

COUNTY ORDINANCE 2013 - 2
Amendment No. 26 to Zoning Ordinance No. 1998-1
Bannock County, Idaho

AN ORDINANCE AMENDING ORDINANCE NO. 1998-1, VARIOUS TITLES AND SECTIONS, a series of minor text amendments to clarify wording, update references and definitions, and rectify inconsistencies.

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

SECTION 1: ZONING ORDINANCE NO. 1998-1 AMENDMENT NO. 26: Various titles and sections of the Bannock County Zoning Ordinance No. 1998-1 are amended as follows (additions are underlined; deletions are shown as ~~strikethrough~~):

Item Number	Bannock County Zoning Ordinance No 1998-1 Title /Section	Zoning Ordinance Excerpt with Amendment Details
1	200 – Definitions	ACCESSORY USE: A use which is customary, incidental, and subordinate to the primary use or structure on the same parcel of land. See Section 401, Accessory Uses and Buildings .
2	200 – Definitions	<u>AREA OF CITY IMPACT (ACI): That area defined by the City and County ordinances that surrounds a city. In the absence of ordinances Idaho Code defines the area as being one mile beyond a town or city's borders. The ACIs are locations where cities and towns will likely expand and grow into the unincorporated County and may annex property (with willing landowners). (Also see Impact Area Agreement) (Amendment #19 Ordinance #2008-4)</u>
3	200 – Definitions	BUILDING CODE: Latest approved edition of the Uniform Building Code-International Building Code .
4	200 - Definitions	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.
5	200 – Definitions	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 .
6	200 – Definitions	IMPACT AREA AGREEMENT: An agreement reached by City and County officials which prescribes which entity's ordinances will apply in the Area of City Impact Area, and how development applications are processed. An impact area agreement is enacted by ordinances by the County and City, the result of which is an ordinance or resolution by both governments. <u>(Also see Area of City Impact) (Amendment #19 Ordinance #2008-4)</u>
7	200- Definitions	<u>MANUFACTURED HOUSING: See Zoning Ordinance Section 420.A.</u>

8	200-Definitions	<u>TOTAL WIND TURBINE HEIGHT: includes the turbine, blade, tower, base, and pad transformer if any. (Amendment #20, Ordinance 2009-1).</u>
9	200 - Definitions	<p><u>WIND TURBINE, SMALL: A wind energy conversion system which converts wind energy into electricity through the use of a wind driven turbine generator when the total height is less than 65 feet and the nameplate capacity is 25 kilowatts or less. (Amendment #20, Ordinance 2009-1)</u></p> <p><u>WIND TURBINE, MEDIUM: A wind energy conversion system which converts wind energy into electricity through the use of a wind driven turbine generator when the total height is between 65 feet and 150 feet and the nameplate capacity is less than 100 kilowatts. (Amendment #20, Ordinance 2009-1)</u></p> <p><u>WIND TURBINE, COMMERCIAL: A wind energy conversion system which converts wind energy into electricity through the use of a wind driven turbine generator when the total height exceeds 150 feet or the nameplate capacity exceeds 100 kilowatts. (Amendment #20, Ordinance 2009-1)</u></p>
10	315 – Divisions of Agriculturally Zoned Land for Residential Use	<p><u>E. Subdivision, as defined in the Bannock County Subdivision Ordinance, shall be permitted in the Agricultural District, according to Section 315.E.1. (Amendment #3 Ordinance #1999-3)</u></p> <p><u>1. SUBDIVIDING IN THE AGRICULTURAL ZONE. Open space subdivisions designed according to Section 401.B of the Bannock County Zoning Subdivision Ordinance, No. 1997-4, shall be permitted with a density of one residence per 40 acres.</u></p> <p><u>A. Requirements for sewage treatment and water systems shall not apply to lots over one acre.</u></p> <p><u>B. Lots shall be clustered and may vary in size with a minimum of one acre.</u></p> <p><u>C. Subdivision shall have a single access, built to county standards, to a county maintained road.</u></p> <p><u>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.</u></p> <p><u>E. All other requirements and standards of the Subdivision Ordinance shall apply.</u></p> <p><u>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.</u></p>
11	326 – Subdividing in the Residential Rural District	Subdividing in the Rural Residential Residential Rural District
12	326 – Subdividing in the Residential Rural District	<p><u>C. Planned Unit Development provided that municipal water and sewer are provided and limited to locations within Area of City Impact; 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.</u></p> <p><u>1. Minimum size for a planned unit development in the RR district shall be ten acres and the maximum size is 100 lots or dwelling units and 100 acres. (Amendment #19 Ordinance #2008-4)</u></p>

