. The Planning and Development Council may grant a variance as the variance was applied for or in modified form, or subject to conditions, or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Planning and Development Council may prescribe.

540.4 STANDARDS:

The Planning and Development Council may grant a variance if it makes affirmative findings of fact on each of the following standards:

1. The applicant has shown that there is no reasonable alternative.
2. The variance is not in conflict with the public interest.

3. The variance will not adversely affect adjacent property.
4. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site.

540.5 EFFECTIVE DATE OF VARIANCE:

A decision of the Planning and Development Council on a variance shall be effective ten (10) days after the date on which action is announced unless an appeal has been filed pursuant to Section 540.6.

540.6 APPEAL TO BOARD OF COUNTY COMMISSIONERS:

The appeal procedure is the same as the procedure in Section 550

540.7 LAPSE OF VARIANCE:

- A. Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse six months following the date on which the variance is issued, unless prior to the expiration of the six months, a building permit and a zoning permit are issued.
- B. A variance subject to lapse may be renewed by the Planning and Development Council for an additional period of six months, provided that prior to the expiration date, a written request for renewal is filed with the Planning and Development Council.
- C. The Planning and Development Council may grant or deny an application for renewal upon a showing by the applicant that circumstances beyond his control caused the delay.

540.8 SUSPENSION AND REVOCATION:

- A. Upon violation of any applicable provision of this Ordinance or, if granted subject to conditions, upon failure to comply with conditions, a variance shall be suspended upon notification to the owner of the use or property subject to the variance.
- B. The Planning and Development Council shall hold a public hearing within 40 days of such notification, in accord with Section 560, and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the variance or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition.

540.9 MINOR VARIANCES AND PROCEDURES:

A minor variance may be approved by the Planning Director subject to the following limitations:

- A. A minor variance may not reduce a requirement by more than ten percent of its original standard, except in situations where proposed building additions would conform to established setbacks.
- B. The applicant shall furnish the Planning Director with written consent from abutting property owners before the Director approves a minor variance.
- C. If a minor variance request is denied, the applicant may appeal by proceeding through the regular variance process.

550 APPEALS OF PLANNING AND DEVELOPMENT COUNCIL'S DECISIONS:

- A. The Board of County Commissioners shall serve as the decision making body for appeals of decisions of the Planning and Development Council. The Planning and Development Council's decision may be appealed to the Board of County Commissioners by the applicant or any other aggrieved person within ten days after the date on which the decision is made. Notice of the appeal shall be filed with the Planning Director.
- B. A transcript of the Planning and Development Council's consideration of the request shall be provided by the County at the expense of the appellant. The Board of County Commissioners shall determine the fee per page to be charged for transcripts. The appellant shall pay the estimated cost of the transcript to the County in advance, and be refunded money or owe additional money when the transcript has been prepared, and the actual cost determined.
- C. Not more than 30 days following the preparation of transcripts, the Board of County Commissioners shall consider the appeal. When meeting to consider the appeal, the meeting shall not be a public hearing, but shall be open to the public. During the meeting, County staff shall be available to present the application and answer questions; however, comments will not be received from the audience. The Board of County Commissioners shall consider such findings, reports, minutes, comments, and recommendations as are forwarded to them by the Planning and Development Council.

550.1 RECONSIDERATION OF A DECISION OF THE BOARD OF COUNTY COMMISSIONERS:

The Board of County Commissioners may elect to reconsider or rehear a land use request within 14 days of their initial decision; however, the District Court appeal period shall continue to run from the date of the Board of County Commissioners' initial decision unless they vote to reconsider that decision. The Board of County Commissioners shall decide whether or not to reconsider a request within ten days after receiving the reconsideration request. No decision by the Board of County Commissioners shall be the same as a decision not to rehear the request.

550.2 APPLICATION FEES:

Fees may be required by the Board of County Commissioners for the review of any application for a land use related request.

550.5 CONFLICT OF INTEREST:

Members of the Board of County Commissioners shall be strictly bound by all applicable laws relating to conflict of interest. The Planning and Development Council and county staff shall indicate any potential conflicts of interest they might have in a case, and if significant conflicts are identified, affected parties shall withdraw from activity in the case. In such events, appropriate substitutes shall be named by the Chairman of the Board of County Commissioners.

