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TITLE 1 - ZONING ORDINANCE

CHAPTER 1 - CONSTRUCTION AND DEFINITIONS

Section 1-101. Title.

This ordinance shall be known and may be cited as the Zoning and Building Ordinance of Bonneville County.

Section 1-102. Purpose.

The purposes of this ordinance and the comprehensive zoning plan adopted in accordance with the provisions here are:

1. To promote the health, safety, peace, morals, convenience, order, prosperity, free enterprise, and general welfare of the residents of Bonneville County.
2. To encourage and facilitate orderly growth and development within the county.
3. To secure safety from fire, floods, traffic and other hazards.
4. To achieve economy in providing fire and police protection and other governmental services.
5. To reduce traffic congestion and to permit the most efficient use of streets and roads in the county.
6. To maintain an adequate tax base.
7. To foster the growth and development of agriculture and industry.
8. To maintain property values.
9. To avoid undue concentration of population.
10. To facilitate the making of adequate provisions to meet public needs which shall include but shall not be limited to the requirements for transportation, water, sewage, other public utilities and schools.

Section 1-103. Declaration.

In establishing the zones, the boundaries thereof, and the regulations applicable to each of the zones, due and careful consideration has been given to such factors as the suitability of land for particular uses and the need to preserve the value of land and buildings and to encourage the most appropriate use of land within the county. In the preparation of this ordinance and the comprehensive zoning plan adopted in accordance with the provisions hereof, consideration has been given to the location, boundaries and probable future growth of cities, villages, reservations and other areas which are not subject to zoning regulations adopted by the board of county commissioners of Bonneville County and to the zoning regulations applicable within such cities, villages or reservations.

Section 1-104. Interpretation and Intent.

This ordinance shall be liberally construed to affect its purposes and to achieve the objectives and characteristics of the zones established pursuant thereto.

Section 1-105. Conflict.

Nothing in this ordinance shall be deemed to nullify any provisions of covenants, agreements, or other ordinances or laws which are more restrictive than the provisions hereof, but this ordinance shall prevail and be controlling in the event of any conflict between the provisions hereof and any provisions of covenants, agreements or other ordinances or laws which are less restrictive.

Section 1-106. Definitions.

For the purpose of this ordinance, certain words and terms are defined as follows:

1. Words in the present tense include the future and the future includes the present; the singular number includes the plural and plural the singular; the words "shall" and "must" are always mandatory.

2. "Accessory building" means a subordinate building the use of which is incidental to that of the main building.

3. "Accessory use" means a related use which is incidental to the prescribed and permitted use.

4. "Administrator" means the Bonneville County Zoning Administrator.

5. "Agriculture" means the growing of soil crops in the customary manner in the open, on tracts of land which size is dependent upon the growth ring in which the parcel of ground is located. In growth ring one the size is ten (10) acres or larger, in growth ring two the size is twenty (20) acres or larger, in growth ring three the size is sixty (60) acres or larger. "Agriculture" shall include all farming and livestock raising activities associated with the acreage so used in the neighborhood where situated. "Agriculture" shall also include the incidental retail selling on the premises of goods and products raised on the premises, and the placing of non-agriculturally related dwellings in accordance with zoning restrictions.

6. "Agricultural Building" means a building or structure designed and constructed for agricultural use.

7. "Alley" means a public way primarily for utility use and for servicing the property adjacent thereto.

8. "Animal Units" means an animal unit is equal to the number of animals multiplied by applicable animal equivalency factor

9. "Animal Waste" means animal excrement, feed wastes, Process Wastewater, or any other waste associated with the confinement of animals.

10. "Animal Waste Management System" means any structure or system that provides for the collection, treatment or storage of animal waste.

11. "Apartment" means any building or portion thereof which is designed, built, rented, leased or let to be occupied or which is occupied as the home or residence of two (2) or more families living in independent units each with private bathroom and cooking facilities.

12. "Apiary" means a place where bee colonies are kept.

13. "Bee" means any stage of the life cycle of the common domestic honey bee, *apis mellifera*, species.

14. "Best Management Practices" (for animals), means a practice or combination of practices found to be the most effective, practicable means of preventing or reducing the amount of pollution or odor generated by a source, point or non-point, to a level compatible with water quality, nutrient management, waste management and air pollution goals.

15. "Building" means a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels. Where a

dwelling is separated by a division wall with no openings, each portion of such dwelling shall be deemed to be a separate building.

16. "Building Inspector" means zoning administrator.

17. "Board" means the Bonneville County Board of County Commissioners.

18. "Boarding House" means a building containing not more than one (1) kitchen where meals are provided for compensation for three (3) or more persons pursuant to a previous agreement on at least a weekly basis as distinguished from a hotel or cafe. For the purpose of this ordinance, where the number of boarders are two (2) persons or less, such boarders shall be considered as part of the family.

19. "Cabana" or "Add-on" means a building or shelter constructed on a mobile home space and used for storage or shelter purposes by the occupants of the space on which the cabana or add-on is located.

20. "Campground" means an area open to the public and operated either by public authority or as a private business where space and certain facilities, which may include grocery stores, and services, which may include utilities, are provided for accommodation and parking of campers and trailer houses and for similar uses.

21. "Carport" means a structure enclosed by only 2 walls for the shelter of automobiles.

22. "CAFO Facility" means a contiguous area or parcel of land or the use of a contiguous area or parcel of land, upon which there are confined or fed livestock, fish or birds in enclosures or ponds for 45 days or more of the year, which does not sustain crops, vegetation, or forage growth in the normal growing season, or post-harvest residues, and which consists of any combination of animal units which total one thousand (1,000) animal units. Areas or parcels of land are deemed contiguous when separated by county roads. Areas or parcels of land also are deemed contiguous if they are not adjacent, but are owned or operated by a CAFO operator and a pipeline exists which is capable of conveying Process Wastewater to the nonadjacent land.

23. "CAFO Improvements" means improvements to the CAFO real property, including but not limited to, buildings, barns, feed stalls, feeding yards, corrals, feed containment structures or areas, the waste lagoon, and truck or motor vehicle parking areas. CAFO improvements do not include ditches or irrigation systems used to transport or apply Animal Waste.

24. "Cemetery" means a place or grounds set apart for the burial of the dead for which perpetual care and maintenance is provided.

25. "Colony" means a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

26. "Commercial Beekeeper" means a person engaged in the management of honey bees for their products and for pollination services.

27. "Commission" means the Planning and Zoning Commission of Bonneville County, Idaho.

28. "County" means Bonneville County Idaho.

29. "Court" means an open space surrounded by buildings other than a side, rear, or front yard.

30. "Curb Cut" means a cut in the curb line for passage of vehicles.

31. "Dedication" means the setting apart of land interests in land for use by the public.

32. "District" means zone.

33. "Dwelling" means any building which is used for residential purposes, except a hotel, tourist court, boarding or rooming house, rest home or child care home.

34. "Easement" means a grant of the right to use a strip or parcel of land for specific purposes.
35. "Engineer" means the individual or individuals appointed by the Bonneville County Commissioners to perform the work prescribed by this ordinance. The function is an assigned responsibility and does not require a specific certification.
36. "Erected" means constructed, altered, moved, or repaired.
37. "Existing Facility" (CAFO), means a Facility built and in operation at the time of the effective date of this Ordinance.
38. "Expanding Facility" (CAFO), means an Existing Facility that increases its One-Time Animal Unit Capacity to one thousand (1,000) or more Animal Units or increases its One-Time Animal Unit Capacity above that which had been previously approved.
39. "Family" means an individual or two or more persons related by blood, marriage, or adoption living together in a dwelling unit. For the purpose of this ordinance, guests in excess of two (2) shall be considered as boarders and the building in which they abide shall be considered as a boarding house.
40. "Family Food Production" means the keeping of domestic animals and fowl for the production of food for the sale and use of the family occupying the premises.
41. "Floor Area" means the floor area of a building and is the sum of the areas of the several floors of the building, including basements, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior walls or from the center line of walls separating buildings. For purposes of this definition, the architectural area of covered walkways, open roofed-over areas that are paved, porches and similar spaces shall be multiplied by a factor of 0.50. The architectural area shall not include such features as pipe trenches, exterior terraces or steps, chimneys or roof overhangs.
42. "Garage" means a building or portion thereof for the housing or care of self-propelled vehicles.
43. "Established Grade" means the grade of the street curb line and established by the Board of County Commissioners of Bonneville County.
44. "Health Officer" means the director of the Department of Health of Bonneville County, Idaho, or any member of the staff of such department who is authorized to act for the director.
45. "Height of Building" means the vertical distance from the grade to the square of the building.
46. "Highway" means a street so designated as a state or federal highway by the state or federal agency responsible therefore.
47. "Hive" means a structure intended for the housing of a bee colony. A hive typically consists of a cover, supers, brood chambers, and a bottom board.
48. "Hobbyist Beekeeper" means a person engaged in the management of honey bees for pleasure and whose stock does not exceed nine (9) colonies.
49. "Home Occupation" means any occupation or profession conducted entirely within the dwelling and carried on by persons residing therein and which does not involve the regular sale of products that are not produced on the premises. Agricultural products must be nurtured on site for a minimum of one growing season.
50. "Horse for Private Use" means a horse kept and maintained for the pleasure and use of the occupants of a dwelling, and not used for commercial purposes.
51. "Hotel" means any building used, rented, or hired out to be occupied on a daily or weekly basis for sleeping purposes by guests.

52. "Rooming House" means a building containing not more than one kitchen where for compensation, lodging is provided for three (3) or more persons pursuant to previous arrangement on at least a weekly basis as distinguished from a hotel. For the purpose of this ordinance, where the number of roomers are two (2) or less, such roomers shall be considered a part of a family.

53. "Household Pet" means animals or fowl customarily permitted in the house and kept for company or pleasure including, but not limited to dogs, cats, canaries, and chinchillas.

54. "Kennel" means any lot or premises on which three (3) or more dogs over four (4) months of age are kept.

55. "Land Application" means the spreading on or incorporation of Animal Waste into the soil mantle primarily for beneficial purposes.

56. "Lot" means land occupied or to be occupied by a building or buildings together with such spaces as required under this ordinance and having its principal frontage on a street or an officially approved place. The word "lot" also means building sites without reference to lots as recorded on official plats, and includes the word plot, tract, or parcel of land as the sense may require it.

57. "Corner Lot" means a lot situated at a junction of two public streets or situated on a curved street or way whose radius is thirty-five (35) degrees or less and where the angle formed by the intersection of the tangent is one hundred five (105) degrees or less.

58. "Interior Lot" means a lot other than a corner lot.

59. "Through Lot" means a lot having frontage on two streets which are parallel or nearly so.

60. "Nonconforming Use" means a building or land occupied by a use that does not conform with the regulations of the zone in which it is located.

61. "Nonconforming Building" means a building, structure or portion thereof which does not conform to the regulations of this ordinance applicable to the zone or district in which such building is situated.

62. "Nursery School" means a school operated on a regular basis which provides day time care or instruction for two or more children from two to five years of age, inclusive.

63. "Day Care Nursery" means a dwelling or building in which day time care is provided for children for which compensation is paid and which is licensed by or otherwise regulated by public authority.

64. "New Facility" means a new CAFO having a One-Time Animal Unit Capacity of one thousand (1,000) or more Animal Units, which is built after the effective date of this Ordinance.

65. "Non-CAFO Site" means any site with less than one thousand (1,000) animal units.

66. "Nursing Home" means a building or portion thereof where nursing care is provided for five or more persons who are aged, ill or infirm.

67. "Nutrient Management Plan" means a plan prepared in compliance with the Nutrient Management Standard or other equally protective standard approved by the Director of the Idaho Department of Agriculture or his/her designee for managing the amount, source, placement, form and timing of the Land Application of nutrients and soil amendments for plant production and to minimize potential for environmental degradation, particularly impairment of water quality and complying with best management practices.

68. "Off Street Parking Space" means an area adjoining a building providing for the parking of motor vehicles which does not include but has convenient access to a public street.

69. "One-Time Animal Unit Capacity" means the maximum number of animal units that a Facility is permitted to and is capable of housing at any given point in time.

70. "Potato Warehouse" means a building or structure used for the storage of potatoes or for grading, packing, and shipping of potatoes, but not including the manufacture of processed potato products.

71. "Final Plat" means the plan of the plat, subdivision or dedication or any portion thereof prepared for filing and recording with the Bonneville County Recorder in compliance with the provisions of Chapter 33 of this ordinance. After such plat has been properly filed and recorded it shall thereafter be known as an authorized plat, subdivision or dedication.

72. "Preliminary Plat" means a preliminary plan of the plat, subdivision or dedication containing the elements and requirements set forth in Chapter 33 of this Ordinance.

73. "Registrant" means the owner or operator of an Existing Facility in existence at the passage of this Ordinance who files a Registration Notice with the Office of the Administrator and provides the information required under this Ordinance.

74. "Replat" means a change in the plat of an approved or recorded subdivision that affects the layout of any street or area reserved for public use, or which creates any additional lots.

75. "Residence Court" means a group of one-story buildings connected or detached facing directly on a street or common court which opens into a street.

76. "Salvage Yard" means a place where scrap, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, house wrecking yards, and lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or salvage materials incidental to manufacturing operations conducted on the premises.

77. "Sanitary Landfill" means a place dedicated by and subject to supervision and maintenance by public authority for the dumping or disposal of garbage, trash and other waste material by the public.

78. "Screening" means the use of any structure or material primarily for the purpose of obstructing vision.

79. "Service Building" means a building housing facilities for the use of the public and occupants within a mobile/manufactured home court including laundry equipment and facilities, slop-water closet, toilet and bathing facilities.

80. "Service Station" means a building or portion thereof and the adjacent land used in connection therewith for the purpose of selling gasoline and other fuels, oil and other supplies, as well as certain parts, accessories, batteries, tires and other materials, and for the furnishing of services for motor vehicles, including minor repairs.

81. "Setback" means the shortest distance between the property line and the building or part thereof.

82. "Shop" means a building or portion thereof in which goods and merchandise are sold at retail or where mechanical work is performed and the products of such work are sold or where mechanics otherwise carry on their trade.

83. "Story" means that portion of a building included between the surface of a floor and the ceiling next above it.

84. "Street" means a right-of-way which provides vehicular and pedestrian access to adjacent properties, the dedication of which the Board has accepted by official action. It shall include the terms street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, and other similar terms.

85. "Arterial Street" means a street used primarily for fast or heavy traffic when designated as such by the Board.

86. "Collector Street" means a street used primarily for carrying traffic from minor streets to arterial streets when designated as such by the Board.

87. "Frontage Street" means a minor street parallel to and adjacent to an arterial street providing access to abutting properties and protection from through traffic.

88. "Half Street" means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

89. "Minor Street" means a street used exclusively for access to abutting properties.

90. "Structure" means a building or other object constructed, erected or installed by man including, but not limited to, buildings, towers, smoke stacks, lines and poles for the transmission of electricity, mine or pit, railroad tracks and anything else that is built or constructed.

91. "Structural Alteration" means any change in the supporting members of a building such as the bearing walls, columns, beams, girders or roof.

92. "Subdivider" means an individual, firm or group who undertake the subdivision of a lot, tract, or parcel of land for the dedication of streets or changes in the street or lot lines.