13	336 – Subdividing in the Residential Suburban District	<p>B. Conventional Subdivision: (Amendment #4 Ordinance # 2000-2)</p> <p>1. <u>Within a city's area of impact, a minimum lot size of five acres is required where septic tank and drainfield sewage disposal systems are proposed. Such lots may not be further subdivided, and the plat and deeds must so indicate. Lots of less than five acres must employ municipal treatment of sewage or private sewage treatment systems which treat sewage such that the effluent is equal to or less contaminated than that of the City of Pocatello sewage treatment facility. Such treatment facilities shall be built to the design standards of the city whose impact area it is within.</u></p> <p>2. <u>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.</u></p>
14	336 – Subdividing in the Residential Suburban District	<p>C. <u>Planned Unit Development provided that municipal water and sewer is provided and limited to locations within Area of City Impact (ACI); 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. (Amendment #19 Ordinance #2008-4)</u></p> <p>1. <u>Developments for uses other than residential and neighborhood commercial shall not be permitted in the RS district.</u></p> <p>2. <u>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.</u></p> <p>3. <u>Minimum size for a planned unit development in the RS district shall be ten acres and the maximum size is 100 lots or dwelling units and 100 acres. (Amendment #19 Ordinance #2008-4)</u></p>
15	345 – Performance Requirements for Non-residential Development	<p>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.</p>
16	346 – Subdividing in the Recreational District	<p>346 SUBDIVIDING IN THE RECREATIONAL DISTRICT: The following methods of subdividing are permitted in the RRREC zone:</p>
17	346 – Subdividing in the Recreational District	<p>3. <u>Minimum size for a planned unit development in the REC district shall be ten acres and the maximum size is 100 lots or dwelling units and 100 acres. (Amendment #19 Ordinance #2008-4)</u></p>
18	351 – Multiple Use District Purpose	<p>351 PURPOSE:</p> <p>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 19952008 Comprehensive Plan</p>

		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.
19	355 – Performance Requirements	<p>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:</p> <p>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.</p> <p>C.B. Signs for all permitted non-residential uses shall be permitted as follows:</p> <p>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.</p> <p>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.</p> <p>D.C. Site plans shall be designed in such manner that they do not use local residential streets.</p> <p>E.D. Buildings and their appurtenances shall be oriented to limit conflicts with surrounding residential uses due to noise, light, litter, or dust.</p> <p>F.E. Where a non-residential use abuts a residential use, the following standards shall be complied with concerning development of the non-residential use:</p>
20	365 – Performance Standards	<p>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.</p>
21	366 – Planned Unit Developments	<p>366 PLANNED UNIT DEVELOPMENTS:</p> <p>A. Planned unit developments may be proposed in the CG district for uses permitted within the district <u>provided that municipal water and sewer is provided and limited to locations within Area of City Impact (ACI).</u> (Amendment #19 Ordinance #2008-4)</p> <p>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</p>

		<p>as permitted or permitted by conditional use permit shall be permitted in a planned unit development in this district.</p> <p>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. <u>Maximum size is 25 acres and maximum 175 lots or dwelling units. (Amendment #19 Ordinance #2008-4)</u></p>
22	374 – Uses Conditionally Permitted	<p>374 USES CONDITIONALLY PERMITTED:</p> <p>B. All uses listed in Section 395 as conditional uses <u>in the Light Industrial Wholesale zoning district.</u></p>
23	375 – Performance Standards	<p>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.</p>
24	384 – Uses Conditionally Permitted	<p>384 USES CONDITIONALLY PERMITTED:</p> <p>The following land uses shall be eligible for consideration as conditional uses in the LIWINDUSTRIAL District:</p>
25	385 – Industrial Performance Requirements	<p>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.</p>
26	401 – Accessory Uses	<p>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:</p> <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> ●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. <p>(Amendment No. 23, #2011-3)</p> ●compatible in design with the primary use; that is, garages, storage