560 PUBLIC HEARINGS:

560.1 COMPLIANCE REQUIRED:

All public hearings conducted pursuant to requirements of this Ordinance and/or Title 67, Chapter 65, of the Idaho Code shall comply with the standards set forth by Sections 560.2 560.10.

560.2 NOTICE REQUIRED:

Prior to a public hearing as specified in this section, proper notice of the public hearing shall be given as required by this Ordinance and/or Title 67, Chapter 65, of the Idaho Code.

560.3 RECORDS MAINTAINED:

The respective clerks of the Board of County Commissioners and Planning and Development Council holding public hearings pursuant to this Ordinance or Title 67, Chapter 65, Idaho Code, shall maintain records of the proceedings in the following manner:

Transcribable verbatim recordings of the proceedings shall be maintained for three years from the date of the hearing. At the expiration of the three year period, the recordings may be discarded after consultation with the County Prosecuting Attorney. Originals of written submittal to the hearing record and copies of applications shall be maintained for three years from the date of the hearing. At the expiration of the three year period, the written documents may be discarded after consultation with the County Prosecuting Attorney.

Minutes which catalog the occurrences at the public hearing shall be maintained as required by pertinent sections of the Idaho Code.

560.4 ORDER OF PUBLIC HEARING EVENTS:

Public hearings held to consider permit applications and rezoning shall follow the order of events set forth below. These procedures may be modified for other types of hearings such as those held to consider planning matters, ordinances or amendments to ordinances.

- A. A presentation is made by the applicant.
- B. An explanation of the subject of the hearing is presented by the Planning and Development Service staff.
- C. Testimony is given by the audience in favor of the proposal. Questioning of the participants, and rebuttals are entertained by the Planning and Development Council or Board of County Commissioners.
- D. Testimony is given by the audience against the proposal.
- E. The applicant may rebut the arguments offered by the opposition.
- F. The Planning and Development Council or Board of County Commissioners discusses the hearing subject; they may direct questions to the staff, applicant and audience during this stage of the hearing process.
- G. The hearing is closed to oral testimony from the applicant and audience.
- H. The hearing process is concluded.

560.5 TIME LIMITATIONS ON HEARING TESTIMONY:

The presiding officer may limit the time allotted to presentation of oral testimony in a public hearing. The allocation of time shall provide for a reasonable opportunity for proponents and opponents of an issue to be heard.

560.6 STANDARDS FOR ORAL TESTIMONY:

Oral testimony made at a public hearing shall comply with the following standards

- A. It must directly address the subject at hand.
- B. It must not be repetitious with other entries into the record.
- C. It must not be personally malicious.
- D. It must comply with time restrictions established by the presiding officer.

If oral testimony fails to comply with the aforementioned standards, the presiding officer shall declare such testimony out of order and require it to cease.

560.7 STANDARDS FOR WRITTEN TESTIMONY:

Written testimony to be admitted at a public hearing shall comply with the following standards:

- A. It must include the signature and address of the submitter.
- B. It must address the issue at hand.
- C. It must not be personally malicious.
- D. It may be submitted at the public hearing; the presiding officer may require an oral reading of such written testimony if deemed beneficial or if requested by a party interested in the proceedings.

If written testimony fails to comply with the aforementioned standards, the presiding officer shall declare such testimony inadmissible.

560.8 WRITTEN RESPONSE TO QUESTIONS RAISED AT THE HEARING:

Where discretionary written response is permitted by the provisions of this Ordinance, parties to a public hearing may be allowed or requested by the Planning and Development Council or Board of County Commissioners to submit written responses to questions raised at the public hearing after the hearing has been closed to oral comment.

Such written comment shall conform to the following standards:

- 1. The response or comment must be specifically requested by the presiding officer;
- 2. The response must directly address the inquiry raised by the presiding officer;
- 3. The response must be submitted to the clerk of the affected Board of County Commissioners, or Planning and Development Council, in compliance with the time limits established by this Ordinance or the presiding officer.