93. "Subdivision" means the division of a parcel of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development or if a new street is involved. The term includes re-subdivision and, when appropriate to the content, shall relate to the process of subdividing or to the land subdivided. A division of land uses for agricultural purposes into lots or parcels of ten (10) acres or more and not involving a new street shall not be deemed a subdivision.

94. "Tourist Court" means a group of residence units detached or connected wherein each unit contains not less than one (1) living and/or sleeping room, a bathroom, and a garage or parking space, which units face on one or more common courts, places or streets. The term shall be synonymous with "auto court", "motor court", "motel", and "motor hotel".

95. "Manufactured Home Court" means any lot or parcel of land whether for rent, lease, hire, or otherwise, where two (2) or more manufactured homes are parked and used for living and/or sleeping purposes, including any buildings, structures, vehicles or enclosures used or designed for use as a part of the facilities for such manufactured home court that is located on a tract of land five acres or more retained under one ownership for the purpose of lease or rental of spaces for the placement of mobile homes as defined in this Ordinance. The term "manufactured home court" shall be deemed to be synonymous with the terms "trailer park", "trailer camp", and such other terms as may be used to identify similar facilities.

96. "Mobile Home" means any vehicle used or constructed to permit its use as a conveyance upon the public streets or highways and to permit occupancy thereof as a dwelling or a sleeping place for one or more persons. The term is synonymous with "trailer house" and manufactured homes built prior to June 15, 1976.

97. "Manufactured Home Space" means a plot of ground within a manufactured home court designed for the accommodation of one (1) manufactured home.

98. "Manufactured Home" means a structure which does not comply with the International Building, Plumbing, Electrical, Mechanical, Fire Codes, but do comply with accepted HUD Manufactured Home Standards, which are used as residential living units only per their listing. Other uses of HUD units are not allowed.

99. "Unincorporated Territory" means all of the territory within the boundaries of Bonneville County, Idaho, which lies outside of incorporated cities and villages.

100. "Utilities" means facilities for service to, and used by, the public, including electrical power, water, gas, telephone service and other similar services.

101. "Yard" means an open space on the lot with a building unoccupied or unobstructed from the ground upward, as otherwise provided in this ordinance.

102. "Front Yard" means the minimum horizontal distance between the street line and the front line of the building or any projection thereof excluding steps.

103. "Side Yard" means a yard between the building and side line of the lot and extending from the street line to the rear of the lot. Porches and similar structures shall be considered as part of the building.

104. "Rear Yard" means a yard unoccupied by an accessory building as hereinafter permitted extending across the full width of a lot between the rear line of a building or structure and the rear line of the lot. Where the lot lines are not parallel and/or where the slant line or the rear wall of the building or structure is not parallel with the rear property line, the rear yard setback shall be not less than twice the distance from the rear wall of the building or structure to the center of gravity of the plane area of the rear yard, measured perpendicular to rear wall of the building or structure.

105. "Zone" means district.

106. "Zoning Administrator" means building inspector.

107. "Manufactured Home Court" is a tract of land five acres or more retained under one ownership for the purpose of lease or rental of spaces for the placement of mobile homes as defined in this Ordinance.

108. "Manufactured Home Lot" is a parcel of ground in a Manufactured Home Park, Manufactured Home Subdivision, or Manufactured Home Planned Unit Development intended to be leased, rented, or sold as a place to locate a mobile home for dwelling purposes.

109. "Manufactured Home Pad" is that area upon which the mobile or manufactured home will be placed, the area of which would be covered by the mobile or manufactured home perimeter.

110. "Manufactured Home Subdivision" is a tract of land five acres or more subdivided according to the rules and regulations of the subdivision ordinance of the County of Bonneville, to provide for the sale of individual lots for the express purpose of placement of mobile and/or manufactured homes.

111. "Multi-sectional Manufactured Home" is a manufactured home consisting of two or more sections lined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.

112. "Roadway" is a means of vehicular access in a mobile, manufactured home or travel trailer court, which is not a dedicated street.

113. "Travel Trailer Court" is a tract of land five acres or more retained in one ownership, for the purpose of rental of spaces for temporary placement of travel trailers as defined in this Ordinance.

114. "Travel Trailer" shall mean and include all living accommodation units, which are capable of unrestricted highway use, and not placed upon any foundation. The term shall include, but not be limited to, travel trailers, motor home units, campers mounted on automotive vehicles and camping tents.

CHAPTER 2 - GENERAL PROVISIONS

Section 1-201. Nonconforming Uses.

The nonconforming use of buildings, structures and land may be continued to the same extent and character as that which existed on the effective date of this ordinance. New and additional buildings, structures and uses of land must conform to the provisions of this ordinance and no nonconforming use of buildings, structures or land shall be extended or enlarged.

Section 1-202. Repairs.

Repairs may be made to a building constituting a nonconforming use or a building housing a nonconforming use, but subject to the provision of Section 31-3804, Idaho Code, no permit shall be issued which will have the effect of increasing the floor space devoted to the nonconforming use or of increasing the capacity or volume of business.

Section 1-203. Discontinuance.

If a nonconforming use of land or use of a building is changed to a conforming use or is discontinued for a period of one (1) year or more, any further use of said building or land or construction, alteration or repairs to building, shall thereafter be in conformity with the provisions of this ordinance.

Section 1-204. Reclassification.

The provisions relating to nonconforming uses of land and buildings shall also apply to buildings, structures, land or uses, which shall hereafter become nonconforming due to any change in regulations or reclassification of land.

Section 1-205. Interpretation.

In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

Section 1-206. Registration of Nonconforming Uses.

The owner of land on which a nonconforming use is located shall file in the office of the zoning administrator a statement describing such nonconforming use, together with an affidavit stating the time that such use came into existence. The zoning administrator shall preserve such statements and affidavits and issue a certificate of occupancy on the basis of such documents.

Section 1-207. Amendments.

1. This zoning ordinance and the zone map may be amended in the manner herein provided. Before a proposed amendment is reasonably necessary to carry out the purposes of this ordinance, that it serves the public interest and is in harmony with the purposes and objectives of this ordinance. For the purpose of establishing and maintaining sound, stable and orderly development within the county it is declared to be the public policy that amendments shall not be made to the zoning ordinances and zone map except to promote more fully the objectives and purposes of the Land Use Plan or to correct manifest errors.

2. Any person may petition the Commission for a plan amendment at any time. The Commission may recommend amendments to the plan to the County Commissioners not more frequently than every six (6) months to correct errors in the original plan or to recognize substantial changes in the actual conditions in the area. The Commission may recommend amendments to other ordinances authorized by this chapter to the Board of County Commissioners on its own initiative at any time.

3. Any person seeking an amendment, rezone, conditional use, special use, use hearing, or any other matter before the Planning and Zoning Commission shall pay a filing fee of \$100.00 plus \$6.00 for each certified letter which is required to be sent plus mailing and publication costs. Said fee shall not be returnable. The applicant shall submit to the Bonneville County Zoning Administrator a petition in writing describing the request desired. The petition shall set forth the reasons for the requested change and wherein the proposed amendment would promote the objectives and purposes of the zoning ordinance.

4. Upon receipt of a petition proposing an amendment to the zoning ordinance or zone map, the Zoning Administrator shall transmit the same to the Planning Commission. The Planning Commission shall consider such petition and shall hold a public hearing before making any recommendation to the Board of County Commissioners. Notice of any public hearing before the Commission shall be at least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the amendment to be discussed shall be published in the official newspaper or paper of general circulation within the area. The Commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. The applicant shall post the notice on the premises not less than one week prior to the hearing. Following the Commission hearing, if the Commission makes a material change in the amendment, further notice and hearing shall be provided before the Commission forwards the plan with its recommendation to the Board of County Commissioners. A record of the hearings, findings made, and actions taken shall be maintained. The failure on the part of the Planning Commission to take action on any proposed amendment within forty (40) days from the date of receipt of the petition by the Zoning Administrator shall constitute approval of such proposed amendment by the Planning Commission unless a longer period is granted by the County Commissioners.

(a) If the request is in accordance with the adopted plan, the Planning Commission may recommend acceptance or rejection of the ordinance amendment under the notice and hearing procedures, provided that in the case of a zoning district boundary change, additional notice shall be provided by mail to property owners and residents within the land being considered; three-hundred (300) feet of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Commission. When notice is required to two hundred (200) or more property owners or residents, alternate forms of procedures, which would provide adequate notice may be provided by local ordinance in lieu of mailed notice.

(b) If the request is not in accordance with the adopted plan, the request shall be submitted to the Planning Commission, which shall recommend acceptance or rejection of an amendment to the plan under the notice and hearing procedures. After the plan has been amended, the Planning Commission may recommend acceptance or rejection of the zoning ordinance amendment.

Section 1-208. Public Hearing-Notice.

1. Amendments to this ordinance and the zone map may be adopted only after at least one public hearing before the County Commissioners, notice of which being the same notice and hearing procedures as the Commission's, at which parties in interest and any member of the public shall have the right to appear and be heard. Notice of the time and place of such hearing and the nature of the proposed amendment shall be given by publication in a newspaper of general circulation in the county at least fifteen (15) days prior to the date of the hearing.

2. The County Commissioners shall not hold a public hearing upon the ordinance, amendments, or appeals until a recommendation from the Commission has been received.

3. Amendments to the zoning ordinance and zone map may be adopted only upon an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners, unless a different vote is required by law.

Section 1-209. Limitations on Petitions to Amend.

Following final action by the Board of County Commissioners on any petition to amend the zoning and planning ordinance of Bonneville County zone map, as herein above provided, no further petition to amend raising the same or substantially the same parcel of real property, can be submitted to the Bonneville County Planning and Zoning Commission within a period of six (6) months following final action on the previous petition to amend by the Board of County Commissioners. For the purposes of this section, "final action by the Board of County Commissioners" means the adoption or rejection of a petition to amend by the Board of County Commissioners.

Section 1-210. Conditional Use Permits.

The Board of County Commissioners may grant conditional use permits. Prior to approving the conditional use permit, the Board shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction for use as a public service announcement. Following the Board hearing, if the Board makes a material change in the permit, further notice and hearing shall be provided before the Board approves said conditional use. A record of the hearings, findings made, and actions taken shall be maintained. Conditional use permits will only be issued for uses, which will exist for a period of time of less than 6 months and will be reviewed utilizing the criteria specified in Section 1-705.

Section 1-211. Notice.

Notice shall also be provided to property owners and residents within the land being considered, three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the County Commissioners. When notice is required to two hundred (200) or more property owners or residents, alternate forms of procedures, which would provide adequate notice may be provided by local ordinance in lieu of mailed notice.

CHAPTER 3 - Codes (This chapter has been deleted.)

CHAPTER 4 - SUPPLEMENTARY REGULATIONS TO ZONES

Section 1-401. Yard Space for One Building Only.

No yard or other open space around an existing building or which is required herein for any building to comply with the provisions of this ordinance shall be considered as yard or open space for any other building, nor shall any yard or other space on a lot adjoining a lot on which a building is to be located be considered as providing yard or open space for such building.

Section 1-402. Sale or Lease of Required Space.

No space required to meet the width, yard, area, coverage, parking or other requirements of this ordinance for any lot or building may be sold or leased apart from such lot or building unless sufficient space remains to meet the requirements of this ordinance.

Section 1-403. Sale of Lots Below Minimum Space Requirements.

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be severed and sold apart from such larger parcel for the purpose of locating a building or other development thereon.

Section 1-404. Yards to be Unobstructed, Graded and Elevated.

Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings. All yards are to be graded up to and along the perimeter of all structures to prevent the accumulation of water to a point 1 foot above the adjacent terrain. In areas subject to backup accumulation of water because of roads, structures must be backfilled to a point one (1) foot above the adjacent road elevation.

Section 1-405. Area of Accessory Buildings.

No accessory building or group of accessory buildings in a residential zone shall cover more than thirty (30) percent of the rear yard.

Section 1-406. Additional Height Allowed for Public Buildings.

Public buildings, public utility buildings, public and parochial schools and churches may be erected to any height provided the building is set back from required building setback lines at least one (1) foot for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located.

Section 1-407. Clear View of Intersecting Streets.

In all zones which require a front yard, no obstruction to view in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and the line connecting them at points forty (40) feet from the intersection of the street lines, except for a reasonable number of trees pruned at least 7' above curb or grade or high enough to permit unobstructed view, whichever is greater, and except for pumps at gasoline service stations.

Section 1-408. Effect of Official Map.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the Office of the County Recorder, the depth of such front yard shall be measured from the map street line as shown on the official map or from the existing street or right-of-way line, whichever is the greater distance.

Section 1-409. Width Required for Dwelling Sites.

At least one side of each lot used as a dwelling site shall abut upon a public street and the length of such abutting side measured at the building line shall be at least as great as the width required for dwelling sites in the zone in which such building is located except for lots on cul-de-sacs, the lots said frontage shall be maintained at the prescribed width for the zone from the street right of way line to the front of the dwelling itself.

Section 1-410. Flood Channels and Water Courses.

No building or structure shall be constructed within the banks of and within seventy-five (75) feet out from the banks of a natural flood channel except as permitted by the Planning and Zoning Commission. The Planning and Zoning Commission shall not grant a permit for a building or a structure unless and until adequate measures are taken to prevent damage due to floods.

Section 1-411. Swimming Pools.

Swimming pools not completely enclosed within a building having solid walls shall be set back at least five (5) feet from the property lines and shall be completely surrounded by fence or wall having a height of at least five (5) feet. There shall be no openings larger than thirty-six (36) square inches except for gates, which shall be equipped with self-closing and self-latching devices. Installation of an adequate approved cover may be substituted for the fencing requirements.

Section 1-412. Concessions in Public Parks and Playgrounds.

Concessions, including but not limited to, amusement devices, recreational buildings, and refreshment stands, shall be permitted on a public park or playground when approved by the Board of County Commissioners.

Section 1-413. Land Previously Subdivided.

Notwithstanding any other provisions of this ordinance, any lot or parcel of land which was of record at the time this ordinance became effective may be used as a dwelling site in any zone in which dwellings are listed as a permitted use provided the front, side and rear setback requirements are complied with.

Section 1-414. Agricultural Land.

The requirements of this ordinance shall not be construed to deprive the owner of agricultural land of the full and complete use of said land for the production of any agricultural products. For the purpose of this section the definition of "agricultural" shall be found in Section 1-106.5, and may include canal and railroad rights-of-way, which is used exclusively for agricultural purposes.

Section 1-415. School, Church and Park Standards.

These facilities should be located on collector streets that are near to an arterial street. All structures shall be setback a minimum of 20 feet from all side and rear property lines. All exterior lighting shall be designed so as to avoid direct glare on the adjacent residential uses. The facility shall be designed so as to be in harmony with the neighborhood with appropriate buffers

and landscaping. Adequate pedestrian and vehicular traffic patterns shall be designed for, while still limiting the impact to the neighborhood and the road system.

Section 1-416. Agricultural Building Exceptions.

Exceptions to the Uniform Building Code for Agricultural Buildings will be granted upon compliance with the following items:

1. The parcel upon which the exemption is sought must be an agricultural unit of land of five (5) acres or more. Aggregation of acreage may be allowed.
2. To be excluded from the building code it must be a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. The structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.
3. The agriculturally exempt structure must be utilized for a qualified agricultural use and shall not be converted to any alternate uses unless a conversion permit is issued and the structure is brought into compliance with the then current building code before an occupancy permit could be issued.
4. The structure will require a zoning permit and it must comply with all required setbacks from property lines, the same as for any other building.
5. The owner shall sign a statement acknowledging the above requirements and agreeing that the structure will remain in compliance with the same.