		<p>buildings and shops, will look like residential garages, sheds, etc., not industrial or commercial.</p> <p><u>* the total area of structures on a lot, including the principal building, shall not exceed thirty-five (35%) of the total lot area. The maximum structure size shall be limited to four thousand (4000) square feet unless approved by the Council as a business item. Property owners within a three hundred (300) foot radius shall be notified within at least seven days of the meeting. (Amendment No. 23, #2011-3)</u></p> <p><u>*the maximum height of the accessory structure shall be as shown in the district bulk and placement tables. (Amendment No. 23, #2011-3)</u></p> <p><u>* in the Recreation Zone, one storage building up to three hundred (300) square feet in size is allowed without a residence, concurrent with homeowner and/or property owner association approval. (Amendment No. 23, #2011-3)</u></p>
27	401 – Accessory Uses	<p>D. DETAILED ACCESSORY USE REGULATIONS: COMMERCIAL STABLES.</p> <p>The following minimum setbacks shall be provided:</p> <ol style="list-style-type: none"> 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.
28	405 – Temporary Uses	<p>E. ADDITIONAL REGULATIONS All temporary uses shall be subject to the following:</p> <ol style="list-style-type: none"> 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.
29	413 – Parking Lot Design Requirements	<p>K. Lighting of parking lots shall be accomplished in a manner which complies with Section <u>475.10</u>, 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.</p>
30	420 – Manufactured Housing	<p>420 MANUFACTURED HOUSING : Sections 420 through 420.4 shall apply to the use and placement of all manufactured housing outside mobile home parks.</p> <p>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:</p> <ol style="list-style-type: none"> 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.

		<p>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.</p> <p>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.</p>
31	420.3 Placement Regulations	<p>420.3 PLACEMENT REGULATIONS:</p> <p>A. All other requirements and standards of this Ordinance, and those of the State Department of Industrial Services <u>Idaho Division of Building Safety</u>, shall apply. Where a conflict exists, the more restrictive requirement shall apply.</p>
32	451 – Wind turbines (new section)	<p><u>451 WIND TURBINES (Amendment #20, Ordinance 2009-1)</u></p> <p><u>A. Applicable to all types of wind turbine facilities in all zones:</u></p> <p><u>1. Wind Turbine Tower facilities shall not be installed in any location where its proximity would produce electromagnetic interference with signal transmission or reception of the following:</u></p> <p><u>1. existing microwave communications link,</u></p> <p><u>2. an existing fixed broadcast antenna used for radio, television, or wireless phone or other personal communication systems.</u></p> <p><u>2. Compliance with National Electric Code: Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.</u></p> <p><u>Utility Notification: No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned turbine. Off grid systems shall be exempt from this requirement.</u></p> <p><u>Wind Turbine Tower facilities shall be located with relation to property lines so that the level of noise produced during any wind turbine operation shall not exceed 45 dba, measured at the boundaries of all adjacent parcels that are owned by non-site owner or at any point past the property line.</u></p> <p><u>A detailed site plan shall be submitted identifying all property lines, existing buildings, proposed buildings, parking areas, utilities, signs, neighboring properties, proposed transmission lines, any other information that may be required to determine if use is within the intent and requirements of this Ordinance.</u></p> <p><u>6. Setbacks – Each Wind Turbine shall comply with the following requirements.</u></p> <p><u>a. Communication and Electrical Lines: One (1) times its total height from the nearest above-ground public electric power line or telephone line.</u></p> <p><u>b. Property Line: One (1) times its total height from the nearest property line, unless mitigation has taken place and agreed to by owner/operator and affected property owners involved and recorded in the Bannock</u></p>