560.9 COPIES OF OFFICIAL RECORD AVAILABILITY:

Copies of material submitted for inclusion in the official record of a public hearing shall be available to interested parties, if requested, for the usual charges for research and duplication made by the County.

560.10 OVERRULE OF RULINGS BY MAJORITY VOTE:

All rulings made by the presiding officer of any board conducting a public hearing may

be overruled upon a majority vote of the board members present.

570 ENFORCEMENT VIOLATIONS AND PENALTIES:

The Planning Director or his/her designee, shall be the enforcement officer of this Ordinance. Any person, firm, or corporation who fails to comply with, or violates, any of the provisions of this zoning ordinance may be charged with a misdemeanor violation, and upon conviction thereof shall be subject to a fine of one hundred dollars, or imprisonment for a period not exceeding six months, or both.

Each day on which the violation occurs may be deemed a separate offense.

570.1 CIVIL ENFORCEMENT:

Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure, or premises; and these remedies may be in place of the other penalties described in this section.

Amendment #3 8/25/1999: & #5 11/13/2001

570.2 ENFORCEMENT AS AN INFRACTION Any person, firm, or corporation who fails to comply with, or violates, any of the provisions of this zoning ordinance may be charged with an infraction, and upon conviction thereof shall be subject to a fine of one hundred dollars plus court costs. Each day on which the violation occurs may be deemed a separate offense.

580 PLANNING AND DEVELOPMENT COUNCIL:

580.1 ESTABLISHMENT:

To fulfill the purposes of this Ordinance there is created a Planning and Development Council to consider the use of land and development of community facilities within the county and to advise the Board of County Commissioners in such matters. The Planning and Development Council shall carry out the duties specified in Title 67, Chapter 65, of the Idaho Code and such other responsibilities as shall be assigned by this Ordinance and other ordinances.

580.2 MEMBERSHIP:

The Planning and Development Council shall consist of seven members.

Members shall be selected according to provisions of Idaho Code Chapter 67 6504 and shall serve without compensation excepting reimbursement for expenses incurred in the course of carrying out commission duties.

580.3 TERM OF OFFICE:

The term of office of the Planning and Development Council members shall be five years with the following exceptions:

A. When it becomes necessary to fill an unexpired term of office, the appointment shall be for the time remaining in the unexpired term.

B. The terms of office for the initial appointment of a Planning and Development Council shall be as follows: two (2) positions for three (3) years; three (3) positions for four (4) years; and two (2) positions for five (5) years.

C. Members with FOUR or more absences from scheduled meetings in any calendar year period shall be removed from the Planning and Development Council. An unexcused absence is one for which a member has not notified the planning department at least six hours in advance of the meeting.

D. Members may be removed from the Planning and Development Council for cause by a majority vote of the Board of County Commissioners.

E. No member shall serve more than two consecutive terms.

F. At least five members (2/3) of the Council shall reside outside any city's area of impact to comply with Idaho Code as amended.

580.4 EX OFFICIO CLERK:

The Planning Director shall serve as the ex officio clerk of the Planning and Development Council and shall oversee the keeping of records of all matters considered by the Planning and Development Council.

580.5 TIME OF MEETINGS:

The Planning and Development Council shall adopt a meeting schedule for the calendar year and regular meetings shall be held in accordance with the adopted schedule, provided, however, that cancellation of a meeting or suspension of meetings for a period of time shall be permissible provided, however, that one regular meeting shall be held each month for at least nine (9) months in a calendar year. Such cancellation or suspension shall be for cause and shall require the approval of a majority of the voting membership. Additional meetings may be scheduled upon the request of the Planning and Development Council's chairman or by a letter signed by a majority of the Planning and Development Council membership directing the clerk of the Planning and Development Council to provide proper notice of a special meeting.

580.6 MEETINGS NOTICE OF SPECIAL MEETINGS REQUIRED:

No official business may be conducted at any special meeting unless advance notice is given prior to the meeting. Notice shall be provided by publication in the Idaho State Journal stating the date, time, location, and subject matter of the special meeting. Notice of special meetings shall be provided to Planning and Development Council members by first class mail. Informal meetings or work sessions may be held at any time but no official action may be taken.