Section 1-417. Prohibitions of Uses.

Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except that the provisions of this ordinance shall not apply to properties of land owned by the State of Idaho and by the United States Government. Persons obtaining State or Federal properties by lease or other arrangement shall utilize such properties in accordance with the provisions of this ordinance.

Section 1-418. Location of Gasoline Pumps and Canopy Standards.

Gasoline pumps shall be set back not less than twenty (20) feet from any street line to which the pump island is at right angles and fifteen (15) feet from any street line to which the pump island is parallel and not less than twelve (12) feet from any residential zone boundary line. If the pump island is set on an angle on the property with respect to the street, it shall be so located that automobiles stopped for service will not extend over the property line. In no case shall gasoline pumps be set closer than fifteen (15) feet from any street line. Gas pump canopies may be no closer than 14' to the right-of-way line.

Section 1-419. Domestic Water and Sewage Disposal.

All domestic water and sewage disposal facilities shall comply with all applicable state laws and rules and regulations of the State Board of Health.

Section 1-420. Setbacks from Major County Roads.

Notwithstanding any other provision of this ordinance, all buildings, except temporary fruit stands abutting upon county roads which have been designated as major roads as shown on the county master plan of roads and all section line roads shall be set back at least eighty (80) feet from the center line, or at least fifty-five (55) feet from the right-of-way of such roads, whichever is the greater; except major roads in/or adjacent to platted areas shall be set back thirty feet (30') from the right of way line of said roads.

Section 1-421. Public Dumping Grounds.

In zones in which public dumping grounds are permitted, such grounds shall be maintained in accordance with all applicable laws and rules and regulations of the State Board of Health and shall be located at least three hundred (300) feet from any building used for human occupancy.

Section 1-422. Excavations.

The banks of all gravel, sand, clay, and topsoil pits and similar excavations shall be smoothed and reconditioned at the termination of operations or use in such manner and to such extent as the Board of County Commissioners shall require so that the excavation shall not be hazardous or unsightly.

Section 1-423. Location of Livestock Facilities.

On any lot on which animals and fowl are permitted, no barn, corral, pen, coop, or other enclosure for the keeping of animals and fowl shall be located closer than one hundred feet (100') from an adjacent lot's dwelling, church, school, or other building used for human occupancy nor closer than fifty feet (50') feet from the property line. Pastures and enclosures where vegetation remains year round are not required to comply with these setback standards. Animals must have free access to the amounts of land specified in each specific zone. Animals in the Agriculture A-1 Zone are not required to have full access to the amount of land specified.

Section 1-424. Parking and Loading Space.

It is the purpose of this ordinance to require the parking of vehicles off the public streets to improve safety, reduce congestion and facilitate street maintenance and traffic flow. Exception: Roadways which are designed with additional pavement width to allow for the short term parking of vehicles for a period of not more than seven days.

Section 1-425. Off street Parking Required.

In all zones there shall be constructed at the time of the erection of any building, or at the time any main building is enlarged or increased in capacity, minimum off street parking space with adequate provision for ingress and egress from the street to each parking space by standard-sized automobiles as hereinafter provided. Minimum parking space size for personal vehicles shall be 10' x 20'. Parking areas must be hard-surfaced.

1. No parking area, except those serving single-family dwellings, shall be designed or constructed to create a situation that requires vehicles to back onto a public street.
2. Minimizing Access to Arterial Streets - Parking area shall be located and designed to minimize access points to arterial streets by using non-arterial streets or alleys.
3. No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.
4. All parking lots shall have a 10% minimum landscape to pavement ratio and may be installed at perimeter.
5. Landscaping where parking areas adjoin uses or zones - A buffer shall be provided between any parking lot for more than five (5) vehicles and existing residential uses or undeveloped land shown as residential in the Comprehensive Plan, also existing schools and nursing homes, hospitals, and other institutions for long term human care shall be protected from any new parking lots. The minimum effective buffer shall be: (a) A seven foot (7') wide planting strip with trees and ground cover plus a masonry wall or opaque fence at least four feet (4') in height or a dense evergreen hedge that will attain a height of at least four feet (4'); or (b) A six foot (6') site obscuring fence.

Section 1-426. Parking Space for Dwellings.

In all Zones except those in which dwellings are not permitted, parking space shall be provided to park two (2) automobiles for each dwelling unit in a new dwelling or each dwelling unit added in the case of the enlargement of an existing building. Where the designated parking space is not enclosed in a private garage, carport or other building, sufficient yard area surrounding the parking space shall be designated so that the automobile can be enclosed in a building or carport having yard area, which will comply with the requirements set forth in this ordinance. Such parking space shall be located on the same lot as the building except as may be permitted under collective use provision.

Section 1-427. Parking Space for Buildings or Uses other than Dwellings.

Off street parking space shall be provided and maintained in connection with the following new buildings and enlargements or increase in any existing main building or change in use, which parking space shall be located on the same lot as the building, except as permitted under the collective use provisions of this chapter.

1. For boarding houses, lodging houses, rooming houses, dormitories, apartments, fraternities, or sororities, and dwelling units occupied by more than three (3) persons not related by blood or marriage at least one (1) parking space for each automobile used or parked on or about the premises by persons accommodated in such building, or one (1) parking space for each bedroom contained in the building, whichever is greater.

2. For tourist courts, at least one (1) parking space for each individual sleeping room or living unit.

3. For restaurants, cafes, and similar eating establishments that serve meals, lunches or drinks to patrons inside a building, for retail stores selling directly to the public, and for dance halls and recreational places of assembly, at least one (1) space for each two hundred (200) square feet of floor space in the building, plus one (1) space for each two (2) employees working on the two (2) largest employment shifts or five (5) parking spaces, whichever is greater.

4. For drive-ins where ice cream, soft drinks, or other food is sold to customers in automobiles, 15 spaces per 1000 square feet of building.

5. For mortuaries, at least thirty (30) parking spaces or one (1) space for each twenty-five (25) square feet in the assembly room or chapel, whichever is greater.

6. For medical and dental offices and clinics, at least four (4) parking spaces for each doctor or dentist having offices in such clinic or one (1) space for each two hundred (200) square feet of floor space, whichever is greater.

7. For all other office buildings and commercial establishments one (1) off-street parking space for each three hundred (300) square feet of floor area in the building or office.

8. For all wholesale and industrial uses not listed above, one (1) parking space for each employee working on the two (2) largest employment shifts.

Section 1-428. Parking Space for Churches, Schools, Hospitals, and Certain Other Uses.

Off street parking space shall be provided in connection with the following new buildings and in connection with the enlargement or increase in seating capacity or floor area of any existing building as hereinafter set forth.

1. Where benches are used, eighteen (18) inches of bench space shall be considered as space for one (1) seat. Where movable chairs are used, seven (7) square feet of floor space shall be considered as space for one (1) seat.

2. For churches, theaters, general auditoriums and stadiums at least one (1) parking space for every three (3) seats in main assembly halls; for university, vocational and high schools at least one (1) space for each five (5) full time students.

3. For hospitals, at least one (1) parking space for each two (2) beds, including infants' cribs and children's beds, plus one (1) space for each two (2) employees.

4. For elementary and junior high schools, at least three (3) parking spaces for each classroom.

Section 1-429. Collective provision.

Parking space for two (2) or more buildings as required in this ordinance may be combined into one lot and may be located on a lot adjacent to the building provided the number of parking spaces is at least equal to the number required when computed separately.

Section 1-430. Parking Space Regulations.

Any lights used to illuminate the area shall be so arranged as to reflect the light away from adjoining premises in any residential area.

Section 1-431. Off street Truck Loading Space.

Off street loading and unloading space shall be provided on the same lot for every building used for manufacturing, storage, warehousing, goods display, department store, grocery, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involving the receipt or distribution by vehicle of materials or merchandise. Each space, unless otherwise adequately provided for, shall include a minimum of ten (10) feet by twenty-five (25) feet loading space with a minimum fourteen (14) feet height clearance, for every twenty thousand (20,000) feet of floor space in the building or fraction thereof.

Section 1-432. Off street Loading Space at Schools.

For each school there shall be sufficient off street bus loading and unloading space provided to accommodate normal peak loading requirements.

Section 1-433. Motor Vehicle Access.

All motor vehicle access shall meet the requirements as hereinafter provided.

Section 1-434. Roadways and Curbs.

Accesses shall be controlled as follows:

1. Access shall be by not more than one (1) driveway from any one street. Except two driveways may be allowed from lots in platted subdivisions onto non-arterial roads provided they comply with other ordinance standards. ¹A driveway is defined as a single approach access to a road and not as a single driveway which has two separate approaches accessing to the road.

2. Driveways shall not be closer to each other than eighty (80) feet when located on the same lot.

3. Each driveway shall not be more than thirty (30) feet in width measured at right angles to the center line of the driveway for residential, or 40' in width measured at right angles to the center line of the driveway for commercial and industrial, except as increased in commercial and industrial by permissible curve-return radii showing necessity based on need and using sound engineering principles.

4. No driveway shall be closer than six (6) feet to a side property line extended.

5. On corner lots no driveway shall be closer than thirty (30) feet to the point on intersection of the front property line with the side property line which abuts upon a street on non-approaching traffic lanes. On approaching traffic lanes the minimum distance shall be fifty (50) feet. All driveways shall be setback from arterial corners a distance of one hundred fifty (150) feet.

6. In all cases where there is an existing curb and gutter on the street, curb cuts and driveways shall be made in accordance with the provisions of this section.

7. Where there is no existing curb and gutter, a curb or fence shall be installed in compliance with requirements of this section and as directed by the county engineer.

Section 1-435. Access Requirements to County Roads.

Whereas the ordinance limits the number of accesses to a street all new building sites will have to comply with the following restrictions:

1. Existing lots of record will be entitled to only one point of access to any existing arterial, section line or major collector road. Excepting additional road access points may be approved during the platting process.

2. Existing access points of record may be continued if they were compliant with the access standards as established by the zoning ordinance and can be substantiated.

Section 1-436. Purpose of Regulations.

The regulations herein set forth in this chapter qualify or supplement, as the case may be, the regulations within zones appearing elsewhere in this ordinance.

Section 1-437. Dwellings to front upon streets.

All dwellings, as defined in Section 1-106.33 herein, shall front upon a street, as defined in Section 1-106.84 herein.

Section 1-438. Fences and Controls for Sight Obstruction.

1. In all residential zones, no fence, wall, hedge, or other sight obscuring object or structure which is more than three feet (3') in height shall be constructed or allowed to exist above said height within fifteen feet (15') of the front lot line. This section shall not be construed to permit any structure, shrub, hedge or sight-obscuring object to exist in violation of this Ordinance.

Section 1-439. Supplement to Definition of Subdivision and Development Standards.

1. Within an impact area, existing land division rights for the development of land will continue to be allowed provided that they comply with access policy rules
2. Within an impact area, new parcel breaks created for the purpose of building or development, whether now or in the future, will require that a plat be filed on all new parcels created as well as the parent parcel. Exceptions: In the impact area, if development rights are available, one (1) parcel may be taken off without requiring a subdivision plat be filed.
3. The plat will require the dedication of all needed right of ways for existing roads and new road right of ways for all land involved in the transaction. Construction of said roads would be required in full or in part as required by current policy.
4. In the Agricultural Zone, residential density permits may be transferred into a small lot agricultural subdivision without

rezoning of the land. Density permits may also be transferred from adjacent properties if a subdivision plat is filed and the adjacent property is placed in reserve.

Section 1-440. Drainage Standards - Drainage Design and Maintenance.

1. Runoff from all impervious surface areas on a lot shall be retained on site.
2. The site shall be designed to retain a minimum of a five (5) year storm event. Exception: In the Idaho Falls Impact Area on subdivisions of less than ½ acre lot size then a flat 1.5-inch rainfall shall be used.
3. Modification of natural drain channel on a property shall be allowed only if the flow capacity and discharge point is maintained.
4. Borrow pit areas used for storm water retention of roadway runoff shall be maintained, as indicated on the approved cross section, by the lot owner adjacent to said right of way.

The above are minimum standards. The Road and Bridge standards could be more restrictive.

Section 1-441. Location of Manufactured Homes.

A manufactured home may be temporarily (not to exceed two (2) years) located on a lot on which a building is being constructed, if:

1. A permit to construct a building on such lot has been issued by the Building and Zoning Administrator, and
2. Water and sewerage facilities comply with the requirements of the State Department of Health.
3. Manufactured Home and Mobile Home Setup Standards: All manufactured homes and mobile homes must be placed on a manufacturer's approved or state approved foundation with tie downs, vapor barrier, ventilation, drainage and perimeter enclosure.

Section 1-442. Animal Regulations.

A. The following shall apply to all CAFO uses in Bonneville County:

1. Within six (6) months from the effective date of this Ordinance, any person or entity ("Registrant") operating an Existing CAFO Facility shall file a Registration Notice with the Administrator. Failure to register will result in a \$150.00 fee per month for each month beyond the deadline. The Registration Notice shall include the following where applicable: All of Section A.5(f) excluding licensed engineering, 2 ½ mile off-site plan, and Sections A.7(a) and A.8.

2. The Commission shall review each Registration Notice and shall make a determination regarding the completeness and accuracy of the Registration Notice at the next available meeting date after submission. If the request is approved then the applicant may apply for a use permit from the Administrator.

3. A CAFO Permit is required for an Expanding Facility or a New Facility.

4. The Administrator shall be given notice of the transfer of a CAFO Permit setting forth the date of the transfer and the name and mailing address of the party to whom transferred. CAFO Permits may not be transferred to any other location.

5. A CAFO Permit Application shall contain the following:

- (a) Legal description and address of the proposed Facility.
- (b) The name and address of the Applicant and Owners.

(c) The One-Time Animal Unit Capacity of the Facility.

(d) The type of animals to be confined.

(e) Evidence that a valid water right exists to supply adequate water for the proposed Facility, with the approval of the Idaho Department of Water Resources, Department of Health and Welfare, and the Division of Environmental Quality.

(f) A complete Site Plan of the proposed facility, that is legible and prepared by a licensed engineer, or other qualified individual approved by the Administrator. Scale shall be as required for clarity. The Site Plan shall include the following information (which is within a two and one half (2 ½) mile radius of the proposed CAFO):

- (1) Building locations
- (2) Animal Waste Management System
- (3) General areas for land application
- (4) Flood zones and data for the proposed Facility
- (5) All wells
- (6) Irrigation canals and laterals
- (7) Rivers, streams, springs and reservoirs and designated wetlands
- (8) Dead animal storage
- (9) Confinement Areas and Feed Storage areas
- (10) Contour lines and drainage

(g) An Animal Waste Management System design plan for Animal Waste, and an odor management plan, which meets all State and Federal requirements and is approved by the responsible agency.

(h) Written comment on and approval of the filed Site Plan from the applicable highway district.

(i) Any other relevant information required by the Commission.

6. The Commission may submit the above information to the Idaho State CAFO Advisory Group, or any other similar entity, for review and comments.

7. A fee shall be submitted with the Application in an amount based upon the following formula:

(a) New Facility Permits or Expanding Facility Permits: \$300.00 plus \$0.25 per Animal Unit.