		<p><u>County Recorder's office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property.</u></p> <p><u>c. Public Roads: One (1) times its total height from the nearest public road right of way.</u></p> <p><u>d. Railroads: One (1) times its total height from all railroads right of way.</u></p> <p><u>Minimum ground Clearance: The tip of a blade shall at its lowest point, have a ground clearance of no less than fifteen (15) feet.</u></p> <p><u>A Building permit is required and must comply with the currently adopted building code.</u></p> <p><u>The system shall comply with all applicable Federal Aviation Administration (FAA) standards. Towers shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.</u></p> <p><u>Wind Turbines shall be a non-reflective, non-obtrusive color.</u></p> <p><u>Shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator. Any such identification shall not appear on the blades or other moving parts or exceed six (6) square feet.</u></p> <p><u>A timeline prior to the construction phase of the project shall be submitted to the Planning & Development Department identifying the starting and completion date of all construction.</u></p> <p><u>All wiring between wind turbines and the substation shall be underground.</u></p> <p><u>Wind Turbines shall not be climbable up to fifteen (15) feet above ground level.</u></p> <p><u>All access doors to the wind turbine towers and electrical equipment shall be lockable and locked when unattended.</u></p> <p><u>Appropriate warning signage shall be place on all wind turbine towers, electrical equipment and facility entrances.</u></p> <p><u>Abandonment: If a wind turbine is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the zoning code. See additional requirements for Commercial Wind Turbines.</u></p> <p><u>B. Small Wind Turbine:</u></p> <p><u>Total height less than 65 feet. Monopole tower only.</u></p> <p><u>Conditional Use Permit for any non-monopole tower type.</u></p> <p><u>3. There shall be no more than two (2) wind turbines per lot.</u></p> <p><u>C. Medium Size Wind Turbine:</u></p> <p><u>1. Total height is between 65 feet and 150 feet and the nameplate capacity is less than 100 kilowatts.</u></p> <p><u>2. Limited to one wind turbine per lot.</u></p> <p><u>D. Commercial Wind Turbine:</u></p> <p><u>1. Total height exceeds 150 feet or the nameplate capacity exceeds 100 kilowatts</u></p> <p><u>2. Setbacks – Each commercial wind turbine shall comply with the following requirements.</u></p> <p><u>a. Communication and Electrical Lines: One (1) times its total height</u></p>
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		<p><u>from the nearest above-ground public electric power line or telephone line.</u></p> <p><u>b. Inhabited structures: 3 times total height, line of sight from the nearest existing residence, school, hospital, church, place of employment or public library, unless mitigation has taken place and agreed by owner/operator and affected property owners involved and recorded in the Bannock County Recorder's office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property.</u></p> <p><u>c. Property Line: 1 ½ times total height from the nearest property line, unless mitigation has taken place and agreed by owner/operator and affected property owners involved and recorded in the Bannock County Recorder's office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property, but not closer than 1 fall height.</u></p> <p><u>d. Public Roads: One (1) times its total height from the nearest public road right of way.</u></p> <p><u>e. Railroads: One (1) times its total height from all railroads right of way.</u></p> <p><u>f. Wind Turbine Spacing: Wind turbines shall have a minimum separation distance of one and two-tenths (1.2) times the total height of the tallest wind turbine from other wind turbines.</u></p> <p><u>Minimum ground Clearance: The tip of a blade shall at its lowest point, have a ground clearance of no less than seventy-five (75) feet.</u></p> <p><u>The design of the buildings and related structures shall, to the extent reasonable possible, use materials, colors, textures, screening and landscaping that will blend the facility to the natural setting and existing environment.</u></p> <p><u>Routes of public travel to be used during the construction phase shall be documented by the Bannock County Public Works Department. The public travel route will be re-inspected 30 days after project completion; any and all repairs must be completed within 90 days of end of construction project and paid by the developer.</u></p> <p><u>An appropriate continuous renewal bond amount will be set for each Wind Turbine for decommissioning should the Owner/Operator fail to comply with the Ordinance requirements or the Wind Turbine does not operate for a period of twelve (12) consecutive months.</u></p> <p><u>A signed statement by the landowner acknowledging that the landowner is financially responsible if the owner/operator fail to reclaim the site as required and that any removal and reclamation costs incurred by the county will become a lien on the property and may be collected from the landowner in the same manner as property taxes.</u></p> <p><u>Evidence of compliance with FAA, United States Fish and Wildlife services, Idaho Fish & Game, DEQ, and the appropriate Fire Department must be submitted by the applicant to the Planning & Development Department prior to the issuance of a building permit. If an area is identified by Fish and Wildlife Services to house a significant bird population, a monopole tubular type tower shall be used instead of Lattice type towers.</u></p> <p><u>9. If project will be developed in phases, the phase lines must be identified on the detailed site plan. Each phase must be completed within twelve (12) consecutive months or the project will become null and void</u></p>
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		<p><u>and the owner/operator must reapply and comply with current regulations.</u></p> <p><u>LIABILITY INSURANCE Commercial towers only.</u> Prior to issuance of a Building Permit for a commercial Wind Turbine Tower and continuing after construction until such facility is removed from the site, the applicant shall provide documentation satisfactory to the county and at such reasonable intervals as determined by the county of the existence of liability insurance coverage with minimum \$1,000,000, for property damage, injury or death resulting from the construction, placement, use, maintenance, operation of a Wind Generation Facility, by the owner of the Site.</p> <p><u>Commercial Generating facilities shall provide a digital elevation model-based project visibility map showing the impact of topography upon visibility of the project from other locations throughout the region, to a distance of 5 miles from the center of the project. The scale used shall depict a 3-mile radius no smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features and other landmarks.</u></p> <p><u>Color photographs, at least 3 inches x 5 inches, taken from several locations within a three-mile radius of the boundaries of the commercial facility site, shall be provided. Said photographs shall be computer enhanced to simulate the appearance of the as-built aboveground site facilities as such would appear from said locations.</u></p>												
33	475.11 Other	<p>475.11 OTHER:</p> <p>E. No more than one single-family house or duplex shall be permanently constructed on each building site <u>except as set forth in Section 315.C. of this ordinance.</u></p>												
34	490 – Resource and natural features protection development restrictions	<p>490 RESOURCE AND NATURAL FEATURES PROTECTION DEVELOPMENT RESTRICTIONS:</p> <p>A. The following natural features shall be restricted to development, including roads, as follows:</p> <table><tr><td>Feature</td><td>Percent Restricted</td></tr><tr><td>Lakes, ponds, water courses</td><td>100</td></tr><tr><td>Wetlands and riparian areas</td><td>100</td></tr><tr><td>Floodways</td><td>90 Floodplain Ordinance also applies</td></tr><tr><td>Slopes (15 to 30%)</td><td>80</td></tr><tr><td>Steep slopes (over 30%)</td><td>10095</td></tr></table>	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 95
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35	490 – Resource and natural features protection development restrictions	<p>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 development permit shall be a violation of this Ordinance.</p>												
36	490.2.b – Resource and natural features protection development restrictions: steep slopes	<p>2. STEEP SLOPES In areas of steep slopes, the following standards shall apply:</p> <p>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.</p>												