580.7 MEETINGS RULES OF PROCEDURE:

The Planning and Development Council shall adopt rules of procedure for the conduct of its business. Such rules shall be available to the public from the office of Planning and Development Services. The rules of procedure of the Commission may not supersede the procedural requirements of either this Ordinance or Idaho code where applicable.

The Planning and Development Council shall choose a chairman and vice chairman by majority vote at the first regular meeting of each calendar year.

580.8 POWERS AND DUTIES OF THE PLANNING AND DEVELOPMENT COUNCIL:

The Planning and Development Council shall conduct all public hearings required by this Ordinance and the Idaho code relating to the responsibilities of a Planning and Development Council. It shall be the duty of the Planning and Development Council to recommend or make suggestions to the Board of County Commissioners, for the adoption of coordinated plans for the physical development of the county and for the formation of zoning districts; to make recommendations concerning the layout, width, extension and location of roads, highways, and walkways for the proper management of vehicular and pedestrian traffic; to make recommendations concerning appropriate population densities and development of land within the jurisdiction of the county; to make recommendations concerning the future growth, development, and beautification of the county with respect to its public buildings, roads, parks, grounds, and lands consistent with population projections for the county, to promote the health, safety, and general welfare of residents of the county; to cooperate with other appointed boards to further the general welfare of the public; to review and make decisions and recommendations concerning subdivision activity within the jurisdiction of the county; to review and provide recommendations concerning amendments to the zoning ordinance and other land use ordinances of the county to the Board of County Commissioners; to review and make decisions on applications for special permits and exceptions from land use ordinances.

The Planning and Development Council shall also be empowered to conduct such studies or surveys as are necessary to carry out its duties regarding the planning program of the county and to advise the Board of County Commissioners in matters of community development and planning. The Planning and Development Council shall also make recommendations to the Board of County Commissioners concerning the form, contents, and enforcement of land use and development ordinances in order to

carry out the purposes of the comprehensive plan.

The Planning and Development Council shall meet annually with the Board of County Commissioners during the first three months of the calendar year to discuss matters relating to community development and planning.

All activities undertaken by the Planning and Development Council shall be consistent with budgetary appropriations established by the Board of County Commissioners for Planning and Development Council activities.

The Planning and Development Council shall assume such additional powers and duties not listed in this section as may be assigned them by the Board of County Commissioners or State authorities.

590 EFFECTIVE DATE: This Ordinance shall be in full force and effect upon its passage, approval and publication.

Adopted this 26th day of February, 1998, Resolution Number 1998-8.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Tom Katsilometes, Chair

J. O. Cotant, Member

Carolyn Meline, Member

ATTEST:

BY LARRY W. GHAN, CLERK

LIST OF APPENDICES:

- A: OFFICIAL ZONING MAP
- B: IMPORTANT WILDLIFE HABITAT MAPS AND TABLE 11 OF 1987 SOILS SURVEY
- C: ARTERIAL AND COLLECTOR ROADS MAP

STAFF NOTES:

CHANGED: Rural Residential to Residential Rural .

CHANGED: Ordinance No. 1999-3 Amendment No. 1998-1 Amendment No. 2 to read Amendment No. 3.

AMENDMENTS:

1. Instrument #98012571
Zoning change: Ambrose property from REC to AG: the North 510 feet of the South half of the Northwest quarter of Section 31, Township 7 South, Range 37 East, Boise Meridian.
2. Instrument #99017972 effective 5/7/1999.
Zone change: Rezone of Multiple Use land in Tyhee area to general commercial, light industrial, industrial, AG, and residential suburban.
3. Instrument #99016998 effective 8/26/99
Section 315.E - Allows subdivision in AG zone.
Section 570.2 - enforcement of zoning ordinance as infraction.
4. Instrument #20005556 effective 4/10/2000
Section 336.b - to require five acres for well and septic development in RS and area of city impact.
- 5A. Ordinance #2001-1 Instrument #20108474 & 5 effective 5/4/2001
Rezone Abramson property from Industrial to Residential Rural.
- 5B. Instrument #20117907 effective 11/13/2001
Section 570.2 - deleting not more than -- making the fine a specified \$100.00.

This updated Zoning Ord. Filename: ZOWAMD5.WPD