(b) Applications accompanied with a Variance request shall include an additional \$100.00 fee.

8. The Applicant shall be billed for any postage and publication costs incurred by the County.

9. Following is the process for Notice and Application Hearing for CAFO Permit Approval

(a) The Commission shall review the CAFO Permit Application for completeness. Upon determining that the same is complete, the Commission shall conduct a minimum of one (1) public hearing. Hearings shall be advertised and conducted according to the requirements of use permits contained in the Bonneville County Zoning and Building Ordinance; provided however, notice shall also be provided by first class mail to property owners within two (2) miles of the CAFO. The Applicant shall also physically post notices at the external boundaries of the site at least fifteen (15) days prior to the hearing.

(b) If the Commission determines the application is not complete, the hearing will be continued (one time only) until the next regularly scheduled meeting to allow the applicant opportunity to provide the additional information needed.

10. Prior to approval of a CAFO Permit the Commission must find that the Facility meets the following requirements:

(a) General requirements:

(1) The CAFO Facility must be within an area zoned Agriculture A-1.

(2) The CAFO Facility shall be located a minimum of two (2) miles (adjusted to the nearest full section) from any of the following: in a residential zone, a platted subdivision, or Area of City Impact Line.

(3) The CAFO Facility must comply with and not be in violation of any federal, state, or local law regulation or guideline.

(4) An Applicant shall not begin construction prior to approval of the CAFO Permit.

(5) No CAFO facility may have more than 20,000 animal units. Except no swine or dairy facility shall have more than 1,000 animal units.

(6) No corral facility shall have a confined concentration (excepting birds and fish) of more than 220 animal units per acre (of accessible land to the animals).

(b) Animal Waste:

(1) The CAFO Facility shall comply with the terms of its Nutrient Management Plan for Land Application.

(2) The CAFO Facility shall use best management practices in maintaining and operating its Animal Waste Management System.

(3) Aquaculture Facilities are exempt from the Animal Waste Management System setbacks, except for the storage of solid waste on land.

(c) Site Setbacks

(1) Confinement pens, silage, hay, potatoes or any feed product resulting from the ensilage process which is stored in the open air shall be located at least one thousand feet (1000') from any existing residence not belonging to the owner or operator of the facility.

(2) All agricultural buildings, feed storage areas, feed bunks, feed racks, or confinement pens, shall be set back 55' from road rights of way or 80' from centerline of roads, whichever is greater.

(3) Lights shall be placed and shielded to direct the light source down and inside the property lines of the CAFO Facility.

(4) The Animal Waste Management System shall not be located or operated closer than one thousand feet (1,000') (two (2) miles for swine), from a residence belonging to someone other than the Applicant, or be located and/or operated closer than five hundred feet (500') from property lines or a domestic well.

(5) Setbacks may be reduced if the owner of the residence consents in writing to a lesser setback.

(6) The setbacks contained herein shall not apply to Land Application. Except that Animal Waste from a swine facility shall not be land applied within one (1) mile of a residence; provided however, such setback may be lessened if the owner

and occupant of the residence consents in writing to a lesser setback.

(7) Aquaculture CAFO Facilities are exempt from the setbacks contained herein except for the storage of solid waste on the land.

(d) Closure of a Facility: The applicant shall submit a plan for closure and reclamation of the entire facility including the confinement areas, waste handling facilities for both liquids and solids, land application areas and any other portions of the operation to a status equal to that which existed prior to the start of construction. The site must be monitored for a period of five years following completion of the reclamation effort to verify that no residual effects remain from the operation. If any residual effects are found during that time then additional reclamation will be required. The applicant shall post a bond equal to 125% (plus an inflation adjustment factor per year) of the engineer(s) estimate for reclamation project. The bond will be released at the end of the five-year period if the project shows clean. Reclamation shall start within 6 months of closure of the facility no matter the reason for the closure unless an extension has been applied for.

11. Criteria for approval of Expanding CAFO Facilities: Prior to approval of a CAFO Permit for an Expanding Facility, the Commission must find that the Expanding Facility meets and complies with the same rules for approval as if it were a new CAFO as described in Section 4, 5, and 6.

12. Variance Process

(a) A Variance may be sought relating to the requirements contained in this Ordinance by making a written request for a Variance at the time of the filing of the Application for the CAFO Permit. The Planning and Zoning Commission may authorize a variance from the requirements contained in this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

(b) Variance procedure shall be consistent with the provisions contained in the Bonneville County Zoning and Building Ordinance for Variances except notices shall be sent to land owners within two miles of the site.

13. Grant or Denial of CAFO Permit or Expansion Permit

(a) In making such decision, the Commission may rely on information and recommendations received from the State of Idaho CAFO Advisory Group or any other similar group.

(b) If construction is not commenced within two (2) years of issuance of the CAFO Permit, the Permit will be revoked. Once revoked, the Applicant may reapply. Reapplication shall be governed by statutes, regulations, and ordinances in effect at the date of reapplication.

14. Occupancy Certificate Required: Prior to use of an Expanding Facility or a New Facility by livestock, fish, or birds, an Occupancy Certificate is required.

15. Process for Occupancy Certificate

(a) After approval of the CAFO Permit, the CAFO Permit holder shall notify the Administrator of the date when construction commences. The CAFO Permit holder may present a written change request to the Administrator. The request must clearly specify the proposed change(s) and shall provide an explanation or justification for the proposed change(s). If the Administrator determines the proposed change(s) is *de minimis* and not material, the Administrator may approve the change request. If the proposed changes are material, then a new application must be submitted to the Commission.

(b) Inspection of the construction progress of the CAFO Facility authorized by the CAFO Permit shall occur at regular intervals. In addition, inspection may be completed when requested by the CAFO Permit holder. The inspections shall be performed by the Idaho Department of Agriculture, DEQ, Health Department and Bonneville County.

(c) After completion of the construction of the CAFO Facility authorized by the CAFO Permit, and receipt of proof by the Administrator that all required permits and approvals have been obtained, the Administrator shall issue an Occupancy Certificate to the CAFO Permit holder.

(d) If the Administrator denies issuance of an Occupancy Certificate, any appeal must be filed with the Office of the Administrator within twenty (20) days of the issuance of the denial.

16. Appeal: Any Applicant or person who is aggrieved by a decision of the Commission shall have a right to appeal to the Board. Appeals shall be governed and processed in accordance with the provisions of the Bonneville County Zoning and Building Ordinance.

B. The following applies only to Non-CAFO Facilities:

1. Non-CAFO sites must comply with at minimum, best management practices in the operation and maintenance of their site for odor control, waste management, runoff, dead animal removal, dust and noise.

2. The maximum density of animal units for any Non-CAFO Site shall not exceed five (5) animal units per acre on the contiguous real property on which the facility is operated.

C. Enforcement

1. If the Administrator receives a signed written complaint of alleged noncompliance with the terms of a CAFO Permit or NON-CAFO site, the Administrator shall give notice of the complaint to the owner or Permit holder and shall determine the validity of the complaint. The CAFO Permit holder can submit rebuttal evidence to the Administrator concerning the complaint within ten (10) days of receiving a determination about the complaint. The CAFO Permit holder may correct any noncompliance or appeal the Administrator's decision to the Commission within thirty (30) days of the date of the Administrator's determination, unless a written extension has been granted by the Administrator.

If a CAFO or NON-CAFO Facility is in violation of any federal, state, or local law, regulation or guideline, any agency shall have the authority to issue and post on the premises of the Facility a "STOP WORK" order for that portion of the Facility in violation, if an inspection reveals a material violation. All work specified in the order must STOP after posting the order. The Facility owner may appeal such an order to the Commission.

2. Any person who is found guilty of violation of this section is guilty of an infraction. A conviction for violation of this section is punishable by a fine of \$100 and no imprisonment. The judge may also enter a permanent or temporary injunction, restraining order, or such other relief, as the court deems appropriate. Each day a violation continues to exist shall constitute a separate offense.

Section 1-442
TABLE 1

ANIMAL TYPES		ANIMAL EQUIVALENCY FACTOR
DAIRY CATTLE		
	Milking and dry cows	1.4
	Heifers (2 years and older)	1.0
	Heifers (1 to 2 years old)	.70
	Calves (3 months to 1 year) (under three months)	.40 .25
BEEF CATTLE/BISON		
	Bull (each)	1.4
	Steers/Cows (over 1,000 lbs)	1.0
	Steers/Cows (600-1000 lbs)	0.6
	Calves (under 600 lbs)	0.4
SWINE		
	Pigs (35 lbs – market)	2.0
	Pigs (up to 55 lbs)	0.5
	Sows (each)	2.0
	Boars (each)	2.0
SHEEP	(each)	0.15
HORSES	(each)	1.0
FISH	(500 lbs)	1.0
CHICKENS		
	Layers (each)	0.01
	Broilers	0.005
FOR SPECIES NOT SPECIFICALLY IDENTIFIED	(350 lbs)	1.0

Section 1-443. Wind Generation Facilities²

1. Purpose. Bonneville County recognizes the increased demand for alternative energy generating facilities and the need for more inexpensive power that wind turbine facilities may provide. The purpose of these supplemental regulations is to protect the community's interest in properly siting wind turbine towers in a manner consistent with sound land use planning, while also allowing private and commercial providers to meet their power generating objectives.

2. Permitted and Prohibited Uses.

(a) Private Pole mounted non-guyed Wind Turbine Towers are permitted in all zones.

(b) Commercial Wind Power Generating Facilities are permitted upon granting of a special use permit within the A-1 Agricultural, G-1 Grazing Zones, all industrial Zones and Commercial Zones.

3. Additional Standards: Use Permit Criteria. No permit shall be granted for a Private Wind Turbine Tower or Commercial Wind Power Generating Facilities unless it is determined that the proposed use meets all of the following criteria:

(a) Maximum tower height for private wind turbines shall be 60 feet to the top of the blades.

(b) The minimum required setback distance between each Wind Turbine Tower and all surrounding property lines, overhead utility lines, shall be no less than the tower height plus the rotor radius plus 10' unless extended by an easement for fall distance and waiver of decibel level is recorded. The recorded easement cannot be used to adjust the minimum acreage requirement.

(c) The minimum distance between the ground and any part of the rotor blade system shall be 20 feet.

(d) 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.

(e) Minimum site area. Private wind turbine towers shall be allowed only on lands with a minimum lot area of one acre. A maximum of three towers will be allowed per parcel with an acre required for each tower.

(f) All wind turbines must have an automatic braking, governing, or feathering system to prevent uncontrolled rotation creating excessive pressure on the tower structure, rotor blades, and turbine components.

(g) All power transmission lines from the Wind Turbine Tower to the on-site electrical panels shall be underground.

(h) Procedures for emergency shutdown of power generation units shall be established and posted prominently and permanently within three feet of the meter panel.

(i) No experimental, homebuilt, or prototype wind turbines shall be allowed without submitting documentation of their maximum probable blade throw distance in the event of failure and setback an appropriate distances based on that documentation.

(j) No Wind Turbine Tower facilities shall be installed in any location where its proximity with an existing microwave communications link, an existing fixed broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.

(k) Compliance with Building Code: Building permit applications for wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Building Code and certified by a licensed professional engineer shall also be submitted.

(l) Compliance with National Electric Code: Building permit applications for small 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.

(m) Utility Notification: No small 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.

(n) Use of nighttime, and overcast daytime condition, strobe lighting to satisfy tower facility lighting requirements for the FAA shall be required. Towers over sixty feet in height shall have steady on white and red lighting.

(o) Wind measurement for Commercial Generating facilities. A wind study using an anemometer shall be performed for the five-month prime wind period of May to September at the proposed site prior to the hearing application filing. Any certified study within a one-half mile distance of the proposed installation shall meet the requirements of this Section.

4. Liability Insurance - Commercial Towers Only.

Prior to issuance of a Building Permit for a 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 \$1,000,000 limit, 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.

5. Removal of Obsolete Wind Turbine Facilities.

(a) Obsolete or unused wind turbines and accessory structures shall be removed from any site within six months of the discontinuance of the use thereof. Owner of the site shall notify the county in writing within thirty (30) days of the discontinuance of the use of such Turbine Tower or facility. Failure to notify and/or remove the obsolete or unused tower or facility in accordance with these regulations shall be a violation of this law. The county may remove such facilities after 180 days and treat the cost as a tax lien on the property.

6. Permit and Site Plan Procedures/Submittal

(a) Private Wind Turbines must submit documentation showing that they comply with the above requirements.

(b) 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.

(c) 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.

7. Wind Access Claims Against Adjacent Parcels.

Unless a prior wind access easement has been acquired claims cannot be filed against neighbors for obstructing wind, based on either current or future improvements on their parcels.

³⁸. Commercial wind farms shall be limited to the overlay boundary area as follows:

Township 3 North, Range 39, East of the Boise Meridian, Bonneville County, Idaho:

Section 13: S1/2, NE1/4 except that land lying south and west of boundary line of Black Canyon Rim

Section 14: S1/2

Sections : All of 23, 24, 25, 26, 35, 36

Township 3 North, Range 40, East of the Boise Meridian, Bonneville County, Idaho:

Section 17: S1/2SW1/4

Section 18: S1/2S1/2

Section 19: ALL

Section 20: W1/2

Section 29: W1/2

Section 30: NE1/4, E1/2SE1/4, SW1/4SE1/4, W1/2W1/2, NE1/4NW1/4

Section 31: ALL

Section 32: NW1/4, W1/2SW1/4

Township 2 North, Range 39, East of the Boise Meridian, Bonneville County, Idaho:

Sections : All of 1, 2, 11, 12, 13, 14

Section 23: less the E1/2SE1/4

Section 24: less the E1/2E1/2SE1/4

Sections : ALL OF 25, 26, 35, 36

Township 2 North, Range 40, East of the Boise Meridian, Bonneville County, Idaho:

Section 3: S1/2

Section 4: All except the N1/2N1/2

Sections : All of 5, 6, 7

Section 8: W1/2W1/2, SE1/4SW1/4, NE1/4NW1/4, N1/2NE1/4, SE1/4NE1/4

Section 9: N1/2

Section 10: N1/2

Section 17: NW1/4, SW1/4NE1/4

Section 19: N1/2

Sections : All of 31, 32, 33

Township 1 North, Range 39, East of the Boise Meridian, Bonneville County, Idaho:

Section 1: S1/2

Sections : All of 2, 11, 12, 13, 14

Section 23: All less the N1/4SE1/4 lying east of the county road

Section 24: All less the NW1/4SW1/4, E1/2SW1/4, SE1/4

Section 25: All land lying west of the county road, and the E1/2SE1/4

Sections : All of 26, 35, 36

Township 1 North, Range 40, East of the Boise Meridian, Bonneville County, Idaho:

Section 4: W1/2, S1/2SE1/4

Section 5: All

Section 6: E1/2

Section 7: NE1/4, NWSE1/4, E1/2SE1/4

Sections : All of 8, 9

Section 13: All lying south of bulls fork road

Section 14: All lying south of bulls fork road

Section 15: All less all that portion of the NE1/4SW1/4 lying south and east of a line drawn diagonally from the SW corner to the NE corner, excluding the north 265 feet.