		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 <u>NRCS</u> standards.
37	502.2 Permits required for electrical connection	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.
38	503.2 Information required	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 Services 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. ;
39	504 – Certificate of Occupancy	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.
40	510.4 – Minimum Area	510.4 MINIMUM AREA: The minimum area required for a planned unit development shall be five acres, unless otherwise specified in this Ordinance <u>and the maximum area is 100 acres unless otherwise noted for a particular district. (Amendment No. 19, 2008-4)</u>
41	510.10 – Building Code Compliance Required	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.
42	520.5 – Procedures for changes in zoning district boundaries – conditions for approval – resubmission of	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

	application	months following Board of County Commissioners' action on them unless the rezoning application was rejected conditionally to permit reapplication.
43	550 – Appeals of Planning and Development Council’s decisions	C. Not more than 30 days following the preparation of transcripts, the Board of County Commissioners shall <u>meet to consider the appeal</u> . When meeting to consider the appeal, the meeting The hearing shall not be a public hearing, but shall be open to the public. <u>The hearing shall be an “on the record review”.</u> During the hearing 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.
44	570 – Enforcement Violation and penalties	<p>570 CLASSIFICATION AND PUNISHMENT OF OFFENSES AS INFRACTION OR MISDEMEANOR (Amendment #13 Ordinance 1999-3)</p> <p><u>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 and upon conviction of infraction two times within the last two years, each subsequent violation or failure to comply thereafter will be charged with a misdemeanor violation, and upon conviction thereof shall be subject to a fine of up to three hundred dollars (\$300) or imprisonment for a period not exceeding six months, or both.</u></p> <p><u>(a) Except in those circumstances where this ordinance specifically designates a violation to be considered a misdemeanor, a violation of the provisions of this ordinance shall be considered an infraction. A violation of the provisions of this ordinance shall constitute a misdemeanor when the violator has previously been convicted of at least (2) two violations of this ordinance within the proceeding twenty-four (24) months.</u></p> <p><u>(b) An initial violation of this ordinance constituting an infraction shall be punishable by a fixed and set fine of fifty (\$50.00) dollars when the violator has not previously been convicted of an violation of this ordinance.</u></p> <p><u>(c) A subsequent violation of this ordinance constituting an infraction shall be punishable by a fixed and set fine of one hundred (\$100.00) dollars when the violator has previously been convicted of an infraction violation of this ordinance.</u></p> <p><u>(d) A violation of this ordinance constituting a misdemeanor shall be punishable by imprisonment in the county jail for a period not exceeding six (6) months, or by a fine not exceeding three hundred (\$300.00) dollars, or both incarceration and fine as determined by a court of competent jurisdiction.</u></p> <p><u>(e) The fine amounts set forth above for infraction offenses shall be separate and apart from any court costs assessed pursuant to Idaho Code Section 31-3201A(c) or any other provision of law. The fines amount set forth for a misdemeanor offense shall be separate and apart from any court costs assessed pursuant to Idaho Code Section 31-3201A(b) or any other provision of law.</u></p> <p><u>(f) Each day on which any violation occurs may be deemed a separate offense.</u></p>