Sections : All of 16, 17

Section 18: E1/2E1/2
Section 19: N1/2NE1/4

Section 20: All less THE FOLLOWING DESCRIBED PARCELS:

1. Part of the S1/2, described as: Beginning at the SW corner of said Section 20, and running thence North 0°07'57" West 2640.42 feet along the Section line to the W1/2 corner of said Section 20; thence along the East-West half Section line North 89°58'25" East 1599.47 feet; thence South 72°28'54" West, 353.10 feet; thence South 40°48'24" West 752.05 feet; thence South 5°42'24" West 485.03 feet; thence South 13°20'48" West 358.08 feet; thence South 2°07'26" West 464.66 feet; thence South 88°16'46" East 425.00 feet; thence South 52°30'41" East 425.70 feet; thence South 76°39'18" East 720.41 feet; thence South 88°38'26" East 523.47 feet; thence North 74°53'14" East 494.86 feet; thence North 69°12'50" East 931.53 feet; thence North 16°55'44" East 523.0 feet; thence North 57°21'09" East 584.80 feet; thence North 82°33'29" East 684.49 feet, more or less to a point on the East Section line of said Section 20; thence North 82°33'29" East 979.08 feet; thence North 38°05'30" East 565.87 feet more or less to a point on the 1/16 line of said Section 21, thence along said 1/16 line South 0°06'14" East 2151.05 feet, more or less, to the South Section line of said Section 21; thence along the Section South 89°54'37" West 1321.73 feet to the SE corner of said Section 20; thence along the South Section line of said Section 20, South 89°54'18" West 2640.50 feet to the South ¼ corner of said Section 20; thence continuing along the South Section line of said Section 20, North 89°58'00" West (basis of bearing) 2637.62 feet to the point of beginning.

2. Part of the NE1/4 described as: Beginning at the N1/4 corner of said Section 20, said point being South 89°58'00" East (basis of bearing) 2637.62 feet along the Section line to the S1/4 corner of said Section 20, (and along the North-South half Section line North 0°05'20" West 5283.17 feet from the SW corner of said Section 20), and running thence North 89°58'25" East 1492.09 feet along the Section line; thence South 47°43'59" West 549.29 feet; thence South 11°04'25" West 410.12 feet; thence South 43°27'38" West 1459.60 feet; thence along the North-South half Section line of said Section 20, North 0°05'20" West 1830.69 feet to the point of beginning.

3. Part of the SW1/4NE1/4 described as: Beginning at the center of said Section 20, said center being South 89°58'00" East (basis of bearing) 2637.62 feet along the Section line and North 0°05'20" West 2643.17 feet along the North-South half Section line of said Section 20 from the Southwest corner of said Section 20, and running thence North 0°05'20" West 809.31 feet along the North-South half Section line, thence North 43°27'38" East 72.58 feet; thence South 0°05'20" West 861.97 feet to the East-West half Section line; thence along said East-West half Section line South 89°58'25" West 50.00 feet to the point of beginning.

Section 21: All less this parcel:

Beginning at a point that is North 0°04'34" West 2640.00 feet along the East line of said Section 21 and North 89°54'36" East 1320.59 feet along the East-West Half Section line from the SW corner of said Section 21 and running thence South 0°06'14" East 488.81 feet along the East line of said NW1/4SW1/4, thence South 38°05'30" West 80.87 feet; thence North 0°06'14" West 552.38 feet; thence along said East-West Half-Section line North 89°54'36" East 50.0 feet to the point of beginning.

Section 22: All less all that portion of the section lying north and east of a line drawn diagonally from the Northwest corner of the NE1/4NW1/4 to the Southeast corner of the NE1/4SE1/4.

Section 23: All less SW1/4SE1/4, and SW1/4 lying northeast of a line drawn diagonally from the Northwest corner of the SW1/4SW1/4 to the Southeast corner of the SW1/4SW1/4SW1/4

Sections : All of 24, 25

Section 26: All less NW1/4NE1/4, NE1/4NW1/4, and the NW1/4NW1/4 lying northeast of a diagonal line extending from the Northwest corner of NE1/4NW1/4NW1/4 to the Southeast corner of the NW1/4NW1/4

Sections : All of 27, 28

Section 29: NW1/4, E1/2
Section 30: E1/2NW1/4, NE1/4, S1/2
Section 31: All
Section 32: NE1/4NE1/4, S1/2NE1/4, SE1/4, NE1/4SW1/4, SW1/4SW1/4, W1/2NW1/4NW1/4
Sections : All of 33, 34, 35, 36

Township 1 North, Range 41, East of the Boise Meridian, Bonneville County, Idaho:

Section 27: S1/2SW1/4
Section 28: SE1/4SE1/4
Section 29: W1/2SE1/4
Sections : All of 30, 31, 32
Section 33: All except SE1/4NE1/4

Township 1 South, Range 40, East of the Boise Meridian, Bonneville County, Idaho:

Sections : All of 1, 2
Section 3: E1/2E1/2
Section 5: ALL less the E1/2 Lot 1
Sections : All of 6, 7, 8
Section 9: W1/2SW1/4, W1/2NE1/4SW1/4, a portion of the E1/2NE1/4SW1/4 described as Beginning at a point that is N.89 25"46"E along the Section line 2135.53 feet and N 2332.33 feet from the Southwest Corner of Section 9, running thence N21 31"39"E 300 feet more or less to the North line of the East ½ of the Northeast ¼ of the Southwest ¼ of said Section 9: thence West to the Northwest Corner thereof; thence south along the west line of said Section 9 to a point that is S21 31"39"W from the point of beginning thence N21 31'39" to the point of beginning., W1/2SE1/4SW1/4 less the described tract: Beginning at a point that is N 89 25'46"E 1476.84 feet along the section line from the southwest corner of Section 9, running thence N04 09'10"E 574.84 feet; thence S77 18'07"E 460 feet more or less to the east line of the west ½ of the SE1/4SW1/4 of said Section 9; thence south to the southeast corner of said west ½ of the southeast ¼ of the southwest 1/4; thence S89 25' 46"W 488 feet more or less to the point of beginning.

Section 10: E1/2NE1/4, NE1/4SW1/4
Section 11: All less the SW1/4SW1/4
Section 12: All
Section 13: All less the W1/2W1/2
Section 14: SW1/4SW1/4
Section 15: SW1/4, S1/2SE1/4
Section 16: NW1/4NW1/4, N1/2SW1/4NW1/4
Section 17: All less the lots 3 & 4, and less the described tract Beginning at the southeast corner of lot 2 running thence north along the Section line 641.84 feet; N45 39'57"W653.324 feet; thence N58 36'W 528.36 feet; thence N88 11'W 60 feet more or less to the west line of said Lot 2; thence south to the southwest corner of said Lot 2; thence east 970 feet more or less to the point of beginning.
Sections : All of 18, 19
Section 20: W1/2SE1/4, S1/2NE1/4, W1/2 less the southern 528 feet of the eastern 1482 feet, and the SE1/4SW1/4 lying east of bone road
Section 21: NE1/4NE1/4
Section 22: All
Section 23: All less E1/2NW1/4, N1/2NE1/4, SW1/4NE1/4
Section 24: E1/2, S1/2SW1/4,
Section 25: All
Section 26: All less SW1/4, SW1/4SE1/4
Section 27: E1/2NW1/4, W1/2SE1/4, NW1/4SE1/4
Section 29: W1/2W1/2, SE1/4SW1/4, NW1/4NE1/4, NW1/4NE1/4NW1/4
Sections : All of 30, 31
Section 32: W1/2, W1/2E1/2
Section 34: E1/2SE1/4, SW1/4SE1/4
Section 35: W1/2SW1/4
Section 36: All

Township 1 South, Range 41, East of the Boise Meridian, Bonneville County, Idaho:

Section 1 : All less N1/2NE1/4, N1/2NENW1/4
Sections : All of 2, 3, 4, 5, 6, 7, 8, 9, 10
With Revisions 8/1996 to 2/28/2011 30

Section 11: All less SE1/4 and SE1/4NE1/4 both south of Hell Creek
Section 12: All less SW1/4NW1/4 and N1/2SW1/4 both south of Hell Creek S1/2S1/2
Section 14: W1/2W1/2, E1/2SW1/4
Sections : All of 15, 16, 17, 18, 19
Section 20: W1/2NW1/4, SW1/4, W1/2SE1/4
Sections : All of 21, 22
Section 23: All less E1/2E1/2
Sections : All of 25, 26, 27, 28
Section 29: E1/2
Sections : All of 30, 33, 34, 35, 36

Township 3 North, Range 34, East of the Boise Meridian, Bonneville County, Idaho:

Sections : All of 1-36

Township 3 North, Range 35, East of the Boise Meridian, Bonneville County, Idaho:

Sections : All of 4-9, 16-21, 28-33

Township 2 North, Range 3, East of the Boise Meridian, Bonneville County, Idaho:

Sections : All of 1-36

Township 2 North, Range 35, East of the Boise Meridian, Bonneville County, Idaho:

Sections : All of 4-9, 16-21, 28-33

Township 1 North, Range 34, East of the Boise Meridian, Bonneville County, Idaho:

Sections : All of 1-36

Township 1 North, Range 35, East of the Boise Meridian, Bonneville County, Idaho:

Sections : All of 4-9

⁴Section 1-444. Hobbyist Apiaries

1. Purpose. The purpose of these regulations is to establish requirements for sound beekeeping practices, which are intended to avoid nuisances and other problems that might otherwise be associated with the keeping of bees in an urban setting. This ordinance does not apply to commercial or agricultural apiary operations.

2. Allowed Beekeeping. The keeping of bees as an accessory use to residential use shall be allowed in all zoning districts of Bonneville County subject to the standards set forth herein, verification the beekeeper is registered with the State, and subject to compliance with the Zoning and Building Ordinance. This ordinance shall not be interpreted to allow for keeping of wasps, hornets or other noxious insects.

3. Beekeeping Standards:

(a) Density of Hives and Colonies: The keeping of bees shall not exceed a density of three (3) colonies per $\frac{1}{4}$ acre. Any single parcel of land is limited to nine (9) maximum colonies, regardless of parcel size.

(b) Hives: All bee colonies shall be kept in hives with removable frames. Hives shall be kept in usable condition.

(c) Setbacks Required: All hives and related structures that form the apiary shall be located a minimum of 20 feet from the side and rear property lines and behind the residence from the front property line. Hives shall be located a minimum of 25 feet from dwellings, porches, gazebos, decks, swimming pools, and permanently affixed play equipment on any adjoining lots or parcels, unless the owner of the adjoining property has provided written recorded permission for closer hive placement. The property owner maintaining the hive(s) shall make reasonable accommodation for anticipated areas of human activity on adjoining parcels. A six foot (6') fly away barrier fence shall be placed around the hives or at property lines. A minimum 100 square inch sign shall be posted on the front of the property indicating that beehives are located on the property.

(d) Water Source: A supply of fresh water shall be maintained throughout the day to prevent bees from congregating at neighboring swimming pools and other water sources where they may cause human or domestic contact. Said water supply shall be large enough and located to be readily accessible to colonies on the site, and shall be designed to allow bees to access water by landing on a hard surface. A water supply is not required on the site during winter and other inactive months.

(e) Maintenance: Hives shall be actively maintained. Hives not under human management and maintenance shall be dismantled or removed. Notwithstanding compliance with the requirements of this Section, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such dispositions to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

(f) Queens: In any instance in which a colony exhibits unusually aggressive characteristics, or when the colony consists of Africanized bees (*Apis mellifera scutellata*), it shall be the duty of the beekeeper to destroy or re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics.

(g) Compliance with State Statutes and County Ordinance: The keeping of bees shall be done in compliance with the Idaho State Bee Inspection statute and other applicable state laws. The County shall have the right to enter the premises of any beekeeper where bees or equipment are kept, and inspect such bees or equipment, and any person resisting or refusing to allow such inspection shall be guilty of a zoning violation.

4. Presumption of Responsibility. It shall be presumed for the purpose of this Section that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the parcel upon which a hive or hives are situated.

5. Violation and Penalty. The keeping of bees and other insects in violation of this ordinance is prohibited. Any violation of this Section shall be subject to prosecution pursuant to Bonneville County Code, Section 1-3518.

⁵Section 1-445. Temporary Uses and Structures

The following regulations govern the operation of certain transitory or seasonal uses:

A. Permits. Applications for a temporary use permit shall be made to the Zoning Administrator, and shall contain the following information:

1. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property.

2. A description of the proposed use.

3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.

B. Uses. The following are temporary uses and are subject to the following specific regulations and time limits, and are in addition to the regulations of any zone in which the use is located.

1. Small Temporary Event. Upon the receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for small temporary commercial events, larger than 250 individuals on site at any time, in commercial and industrial zones, for a period of time not to exceed ten (10) consecutive calendar days, for not more than two such events per calendar year, and with at least two months between events, if the Zoning Administrator finds that all of the following conditions and requirements are met:

- (a) No sale of alcoholic beverages.
- (b) Hours of operation exclusively between 7:00 a.m. and 10:00

p.m.

- (c) No paid admission.
- (d) The applicant has submitted a completed Temporary Use Permit

Application with a site plan that details and identifies specific areas of the small temporary event including, but not limited to: designated off-road parking designed to eliminate the need for an individual to cross a state, city or county road to visit the event; location of booths or individual use areas; restrooms; the total event area boundaries; and any required fire apparatus. A minimum of five (5) parking spaces per 1000 square feet of event area must be provided and shown on the site plan.

(e) Signs must comply with the zone requirements of this ordinance.

(f) The applicant is responsible for all set up and clean up of the site within the ten (10) day period.

(g) No portion of the small temporary event may be located closer than 200 feet from any dwelling except the dwelling that exists on the parcel of the small temporary event.

(h) A Business License is approved by the Zoning Administrator, and all approving County Departments. The Temporary Use Permit, when issued, constitutes a County Business License for the event. Exception: If there are to be additional vendors or participants other than the applicant, each will individually need to pay a fee and obtain a vendors permit as part of the temporary use.

(i) Small temporary events shall not include concerts, dances, vehicle sales, or any use which is listed as a permitted conditional use in the zone.

2. Christmas Tree Sales. Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit to be issued in any commercial or industrial zone for display and open-lot sales of Christmas trees for a period not longer than forty-five (45) days.

3. Temporary Construction Yards. Upon receipt of a complete application, the Zoning Administrator, in any zone, shall authorize a temporary use permit for a temporary construction yard, if the Zoning Administrator finds that all of the following conditions and requirements are met:

(a) For private construction projects, the temporary construction yard is incidental to a construction project that is located on the same parcel as the proposed temporary construction yard, and the proposed temporary construction yard is limited to one or more of the following: a temporary construction yard office, and temporary buildings and yards for storing vehicles, materials and equipment, for the construction project.

(b) For private construction projects located more than fifteen miles travel distance from an existing approved commercial concrete or asphalt mixing plant and where the use would be only for that construction project, a temporary permit may be allowed for these said uses on that project only.

(c) The above listed permits shall be valid for as long as the construction project maintains a valid County building permit.

(d) All structures, vehicles, materials, construction equipment, mixing plants, and related items and equipment shall be removed and the yard restored upon the expiration of the permit.

(e) A bond in the amount of \$20,000 shall be posted for temporary construction yards that contain a concrete mixing plant or an asphalt mixing plant, and a bond in the amount of \$40,000 shall be posted for a temporary construction yard that contains both a concrete mixing plant and an asphalt mixing plant, to ensure their removal and clean up.