		<u>The amended text above incorporates a previous Zoning Ordinance Amendment No. 3 Section 570.2 and is therefore no longer needed and is repealed.</u>
45	570.1 – Civil Enforcement	<p>570.1 CIVIL ENFORCEMENT: <u>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.</u></p> <p><u>(Amendment #3 Ordinance 1999-3 and Amendment #5B Ordinance 2001-4)(Ordinance Amendment #13 repealed Section 570.2)</u></p>
46	580.6 – Meetings – notice of special meetings required	<p>580.6 MEETINGS — NOTICE OF SPECIAL MEETINGS REQUIRED:</p> <p>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 <u>paper of record</u> 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. <u>The Council may hold informal work sessions for educational purposes or to clarify issues of concern. No official action or no final decision may be made at an informal work session. Notice of an informal work session shall be given in accordance with Idaho Code.</u></p>

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. Mini Storage
- ~~37.~~ 38. Motels and hotels
- ~~38.~~ 39. Paint or home improvement stores
- ~~39.~~ 40. Pest control business
- ~~40.~~ 41. Printing, excepting book publisher
- ~~41.~~ 42. Professional offices
- ~~42.~~ 43. Repair shop – small appliances
- ~~43.~~ 44. Residential remodeling contractors
- ~~44.~~ 45. Restaurants
- ~~45.~~ 46. Secondhand household goods stores
- ~~46.~~ 47. Shoe store, shoe repair
- ~~47.~~ 48. Sporting goods sales
- ~~48.~~ 49. Tailor shop
- ~~49.~~ 50. Theaters, drive-in or fixed seat
- ~~50.~~ 51. Tire stores

- ~~51.~~ 52. Tobacco shops
- ~~52.~~ 53. Travel agencies
- ~~53.~~ 54. Truck sales of trucks weighing less than two and one-half tons.
- ~~54.~~ 55. Public utility and public service facility

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. Dry Cleaning Shop
- ~~19.~~ 20. Electric motor remanufacture
- ~~20.~~ 21. Engine rebuilding
- ~~21.~~ 22. Excavation contractor
- ~~22.~~ 23. Farm equipment sales
- ~~23.~~ 24. Fencing contractor
- ~~24.~~ 25. Firewood sales
- ~~25.~~ 26. Food Distributor
- ~~26.~~ 27. Freight terminals
- ~~27.~~ 28. Gas stations
- ~~28.~~ 29. General warehousing
- ~~29.~~ 30. Household furnishing movers
- ~~30.~~ 31. Industrial equipment sales
- ~~31.~~ 32. Industrial product supply
- ~~32.~~ 33. Insulation contractor
- ~~33.~~ 34. Kennels
- ~~34.~~ 35. Landscape contractor

- ~~35.~~ 36. Lumber yards
- ~~36.~~ 37. Machine shop
- ~~37.~~ 38. Masonry supply business
- ~~38.~~ 39. Manufactured housing sales lots
- ~~39.~~ 40. Mini storage warehousing
- ~~40.~~ 41. Painting contractor
- ~~41.~~ 42. Petroleum bulk plant
- ~~42.~~ 43. Produce wholesalers
- ~~43.~~ 44. Public service
- ~~44.~~ 45. Pump and well-drilling contractor
- ~~45.~~ 46. Recycling facility
- ~~46.~~ 47. Repair uses
- ~~47.~~ 48. Road contractors
- ~~48.~~ 49. Roofing contractors
- ~~49.~~ 50. Sign contractors
- ~~50.~~ 51. Truck mechanical & body repair
- ~~51.~~ 52. Truck sales and service
- ~~52.~~ 53. Wholesale bakery
- ~~53.~~ 54. Wholesale dairy
- ~~54.~~ 55. Wholesale florist
- ~~55.~~ 56. Wholesale paper supply
- ~~56.~~ 57. 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 in the Light Industrial Wholesale zoning district.
- C. Mining and refining as long as the land in question does not share a common boundary with residentially zoned land.

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 to the Planning and Development Council as set forth in Section 503.4 of this ordinance.