(f) A temporary construction yard containing a concrete mixing plant or an asphalt mixing plant, shall not be located closer than 500 feet from any dwelling. The temporary asphalt plant or concrete mixing plant shall be no closer than 300 feet to a public roadway or an adjacent landowner's property line.

4. Temporary Existing Dwellings. Upon receipt of a complete application, in any zone that allows for residential dwellings, the Zoning Administrator shall issue a temporary use permit for an existing dwelling if the Zoning Administrator finds that all the following conditions and requirements are met:

(a) A building permit is issued concurrently for a one-family dwelling to replace the existing dwelling on the same parcel of land.

(b) A bond in the amount of \$20,000.00 is posted with the Zoning Administrator to ensure that the property owner removes the existing residential structure and demolition debris and brings the demolition site to a finished grade equivalent to the surrounding grade. Exception: The Zoning Administrator may refund the bond when the subject former dwelling structure is not demolished upon finding the building: (1) meets all current setback standards; (2) will not be used for human occupancy; (3) will have a use, such as an agricultural shed, which is a permitted use in the zone; (4) meets the currently adopted state building code standards for an unoccupied building; (5) has had all residential occupancy facilities removed including plumbing and fixtures for sinks, toilets, tubs, and showers; wiring, plumbing and fixtures for stoves, refrigerators, and food preparation counters; and wiring, plumbing and fixtures for water heaters and furnaces.

(c) The existing dwelling must be demolished within thirty (30) days from the date of the issuance of the Certificate of Occupancy - Zoning Compliance Permit, unless an exception has been approved as per Subsection (b) above. An extension of the ninety-day period may be made by the Zoning Administrator when unusual weather or other conditions exist.

5. Tents, Canopies and Temporary Membrane Structures (excludes structures used in association with a permitted construction project). Upon receipt of a complete application, in any zone the Zoning Administrator shall issue a temporary use permit for a membrane structure if the Zoning Administrator finds that all of the following conditions and requirements are met:

(a) The tent, membrane, canopy or temporary membrane structure complies with the adopted Fire Code of Bonneville County.

(b) The tent, canopy or temporary membrane structure is not used for a period to exceed a use period of 180 consecutive days within a 12-month period on a single premise.

(c) Adequate parking is provided based on the requirements of the Zoning Ordinance.

(d) The structure will be removed at the end of 180 days or when the need for the structure has ended, whichever comes first.

(e) The tent, canopy, or temporary membrane structure shall be in good repair.

(f) The tent, canopy or temporary membrane structure shall be used only for those land uses permitted in the underlying zoning district, or as approved temporary uses in this section.

(g) No tent, canopy or temporary membrane structure may be used as a residential dwelling.

(h) Any electrical, mechanical, ADA access, or other requirements of the County Building Codes that are part of the temporary structure, must be permitted, approved, and inspected by the County.

6. Corn Maze, Haunted House or Outside Haunted Event. Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for a corn maze, haunted house, or outside haunted event, in any zone except the R-P, R-1, R-2, R-3 and MH zones for a maximum of sixty-five (65) days annually, if the Zoning Administrator finds that all of the following conditions and requirement are met:

(a) A state road or county road access permit has been issued.

(b) Approval from the County Fire Marshall; approval from the County Health Department; approval from the County Building Official; and approval from the County Sheriff have been obtained.

(c) No portion of the event, or its related activities may be located closer than five hundred (500) feet from any dwelling except dwellings on the site of the application or dwellings adjacent to the site of the application and in the same ownership as the property owner unless waivers have been signed.

(d) A manned observation tower is provided or sufficient attendants within the maze for help and assistance, and sufficient attendants within a haunted house or for an outside haunted event are provided.

(e) Adequate lighting for assembly and parking areas, and within the maze, haunted house or outside haunted event, during evening hours, is provided.

(f) The applicant has submitted a completed County Temporary Use Permit application with a site plan that details and identifies specific areas of the corn maze, haunted house, or outside haunted event including, but not limited to, designated off-road parking designed to eliminate the need for an individual to cross a state, city or county road to access the site; restroom location; boundary of the entire site area to be utilized; concession locations (an independent concessionaire must obtain a Temporary Vendor Permit); and any required fire apparatus.

(g) Parking is provided as per the current County land Use ordinance.

(h) Hours of operation are limited to 10:00 a.m. to 12:00 midnight.

(i) A dust mitigation plan has been submitted and approved by the Zoning Administrator.

(j) An adequate number of trash receptacles shall be provided on-site and shall be emptied or removed when necessary at the applicant's expense; and the site shall be cleaned and restored to its original condition or better at the conclusion of the event.

(k) No sale of alcoholic beverages.

(l) Must conform to applicable noise standards.

(m) The application may include a travel trailer, recreational

vehicle, or camper, for a security attendant during the approved length of the event; otherwise, the site must be secured from the public during the hours it is not in operation.

7. Temporary Commercial Filming. Upon receipt of a complete application, in any zone, a temporary use permit shall be issued by the Zoning Administrator for temporary commercial filming in a natural setting or a temporary film set if the Zoning Administrator finds that all of the following conditions and requirements are met:

(a) An application to film on private property requires written approval by the property owner.

(b) The permit shall be valid for a period of not more than six (6) weeks, but is renewable up to a maximum of three permits per calendar year per location.

(c) Any film set structure, prop or other material shall be removed and any land disturbance restored upon completion of the filming in that location.

(d) The temporary use permit is for zoning compliance only; approval from other county departments or agencies may also be required.

(e) A separate temporary use permit is required for each filming location. Adequate parking must be provided.

8. Temporary Recycling Equipment During Demolition. Upon the receipt of a complete application, in any zone, a temporary use permit shall be issued by the Zoning Administrator for the crushing, shredding or mulching of materials generated by the demolition of a structure located on the parcel if the Zoning Administrator finds that all of the following conditions and requirements are met:

(a) The equipment shall be on the same parcel as the structure that is being demolished and the temporary use permit can only be issued after a county permit for demolition has been obtained.

(b) The temporary use permit is valid only during the demolition and must be removed within thirty (30) days of the completion of the demolition of the structure.

(c) The temporary use permit shall only be issued for a maximum of six (6) months for an individual parcel during a calendar year.

9. Seasonal Sales and Services. Upon receipt of a complete application, the Zoning Administrator shall authorize a temporary use permit for seasonal sales and services, in commercial zones for a maximum of six (6) months annually, if the Zoning Administrator finds that all of the following conditions and requirements are met:

(a) The applicant has submitted a completed County Temporary Use Permit application with a site plan that details and identifies specific areas of the seasonal use and services including, but not limited to, all stands, booths or structures associated with the use; all vehicles to be used for the use; designated off-road parking designed to eliminate the need for an individual to cross a state, city or county road to access the site; restroom location; boundary of the entire site area to be utilized; and any required fire apparatus.

(b) Provide off-road parking as determined by the Zoning Administrator, but not less than three (3) spaces per seasonal use.

(c) Access to roads shall be limited to existing legal approaches.

(d) Approval from the County Fire Marshall; approval from the County Health Department; approval from the County Building Official have been obtained.

(e) All stands, booths, and structures associated with the seasonal sales and services use shall be temporary and removable, not for public occupancy, and must be removed from the property at the completion of each year's seasonal use. Hours of operation are limited to 7:00 a.m. to 10:00 p.m.

(f) All signs shall conform to the provisions of this land use ordinance.

(g) No sale of alcoholic beverages.

⁶Section 1-446. Public Facilities

A. Permitted Uses. Upon receipt of a complete application, the Zoning Administrator shall approve the following public facilities in any zone if the Zoning Administrator finds that all of the conditions and requirements are met:

1. Electric power transmission and distribution lines. Transmission lines of 138 kV and over within new transmission corridors (not required for the widening of existing corridors) require use permit approval.
2. Gas transmission and distribution lines and pumping stations.
3. Canals and water transmission and distribution lines and pumping stations.
4. Sewer lines and sewage pumping and lift stations.
5. Telephone lines.
6. Cable television lines.
7. Cellular telephone, radio, television, or microwave transmission facilities that do not exceed a maximum height of sixty feet (60').
8. Any rights-of-way, service driveways, or accessory structures which are appurtenant to the above uses.

Section 1-447. Cemetery Approval Standards

The Planning Commission, in accordance with the provisions of County Zoning Ordinance, may approve a use permit for a cemetery provided the following provisions are met.

A. The applicant has submitted the following drawings made at a scale of one inch equals 50 feet, or larger:

1. A plat of the proposed cemetery showing the perimeter boundary, survey points and monuments, and location of each individual burial plot (each shall be numbered).
2. A landscaping plan which shows the planting plan or areas to remain in natural vegetation and the layout of the irrigation system if required.
3. A drainage plan showing the system of disposal of surface waters.

B. The applicant has submitted the following supportive information:

1. The total number of acres in the cemetery.
2. The location of any existing drainage channels and floodways.
3. The location of areas where ground water rises to within eight feet (8') of the surface of the ground.
4. The location of areas covered in the event of a base flood.
5. The location of the access roads.
6. The source of water to be used in the maintenance of the vegetation.
7. Any additional information related to the cemetery that is required by the Board.

C. Standards:

1. The cemetery plat shall be recorded, following approval of the Board, in the office of the County Recorder according to the terms of the Idaho Code.
2. The parcel of land contained within the cemetery plat shall be properly maintained as per the approved site plan.
3. Areas rendered unsuitable due to potential for flooding, high topographic relief, shallow depth to groundwater, or other problems peculiar to the site, shall not be used as burial sites.
4. No burial sites shall be within ten feet (10') of the boundary of an adjacent property ownership or road right-of-way line.
5. Above-grade markers or monuments may be used.
6. Vehicular travel ways within the cemetery shall be all weather surfaced for a width of at least twenty feet (20').
7. Burial sites shall be properly surveyed and the survey shall be maintained on a plat and with corresponding monuments on the ground.
8. Buildings shall be limited to a sexton's office, storage and maintenance sheds.

9. The location of the cemetery and the layout shall not interfere with the adopted street plans and public facilities of the County.

D. Except for public cemeteries, the applicant for a cemetery shall put into effect a deed covenant, endowment fund, and agreement to guarantee that the applicant and his successors will provide continued care and maintenance as long as any part of the plat is used as a burial site. Together the documents shall require:

1. Permanent fencing to prevent animals and unauthorized vehicles from entering the cemetery.
2. Maintained areas of grass and plants.
3. Repair of any deterioration or damage to the grounds and facilities.
4. The designation of a corporate or other perpetuating party as trustee to operate and maintain the cemetery.
5. The removal and proper disposal of the remains at the termination of the cemetery at the expense of the applicant and his successors, rather than the public or some other party (for this purpose the cemetery shall not be severable from the endowment fund properties).
6. Bonneville County may enforce these provisions, including maintenance of neglected cemeteries, or the removal of remains at the termination of operations, and use the endowment assets to defray the expense.
7. The endowment assets used to guarantee such maintenance and removal shall bear a reasonable relationship to the current costs of the same, including changes due to increasing numbers of occupied burial plots and inflation. The endowment properties used to guarantee maintenance and removal must bear a reasonable relationship to the current costs of same and provide for inflation.

E. Other requirements reasonably imposed by the County to implement the street plan, general plan, and the legislative intent of the zoning district in which the cemetery lie.

CHAPTER 5 - ENFORCEMENT AND ADMINISTRATION

Section 1-501. Office of Zoning Administrator Established.

There is hereby established in Bonneville County, Idaho, the office of zoning administrator, which shall be under the jurisdiction of the board of county commissioners of Bonneville, County, Idaho. The building inspector appointed under the provisions of the Building Code Ordinance of Bonneville County, Idaho, shall be the zoning administrator, who shall be the officer charged with the administration and enforcement of this ordinance. However, the board of county commissioners may from time to time delegate the authority and responsibility for the administration and enforcement of this ordinance, in whole or in part, to any other officer of the county.

Section 1-502. Permits Required-Exceptions.

1. Any person, firm or corporation desiring to construct a building in the unincorporated territory of Bonneville County, Idaho, which will have a value when completed of one hundred dollars (\$100.00) or more, shall first apply for a permit therefore to the zoning administrator. All applications for building permits shall be accompanied by a plat showing the size and location of the existing buildings and buildings to be erected. The plat shall also show the zone in which a lot or parcel of land is located.

2. No permit shall be required for a barn, corral, coop, pen, or other structure used exclusively for agricultural purposes having a value of less than one hundred dollars (\$100.00).

Section 1-503. Powers and Duties of the Enforcing Officers.

1. It shall be the duty of the zoning administrator to inspect or cause to be inspected all buildings in the course of construction or repair. He shall enforce all provisions of this ordinance and report all violations to the Bonneville County prosecuting attorney. He shall file actions in the courts when necessary, but his failure to do so shall not legalize any violation of such provisions, nor shall the failure of the prosecuting attorney to file an action in the courts legalize any violation of such provision.

2. Upon appeal to the Planning and Zoning Commission of any matter on which it is required to pass, the zoning administrator shall promptly transmit all papers, records and other pertinent data pertaining to the appeal to the Commission. The zoning administrator shall also refer such matters to the health department, board of county commissioners and planning commission as is required by this ordinance.

Section 1-504. Building Permits Required--Fees.

1. Erection, alteration, reconstruction or moving of any building or structure, or any part thereof, without the prior issuance of a written permit for the same by the zoning administrator is prohibited.

2. The board of county commissioners is authorized to adopt a schedule of fees to be charged for the issuance of permits required by this section. The amount of such fees may be based on the value of the building or structure for the alteration or reconstruction of the same for which the permit is issued.

Section 1-505. Permits to Comply with Ordinance.

From the time of the effective date of this ordinance, the zoning administrator shall not grant a permit for the construction of any building or structure, or for the moving of the building or structure onto a lot, or for the change in any use of land, building or structure if such construction, alteration, moving or change in use would be in violation of any of the provisions of this ordinance, nor shall any officer grant any permit or license for the use of any building or land if such would be in violation of this ordinance.

Section 1-506. ⁷Variances Allowed.

There is hereby allowed that the Planning and Zoning Commission may assist in the administration of this ordinance with powers and duties as hereinafter set forth. The Planning and Zoning Commission shall assume the responsibility for considering variances. The Planning and Zoning Commission shall fix a time for the hearing of an appeal or other matters upon which it is required to pass within a reasonable time after appeal or other matter has been submitted to it. The Planning and Zoning Commission, prior to approving the variance, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the variance to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The Planning and Zoning Commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Following the Planning and Zoning Commission hearing, if the Commission makes a material change in the variance, further notice and hearing shall be provided before the Commission approved said variance.

Section 1-507. Organization of the Commission.

Shall be defined by ordinance.

Section 1-508. Decision on Appeals.

1. The Planning and Zoning Commission shall hear and decide appeals from any decision or requirement made by the zoning administrator and shall hear and decide other such matters as are provided for in this ordinance. The Planning and Zoning Commission shall render a decision within (30) days after the next regularly scheduled meeting date on which the appeal or request is heard.

2. Every decision of the Planning and Zoning Commission must be based upon findings of fact and every finding of fact must be supported in the records of the proceedings of the board.

3. Upon the filing of the application, the applicant shall pay a fee as set forth in Section 1-207.3 to the zoning administrator who shall then promptly transmit to the Planning and Zoning Commission all papers, records and other pertinent data relative to the appeal or other matters on which it is required to pass.

Section 1-509. Who May Make Appeals--Application--Form.

1. Any person and any officer or department of the county may appeal to the Planning and Zoning Commission by filing a request in writing with the zoning administrator on forms to be furnished by the county. Such appeal must be made within thirty (30) days from the grant or refusal of a building permit by the zoning administrator or from the date of any other action, which is the subject of the appeal.

2. The request to appear before the Planning and Zoning Commission shall be made on the form to be prescribed by the zoning administrator.

Section 1-510. Notice of Hearing.

The Planning and Zoning Commission shall fix a time for the hearing of an appeal or other matter that has been submitted to it. The Commission shall give notice of such hearing to the public by publishing the same in a newspaper of general circulation in the county and shall also give written notice to all interested parties. The Commission shall render its decision at its regular meeting, which has been duly published.

Section 1-511. Power and Duties of the Planning and Zoning Commission.

The Planning and Zoning Commission shall have the following powers and duties:

1. The Planning and Zoning Commission shall hear and decide appeals in cases where it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator or other administrative officers in the enforcement of this ordinance, and shall decide questions involving interpretation of this ordinance including the determination of zone boundary lines.

2. The Planning and Zoning Commission may grant variances from the strict letter of this ordinance where a property owner can show that:

(a) Because of unusual narrowness, shallowness or shape of a specific lot or parcel of land, or

(b) By reason of peculiar topographical features or other special circumstances peculiar to the particular lot or parcel of land, the strict application of the terms of this ordinance would prohibit the use of the applicant's property in a manner reasonably similar to that of other lots in the same zone.

3. Before a variance can be granted, the Planning and Zoning Commission must find upon the evidence before it that:

(a) Special circumstances do actually attach to the particular property covered by the application, which do not apply generally to the other properties in the same zone.

(b) Because of some special circumstances the appellant's property is deprived of privileges possessed by the properties in the same zone.

(c) The granting of such variance will not substantially affect the comprehensive plan of zoning in the county.

(d) Adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which is unnecessary in order to carry out the purposes of the zoning plan.

(e) The hardship is not the result of any action by the property owner taken after the effective date of this ordinance.

(f) A personal hardship may be considered for the placement on a temporary basis of a manufactured home adjacent to an existing residence for the care of a family member where the medical necessity is verified and documented by a physician.

4. The Planning and Zoning Commission may grant the following special exceptions or special use permits:

(a) Where a boundary line divides a lot in single ownership at the effective date of this ordinance, the Commission may permit a use allowed on either portion of such lot to extend not more than fifty (50) feet into the other portion of the lot provided such use will not be contrary to the plan of zoning and provided values of adjoining property will be fully preserved.

(b) The Planning and Zoning Commission may permit buildings to be constructed within seventy-five (75) feet of a natural flood channel provided measures are taken which will adequately protect the building or structure from damage due to floods, and provided that the hazard of flood damage to surrounding land in accordance with a plan of flood drainage approved by the board of County Commissioners.

(c) The Planning and Zoning Commission may authorize the issuance of a permit for the use which is not specifically mentioned in the list of permitted uses within an SC-1, A-1, C-1, C-2, PB, LNC, HC-1, M-1, M-1A, I&M-1, I&M-2, I&M-3, and R-2 zones provided such use is similar to and compatible with the uses permitted in the same zone and will be in harmony with the objectives and characteristics of the zone in which it is located. No use on which the Commission is required to pass for the purpose of this paragraph shall be considered as a similar use if it is contrary to the purpose or intent of this ordinance or if it is inconsistent with the characteristics of the zone in which it is located.

(d) The Planning and Zoning Commission may grant a permit for the construction of a shooting range if it finds, on the basis of competent evidence, that the safety of the surrounding area will be fully maintained and that such use does not constitute a public nuisance.

(e) The Planning and Zoning Commission may grant other special exceptions or other special use permits if it is expressly authorized to do so by the provisions of this ordinance, but it shall not grant a use permit, whether temporary or permanent, for any use in a zone if such use is not listed therein as a permitted use or is not similar to such permitted uses as determined by Section 1-511.4(c) of this ordinance.

5. The Planning and Zoning Commission may attach reasonable conditions or requirements to the grant of a variance, exception or special use permit which the petitioner must comply with as a condition of the grant or approval and the Commission may attach a time limit on the exercise or non-exercise of any grant.

6. In performing the duties and powers as set forth herein, the Planning and Zoning Commission shall have the power to reverse or affirm in whole or in part, or to modify the order, requirement decision or determination of the enforcing officer and may make such order or requirement as may be necessary to carry out the provisions of this ordinance, provided, however, that the Planning and Zoning Commission shall not have the power to amend this ordinance or to permit or prohibit actions which have the effect of amending this ordinance.

7. The powers and duties of the Planning and Zoning Commission are limited to such administrative matters as are herein provided which shall be strictly construed. The Planning and Zoning Commission may not grant a request which would have the effect of amending the zoning ordinance or correcting what it may consider to be an unwise requirement in the zoning ordinance, or to substitute its judgment for that of the board of county commissioners on matters of zoning policy. However, the Planning and Zoning Commission will express administrative authority as set forth in this ordinance and shall have the power to perform those acts as are herein set forth and such administrative actions shall not be interpreted as unauthorized amendments to this ordinance.

Section 1-512. Appeal from Decision of Commission.

1. The determination of the Planning and Zoning Commission shall be final if determined by the board of county commissioners sitting as a Board of Adjustment; however, if the determination is made by a separate Board of Adjustment, then it shall be final unless a written appeal is made to the Board of County Commissioners of Bonneville County, Idaho, within ten (10) days from the date of the Commission's decision. A written notice of appeal shall be filed with the county Planning and Zoning Office specifying wherein the Planning and Zoning Commission erred in its decision. A hearing shall be held before the County Commissioners to consider said appeal.

2. Any person aggrieved by any decision of the Board of County Commissioners may have and maintain a plenary action for relief there from in any court of competent jurisdiction as regulated by State law.

Section 1-513. Penalty.

1. Any person, firm or corporation, whether as principal, agent, employee, or otherwise, who shall erect, alter or reconstruct any building which is not exempt from the provisions of this ordinance to the extent of one hundred dollars (\$100.00) or more in value in any zone within the unincorporated area of Bonneville County, Idaho, without first obtaining a permit therefore from the county zoning administrator or who shall change the use of any building or other structure or use of any land within the unincorporated territory of Bonneville County, Idaho, who is found guilty of violation of this section is guilty of an infraction. A conviction for violation of this section is punishable by a fine of \$100 and no imprisonment. The judge may also enter a permanent or temporary injunction, restraining order, or such other relief, as the court deems appropriate. Each day a violation continues to exist shall constitute a separate offense.

Section 1-514. Business License to be Approved by Zoning Administrator.

No business license or permit pertaining to the use of land or building shall be issued by any officer or employee of Bonneville County, Idaho, unless the application for the permit or license has first been approved by the zoning administrator as being in conformance with the provisions of this ordinance, provided, however, that the zoning administrator must approve such applications for a permit when all of the provisions of the zoning ordinance have been complied with. Any permit or license if issued in conflict with the provisions of this ordinance shall be null and void.

CHAPTER 6 - ESTABLISHMENT OF ZONES

Section 1-601. Division of Bonneville County into Zones.

In order to accomplish the objectives and purposes of this ordinance, Bonneville County is hereby divided into the following zones:

1. A-1 Agricultural Zone
2. RA-1 Residential Agricultural Zone
3. RA-2 Residential Agricultural Zone
4. RA-3 Residential Agricultural Zone
5. RA-4 Residential Agricultural Zone
6. R-P Residence Park Zone
7. R-1 Residence Zone
8. R-1.5 Residence Zone
9. R-2 Residence Zone
10. R-3 Residence Zone
11. MH Manufactured Home Zone
12. LNC Limited Neighborhood Commercial Zone
13. SC-1 Neighborhood Shopping Center Zone
14. C-1 Limited Commercial Zone
15. HC-1 Limited Business Zone
16. C-2 General Commercial Zone
17. PB Professional Business Zone
18. M-1 Manufacturing Zone
19. M-1A Manufacturing Zone
20. I&M-1 Industrial and Manufacturing Zone
21. I&M-2 Industrial and Manufacturing Zone
22. I&M-3 Industrial and Manufacturing Zone
23. R-F Recreation-Forestry Zone
24. G-1 Grazing Zone
25. PUD Planned Unit Development
26. B-1 Buffer Zone

Section 1-602. Zone Map.

The zoning administrator shall at all times maintain a zone map of Bonneville County, Idaho. Said zone map shall be located at the office of the zoning administrator and shall be available for examination and inspection by any member of the public during regular business hours. The location and boundaries of the zones shown on the zone map of Bonneville County and all boundaries, notations and other data shown thereon are hereby incorporated in this ordinance as if fully described herein.

Section 1-603. Regulations.

Within each of the zones, the height, dimensions, number of stories, size of buildings or structures, the portion of any lot that may be occupied by buildings or structures, the area and dimensions required for yards, courts, and other open spaces, the density of population and location and use of buildings, structures and land for trade, industry, residence or other purposes are hereby regulated and restricted as set forth in this ordinance, provided, however, that nothing herein shall be deemed to contradict or be in conflict with the agricultural exemption as provided in the Idaho Code.

Section 1-604. Location of Zone Boundaries.

Where uncertainty exists with respect to the location of boundaries of zones, the following rules shall apply:

1. When indicated boundaries on the zone map approximate street, road or land survey lines, said street, road or land survey lines shall be deemed to be the zone boundaries.

2. Where the indicated boundaries approximate canal, natural streams, water courses or other clearly defined natural features, the center line of said canal, natural stream water course, or natural feature shall be deemed to be the zone boundaries.

3. In the absence of any street, road, land survey lines, canal, natural stream, water course or other natural feature or measurement as forming the boundaries of any zone, the scale of measurement shown on the map shall be used to determine the location of zone boundary lines.

4. Where other uncertainty exists, the Planning and Zoning Commission shall determine the location of the zone boundaries from the information shown on the zone map.

CHAPTER 7 - A-1, AGRICULTURAL ZONE

Section 1-701. General Objectives and Characteristics.

1. The primary use of land in the A-1 Agricultural Zone is for agriculture and livestock raising. The A-1 Zone is characterized by land used for farms, ranches and open range in the production of crops and livestock.

2. Representative uses of land in the A-1 Zone include the growing of crops, the production of livestock, and the location of various buildings, structures, equipment, dwelling units and facilities incident to such uses.

3. The objectives of the A-1 Agricultural Zone are:

(a) To promote the continued use of land in the zone for agricultural purposes.

(b) To encourage the location of non-agricultural uses in other zones.

(c) To keep the cost of police and fire protection, school bus transportation, road construction and maintenance and other public services at a minimum.

(d) To maintain the economic base of the county.

(e) This ordinance recognizes that to maintain viable agriculture ground that it might necessitate allowing non-farm related dwellings in agricultural areas.

4. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the A-1 Agricultural Zone, the regulations provided in this chapter shall apply, provided, however that nothing in this ordinance shall be construed to deprive the owner of the right to the full and complete use of agricultural land for the production of agricultural products.

Section 1-702. Permitted Uses.

The following shall be permitted in the A-1 Agricultural Zone:

1. The growing, handling, and storing of agricultural and livestock products, ⁸beehives for pollination, the location of buildings, structures, equipment, and facilities incident thereto except plants for the manufacture of animal byproducts or fertilizer from animal products.

2. Poultry production.

3. Fruit and vegetable stands for the sale of produce raised on the premises which are of wood frame or light metal construction, which do not exceed one hundred (100) square feet and are maintained in an orderly manner in accordance with standards prescribed by the Board of Health.

4. Dwelling.

(a) Dwelling with a minimum lot size of one acre and an average density of one lot per ten acres within one mile of any incorporated city or urban growth area as designated on the Comprehensive Plan.

(1) Outside of this area a dwelling with a minimum lot size of one acre and an average density of one lot per twenty acres will be allowed for distance of seven miles from any incorporated city with a population in excess of five hundred people.

(2) Beyond this area a dwelling with a minimum lot size of one acre and an average density of one lot per sixty acres will be allowed.

(3) All lots must meet Idaho Health Department Standards, County Road and Bridge requirements and all other applicable ordinances.

(4) Lots cannot be further divided unless rights are specifically transferred to the new owner of said lot.

(5) For the purpose of this section all density lines which fall beyond a section line will automatically extend to the next closest section line.

(b) Lots will be subject to a site plan review by the zoning office to assess the impact on existing agricultural operations, roads, future road extensions, public utilities, irrigation and irrigation delivery systems. If it is determined that there is an impact the permit will then be reviewed by the Planning and Zoning Board prior to issuance.

(c) Deeds of record or notarized contracts of sale which would have qualified as a valid building lot prior to January 1, 1986 will be recognized as a valid building lot under this ordinance.

5. Farm Labor dwellings.

Mobile dwellings will be allowed for the occupants who work solely for the farmer who operates the farm on which the dwelling is located.

6. Home occupation.

(a) Where the home occupation is to be conducted on a parcel of land of one (1) acre or less in size, all activities in connection with the occupation are to be conducted within an occupied dwelling or else within a building which is accessory to an occupied dwelling, which building will have a floor area of not to exceed 1,000 square feet and the home occupation will be conducted by family members residing in the dwelling only.

(b) Where the home occupation is to be conducted on a parcel of land greater than one (1) acre in size, all activities in connection with the occupation are to be conducted within an occupied dwelling or else within a building which is accessory to an occupied dwelling, which building will have a floor area of not to exceed 2,000 square feet and the home occupation will be conducted only by family members residing in the dwelling.

(c) All storage of materials, supplies, merchandise and products, and all activities in connection with the premise occupation shall be conducted within buildings, except for the parking of vehicles, which are in running order.

⁹(d) No commercial vehicles shall be used in the business and only one (1) motorized vehicle may be used in association with the home occupation and shall not exceed one (1) ton rated capacity and one (1) trailer which does not exceed twenty-four feet (24') in length, with adequate off-street parking provided for such business vehicles and any visiting clientele.

(e) The business use does not create any odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations, radio interference or television interference which are not commonly created by residential use.

(f) Home occupations with visiting clientele shall have business activity only between the hours of 7:00 a.m. and 7:00 p.m.

(g) The home occupation does not include the storage or sale of flammable, explosive, or hazardous materials, junkyards, salvage yards, automotive body work or painting, towing operations, or cabinet shops.

7. Feedlots, provided they are no closer than 300 feet from existing dwellings.

8. Advertising signs for the sale of goods or services produced on the premises shall be limited to two signs of not more than 32 square feet per sign.

9. Group Daycare for up to 12 children operated in compliance with the provisions of a home occupation.

USE HEARING REQUIRED FOR THE FOLLOWING:

Section 1-703. General Objectives and Characteristics.

1. The primary intent is to assure that the use is agriculturally compatible and that the location of the use will not adversely affect adjoining uses nor will the adjoining uses adversely affect the proposed use.

2. Representative uses of land within the A-1 Zone, which require a use hearing include uses, which usually require a rural setting such as plant nurseries, water reservoirs, quarries and also public facilities.

3. The objectives of the A-1 Agriculturally Compatible uses are:

(a) To promote development of uses compatible with production of agriculture.