This chart 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
Wind Turbine - Small (monopole only).....	P	P	P	P	P	P	P
Wind Turbine – Medium.....	P	P	C	C	P	P	P
Wind Turbine – Commercial.....	C	N	N	N	C	C	C
<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 <u>bedrooms</u>	P	P	P	P	P	N	N
6 or more <u>bedrooms</u>	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
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

DISTRICT

	AG	RR	RS	REC	CG	LIW	I
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	NC*delete	P	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	P	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
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

	DISTRICT						
	AG	RR	RS	REC	CG	LIW	I
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	NC	C	
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

	DISTRICT						
	AG	RR	RS	REC	CG	LIW	I
Utility Installations & Public Service Facility	P	C	C	C	<u>P</u>	P	P
Veterinary Services	C	C	N	C	<u>P</u>	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

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⁾

	<u>FROM LOCAL ROAD R-O-W</u>	<u>FROM ARTERIAL OR COLLECTOR ROAD R-O-W(2)</u>	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.~~

- 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⁾

	FROM LOCAL ROAD R-O-W	<u>FROM ARTERIAL OR COLLECTOR R-O-W</u>	REAR YARD	SIDE YARD	<u>MAXIMUM STRUCTURE HT. (FT.)</u>
PERMITTED USES:					
Single-family Residence	30	<u>50</u>	30	10	35
Two-family Residence	30	<u>50</u>	30	10	35
Residential Accessory Structures (see section 401.C.4)	30	<u>30</u>	20[<u>ea</u>]	20[<u>ea</u>]	<u>Residence</u> Ht.
Agricultural Structures	30	<u>50</u>	20	20	
Farm Animal Structures	30	<u>50</u>	30	30	15
Commercial Agriculture Accessory Structures for Farm Animals	100	<u>100</u>	100	100	-
Non-Residential Buildings	30	<u>50</u>	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.

(ea) Or height of structure, whichever is greater.

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

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 DISTRICTMINIMUM SETBACKS (FT)⁽¹⁾

	MINIMUM LOT AREA (a)	FROM LOCAL ROAD R-O-W*	<u>FROM</u> <u>ARTERIAL</u> <u>OR</u> <u>COLLECTOR</u> <u>R-O-W</u>	REAR YARD	SIDE YARD	MAXIMUM <u>STRUCTURE</u> HT. (FT)
PERMITTED USES:						
Single-Family Residence	1 acre**	30	<u>50</u>	45	10	35
Two-Family Residence	3¼ D.U.**	30	<u>50</u>	20	10	35
Residential Accessory Structures (see section 401C.4)	-	30	<u>30</u>	20[c]	10[c]	<u>Residence</u> <u>Ht.</u>
Non- residential Buildings	-	30	<u>50</u>	20(b)	20(b)	-

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

NOTES:

(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.~~

(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.

**Five acres is minimum lot size where well and or septic tank/drainfield system is used within a city's area of impact. See Section 336.B.1.

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 R-O-W	<u>FROM ARTERIAL OR COLLECTOR R-O-W</u>	REAR YARD	SIDE YARD	<u>MAXIMUM FREE- STANDING SIGN HEIGHT (FT)</u>	MINIMUM % LAND SCAPED	<u>MAXIMUM STRUCTURE HT. (FT)</u>
PERMITTED USES:							
Non-Residential Uses [e]	30	<u>50</u>	20	20(b)	20	5 %	35
Accessory Bldg. for Non-res. Uses	30	<u>30</u>	10	20(b)	N/A	--	15
Parking Lots	30	<u>50</u>	0	0	5	5 %	N/A
Residential Uses (a)	30	<u>50</u>	20	10	N/A	--	35
Residential Accessory Structures	30	<u>30</u>	10(b)	10(b)	N/A	--	--
Agricultural Structures	30	<u>50</u>	10	10	N/A	--	15
Farm Animal Structures	30	<u>50</u>	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.

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 ANY LOCAL ROAD R-O-W*	FROM <u>ARTERIAL</u> OR <u>COLLECTOR</u> R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT.(FT)	MINIMUM % LAND- SCAPED	MAXIMUM F/S <u>FREE- STANDING</u> <u>SIGN</u> <u>HEIGHT</u> <u>(FT)</u>
PERMITTED USES:							
Residential Uses (a)	30	<u>50</u>	25	10	35	--	N/A
Res. Accessory Structure	30	<u>30</u>	10(d <u>b</u>)	10(d <u>b</u>)	--	--	N/A
Non-residential Uses	25	<u>50</u>	20(b)	20(b)	35	<u>5%</u>	20'
Parking Lots	25	<u>50</u>	10	10	N/A	<u>5%</u>	5'
Accessory Buildings, Non-residential uses	25	<u>30</u>	10	20(b <u>c</u>)	15	--	N/A
Agricultural Structures	30	<u>50</u>	10	10	15	--	N/A
Farm Animal Structures	30	<u>50</u>	30	30	15	--	N/A

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

~~A.~~(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-~~54~~.

(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~~

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

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

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 R-O-W*	<u>FROM ARTERIAL OR COLLECTOR R-O-W</u>	REAR YARD	SIDE YARD	<u>MAXIMUM STRUCTU RE HEIGHT</u>	<u>MINIMUM % LAND- SCAPED</u>	<u>F/S MAXIMU M FREESTAND ING SIGN HEIGHT (FT.)</u>
PERMITTED USES:							
Non- residential uses as listed in CG District (b)	10	<u>50</u>	Bldg. Code	Bldg. Code	--	<u>5%</u>	25
Parking Lots (b)	10	<u>50</u>	--	--	N/A	<u>5%</u>	5
Accessory Buildings	10	<u>50</u>	Bldg. Code	Bldg. Code	15	--	N/A
Residential Uses (a)	25	<u>50</u>	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.

~~*(1) Minimum setback from Collector or Arterial road: 50 feet.~~

~~— Minimum setback for any structure from stream or riparian area: 100 feet. All structures shall be 100' from any stream or riparian area.~~

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

~~(b) Minimum 5% Landscaped.~~

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⁾

	FROM <u>ANY LOCAL</u> ROAD R-O-W	FROM <u>ARTERIAL</u> OR <u>COLLECTOR</u> R-O-W	REAR YARD	SIDE YARD	MAXIMUM SIGN HT. FREESTANDING <u>SIGN HEIGHT (FT)</u>	MINIMUM <u>% PERCENT</u> LANDSCAPED
PERMITTED USES:						
Uses as listed in LIW District	10	<u>50</u>	Bldg. Code	Bldg. Code	35	<u>5%</u> *
Parking Lots	10	<u>50</u>	--	--	5	- <u>5%</u> *
Accessory Buildings	10	<u>50</u>	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.~~

~~(1) Minimum setback for any structure from stream or riparian area: 100 feet. All structures shall be 100' from any stream or riparian area.~~

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 ANY ROAD R-O-W	REAR YARD	SIDE YARD	MAXIMUM SIGN HT. FREESTANDING SIGN HEIGHT	MINIMUM % PERCENT LANDSCAPED
PERMITTED USES:					
Uses as listed in <u>Industrial District</u>	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.~~ All structures shall be 100' from any stream or riparian area.

~~Minimum lot size: one acre.~~ ONE ACRE MINIMUM LOT AREA; LARGER SIZES MAY BE REQUIRED BY THE DISTRICT HEALTH DEPARTMENT.

*see section 375.A.

SECTION 2: REPEALING CLAUSE:

All other ordinances and parts of ordinances in conflict herewith shall be, and the same hereby repealed.

SECTION 3: SEVERABILITY:

If any word, phrase, section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Ordinance; and it is hereby expressly declared that every other word, phrase, section, subsection, provision, clause or paragraph of the Ordinance enacted, regardless of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

SECTION 4: EFFECTIVE DATE: This ordinance shall be in full force and effect upon its passage, approval, and publication.

Adopted this 20th day of March, 2013; Resolution Number 2013-28.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Karl E. Anderson, Chairman

Steve Hadley, Member

Howard Manwaring, Member

ATTEST:

Dale Hatch, Clerk

SUMMARY ORDINANCE 2013-2
BANNOCK COUNTY, IDAHO

STATEMENT OF PURPOSE – Amendment No. 26 to Zoning Ordinance No. 1998-1

AN ORDINANCE AMENDING ORDINANCE NO. 1998-1, VARIOUS TITLES AND SECTIONS, a series of minor text amendments to clarify wording, update references and definitions, and rectify inconsistencies.

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

Adopted this 20h day of March, 2013, Resolution Number 2013-28

THE FULL TEXT OF THIS ORDINANCE IS AVAILABLE IN THE OFFICE OF THE BANNOCK COUNTY CLERK, 624 E CENTER ST, POCA TELLO, IDAHO.

BOARD OF BANNOCK COUNTY COMMISSIONERS

Karl E. Anderson, Chairman

Steve Hadley, Member

Howard Manwaring, Member

ATTEST: _____
Dale Hatch, Clerk

PUBLISHED: 4-2-13