(b) To encourage the location of agriculturally compatible uses in areas where impacts on agriculture would be minimized.

(c) To keep the cost of police and fire protection, school bus transportation, road construction and maintenance and other public services to a minimum.

(d) To maintain and support the agricultural economic base in the county.

Section 1-704. Uses.

The following uses shall be considered in the A-1 Agricultural Zone:

1. Plant Nurseries non-retail.
2. Water reservoirs and water facilities.
3. Riding academies.
4. Fur farms, kennels, ¹⁰commercial beehive facilities, gravel pits, rock crushers, temporary hot mix plants used for government sponsored paving projects, clay pits, rock quarries, mines and oil and gas wells.
5. Schools.
6. Churches with minimum lot size of two (2) acres.
7. Public Parks and playgrounds.
8. Sewage disposal plants and facilities, which meet the requirements of the Board of Health.
9. Fairgrounds or rodeo grounds.
10. Golf courses and non-residential private clubs with a minimum area of forty (40) acres.
11. Penal Institutions.
12. Radio and television broadcasting transmitters, antenna and other facilities.
13. Cemeteries.
14. Sanitary landfills approved by the Board of County Commissioners which meet the requirements of the State Board of Health.
15. Public utility buildings and facilities and other public buildings.
16. Railroad tracks, spurs, switches and other railroad facilities.

17. Irrigation district and canal company facilities of a support nature including an administrative office.

18. Other Recreational Uses.

19. Other similar uses as approved by the Planning and Zoning Commission, which are in harmony with the objectives and characteristics of this zone.

Section 1-705. Standards Controlling Use Hearings.

Procedures for conduct of the hearing shall be that notice will be sent to all adjoining property owners within 300 feet of the proposed use site's property lines as required in Section 67-6509 of the State Code. However, only the Planning and Zoning Board will need to conduct a hearing provided that no appeal is filed against their decision within a ten-day period. If an appeal is filed, the County Commissioners will hold a second public hearing under the same hearing procedures.

The following criteria shall be addressed:

1. Assess impact on existing agricultural operations.
2. Establish need for proposed change.
3. Assess benefit of proposed change to the county and neighborhood.
4. Assess compatibility of proposed change with Comprehensive Plan.
5. Assess proximity to fire protection and if the area is in a fire district. The fire chief shall review each application that is within a fire district.
6. Assess proximity to police protection. The Sheriff shall review each application.
7. Assess impacts on traffic loads, access to public roads, assess quality of county roads, assess width of right of way, relationship to long range road designs and networks. Road and Bridge shall review each application.
8. Health Department approval mandatory.
9. Assess need for buffers, landscaping, assess impact of noise, dust and vibration on neighborhood and compatibility with surrounding land uses.
10. Location relative to the flood plain, depending on use.
11. Availability of sufficient utilities.
12. Preservation of unique scenic or ecological areas.

Section 1-706. Area.

Each dwelling shall be situated upon a lot with a minimum area of one (1) acre.

Section 1-707. Width.

The minimum width of any lot on which a dwelling is situated shall be one hundred (100) feet along a county approved road.

Section 1-708. Front Yard.

Every lot on which a dwelling is situated shall have a front yard of not less than eighty (80) feet from the center line, or at least fifty-five (55) feet from the right-of-way of all county roads, whichever is the greater; except for lots in platted areas which shall be set back thirty (30) feet from the road right-of-way line.

Section 1-709. Side Yards.

1. For an interior lot there shall be a side yard on each side of any main building of not less than twenty (20) feet. There shall be a side yard of not less than twenty (20) feet for an accessory building, provided, however, that no side yard shall be required for an accessory building which is located at least twelve (12) feet from the main building and a distance of not less than one hundred (100) feet from any street.

2. For a corner lot that fronts on two roads, provisions of Section 1-708 of this ordinance shall apply.

Section 1-710. Rear Yard.

There shall be a rear yard of not less than twenty (20) feet from main buildings. The rear yard for accessory buildings shall be the same as for main buildings except that no yard shall be required for an accessory building which is located a distance of not less than twelve (12) feet to the rear of the main building.

Section 1-711. Special Provisions.

The minimum distance between main buildings used for human occupancy shall be forty (40) feet.

CHAPTER 8 - RA-1, RESIDENTIAL AGRICULTURAL ZONE

Section 1-801. General Objectives and Characteristics.

1. The RA-1 Residential Agricultural Zone is established to encourage the orderly and timely conversion of certain open land areas into residential areas as the need arises. The RA-1 Zone includes portions of the county which have been devoted to agricultural or other open land uses, but into which residential development should be directed as needed.

2. Representative uses in the RA-1 Zone include dwellings and maintenance of buildings and facilities for the keeping of animals and fowl for the production of family food and for the convenience and pleasure of those residing on the premises.

3. The use of land for residential purposes is given primacy in the RA-1 Zone. Use of certain lands for the production of animals and fowl may be required to be terminated with the development of the land for residential purposes.

4. To accomplish the objectives and purposes of this ordinance, the regulations set forth in this chapter shall apply in the RA-1 Residential Agricultural Zone.

Section 1-802. Permitted Uses.

The following uses shall be permitted in the RA-1 Zone:

1. One-family dwellings and buildings customarily accessory thereto.
2. Agriculture, provided that animals and fowl shall be raised only for the purpose of providing family food and for the pleasure of those residing on the premises, but not for commercial purposes. No more than one cow, pig or horse, and their dependent young shall be kept for each twenty thousand (20,000) square feet of lot area. No more than one sheep or goat and their dependent young and poultry flock of not more than one hundred (100) birds and their dependent young shall be kept for each five thousand (5,000) square feet of lot area. The total number of cows, pigs, horses, sheep and goats, including dependent young, which may be kept on any one lot shall not exceed five (5). A poultry flock of not more than one hundred (100) birds may be kept on any one lot.
3. Barns, corrals, pens, coops for the keeping of animals and fowl, when maintained in accordance with the rules and regulations of the Board of Health.
4. Churches and public, private and parochial school and educational institutions.
5. Campgrounds, public parks, public recreation grounds and buildings, not including outside storage yards.
6. Parking lots in connection with permitted buildings.
7. Identification signs for the identification of buildings not to exceed twelve (12) square feet when attached to the building. Any lighting of said signs shall be diffused or screened.
8. Group Daycare for up to 12 children operated in compliance with the provisions of a home occupation.

9. Offices for professional persons and home occupation, provided:

(a) The home occupation is conducted entirely within the dwelling and is carried on only by members of the family residing in the dwelling.

(b) The home occupation does not involve the use of any accessory building or yard space for storage or activities outside of the dwelling not normally associated with residential use.

(c) The home occupation is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.

(d) Signs are limited to one (1) non-flashing sign not larger in area than one and one-half (1 1/2) square feet. If lighted, the lighting shall be indirect.

(e) Not more than the equivalent of twenty five (25) percent of the ground floor area of the dwelling is devoted to the home occupation.

(f) The activities in connection with the home occupation do not involve the regular sale of goods on the premises.

10. Customary household pets.

11. Public utility buildings and structures.

Section 1-803. Area.

An area of not less than fifteen thousand (15,000) square feet shall be provided and maintained for each one-family dwelling and uses accessory thereto.

Section 1-804. Width.

The minimum width of any building site for a dwelling shall be ninety (90) feet.

Section 1-805. Front Yard.

There shall be a front yard of not less than thirty (30) feet, except as required under Section 1-420 of this ordinance.

Section 1-806. Side Yard.

1. For an interior lot there shall be a side yard on each side of the main building of not less than one and one-half (1 1/2) inches for each foot of building length, or eight (8) inches for each foot of building height, whichever is greater, provided that no main building shall be set back less than ten (10) feet from a side property line. Side yard requirements for accessory buildings shall be the same as for main buildings, except that no side yards shall be required for accessory buildings which are located more than one hundred (100) feet from the front property lot line and at not less than twelve (12) feet from the main building.

2. For a corner lot there shall be a side yard on the side street of not less than thirty (30) feet. The side yard for the other side shall be the same as for interior lots.

Section 1-807. Rear Yard.

For main buildings there shall be a rear yard of not less than twenty (20) feet. For accessory buildings no rear yard shall be required on interior lots.

Section 1-808. Barns and Corrals.

Barns, corrals, pens, and coops for the keeping of animals and fowl shall be located at least one hundred (100) feet from the nearest dwelling or other building used for human occupancy.

Section 1-809. Height of Buildings.

No building shall be erected to a height of greater than twenty (20) feet, and no building shall be erected to a height of less than one story above grade, except as permitted under the provisions of Section 1-406 of this ordinance. Roofs above the square of the building, chimneys, flagpoles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height.

CHAPTER 9 - RA-2, RESIDENTIAL AGRICULTURAL ZONE

Section 1-901. General Objectives and Characteristics.

1. The RA-2 Rural Estates Zone is established to encourage the orderly and timely conversion of certain land areas into residential areas as the need arises. It is anticipated that this RA-2 Zone will be applied to those areas of the county which are still rural in character, but which have a definite residential potential. To accomplish this purpose, large lot areas and open space will be required to correspond to the rural character while at the same time permitted uses and activities will be controlled to insure a high standard for single family residential use.

2. Representative uses in the RA-2 zone include dwellings on large lots and maintenance of buildings and facilities for the keeping of animals and fowl for the production of family food and for the convenience and pleasure of those residing on the premises.

3. To accomplish the objectives and purposes of this ordinance, the regulations set forth in this chapter shall apply in the RA-2 Rural Estates Zone.

Section 1-902. Permitted Uses.

The following uses shall be permitted in the RA-2 Zone:

1. One-family dwellings and buildings customarily accessory thereto.
2. Agriculture, provided that animals and fowl shall be raised only for the purpose of providing family food and for the pleasure of those residing on the premises, but not for commercial purposes. No more than one cow, pig, or horse and their dependent young shall be kept for each twenty thousand (20,000) square feet of lot area. No more than one sheep or goat and their dependent young shall be kept for each twenty-thousand (20,000) square feet of lot area. A poultry flock of not more than one-hundred (100) birds may be kept on any one lot.
3. Barns, corrals, pens, coops for the keeping of animals and fowl, when maintained in accordance with the rules and regulations of the Board of Health.
4. Churches and public, private and parochial schools and educational institutions.
5. Public parks, public recreation grounds and buildings, not including outside storage yards.
6. Parking lots in connection with permitted buildings.
7. Identification signs for the identification of buildings not to exceed twelve (12) square feet when attached to the building. Any lighting of said signs shall be diffused or screened.
8. Group Daycare for up to 12 children operated in compliance with the provisions of a home occupation.
9. Offices for professional persons and home occupations, provided that it conforms to the requirements of Section 1-802(9) of this ordinance.
10. Customary household pets.
11. Public utility buildings and structures

Section 1-903. Area.

An area of not less than one (1) acre shall be provided and maintained for each one-family dwelling and uses accessory thereto.

Section 1-904. Width.

The minimum width of any building site for a dwelling shall be one hundred (100) feet.

Section 1-905. Front Yard.

There shall be a front yard of not less than thirty (30) feet, except as required under Section 1-420 of this Ordinance.

Section 1-906. Side Yard.

1. For an interior lot there shall be a side yard on each side of the main building of not less than twenty (20) feet. Side yard requirements for accessory buildings shall be the same as for main buildings, except that no side yards shall be required for accessory buildings which are located more than one hundred (100) feet from the front lot line and more than twelve (12) feet from the main building.

2. For a corner lot there shall be a side yard on the side street of not less than thirty (30) feet. The side yard for the other side shall be the same as for interior lots.

Section 1-907. Rear Yard.

For main buildings there shall be a rear yard of not less than twenty (20) feet. For accessory buildings no rear yard shall be required on interior lots.

Section 1-908. Barns and Corrals.

Barns, corrals, pens, and coops for the keeping of animals and fowl shall be located at least one-hundred (100) feet from the nearest dwelling or other building used for human occupancy.

Section 1-909. Height of Buildings.

No building shall be erected to a height of greater than twenty (20) feet, and no building shall be erected to a height of less than one story above grade, except as permitted under the provisions of Section 1-406 of this ordinance. Roofs above the square of the building, chimneys, flagpoles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height.

CHAPTER 10 - RA-3, RESIDENTIAL AGRICULTURAL ZONE

Section 1-1001. General Objectives and Characteristics.

1. The RA-3 Rural Estates Zone is established to encourage the orderly and timely conversion of certain land areas into residential areas as the need arises. It is anticipated that this RA-3 zone will be applied to those areas of the county which are still rural in character, but which have a definite residential potential. To accomplish this purpose, large lot areas and open space will be required to correspond to the rural character while at the same time permitted uses and activities will be controlled to insure a high standard for single family residential use.

2. Representative uses in the RA-3 zone include dwellings on large lots and the maintenance of buildings and facilities for the keeping of animals and fowl for the production of family food and for the convenience and pleasure of those residing on the premises.

3. To accomplish the objectives and purposes of this ordinance, the regulations set forth in this chapter shall apply in the RA-3 Rural Estates Zone.

Section 1-1002. Permitted Uses.

The following uses shall be permitted in the RA-3 zone.

1. One-family dwellings and buildings customarily accessory thereto.
2. Agriculture, provided that animals and fowl shall be raised only for the purpose of providing family food and for the pleasure of those residing on the premises, but not for commercial purposes. No more than one cow, pig or horse and their dependent young shall be kept for each twenty thousand (20,000) square feet of lot area. No more than one sheep or goat and their dependent young shall be kept for each twenty thousand (20,000) square feet of lot area. A poultry flock of not more than one hundred (100) birds may be kept on any one lot.
3. Barns, corrals, pens, coops for the keeping of animals and fowl, when maintained in accordance with the rules and regulations of the Board of Health.
4. Churches and public, private and parochial schools and educational institutions.
5. Public parks, public recreation grounds and buildings, not including outside storage yards.
6. Parking lots in connection with permitted buildings.
7. Identification signs for the identification of buildings not to exceed twelve (12) square feet when attached to the building. Any lighting of said signs shall be diffused or screened.
8. Group Daycare for up to 12 children operated in compliance with the provisions of a home occupation.
9. Offices for professional persons and home occupations, provided that it conforms to the requirements of Section 1-802(9) of this ordinance.
10. Customary household pets.
11. Public utility buildings and structures.

Section 1-1003. Area.

An area of not less than two and a half (2 1/2) acres shall be provided and maintained for each one-family dwelling and uses accessory thereto.

Section 1-1004. Width.

The minimum width of any building site for a dwelling shall be one hundred and fifty (150) feet.

Section 1-1005. Front Yard.

There shall be a front yard of not less than thirty (30) feet, except as required under Section 1-420 of this ordinance.

Section 1-1006. Side Yard.

1. For an interior lot there shall be a side yard on each side of the main building of not less than twenty (20) feet. Side yard requirements for accessory buildings shall be the same as for main buildings, except that no side yards shall be required for accessory buildings which are located more than one hundred (100) feet from the front lot line and more than twelve (12) feet from the main building.

2. For a corner lot there shall be a side yard on the side street of not less than thirty (30) feet. The side yard for the other side shall be the same as for interior lots.

Section 1-1007. Rear Yard.

For main buildings there shall be a rear yard area of not less than twenty (20) feet. For accessory buildings no rear yard shall be required on interior lots.

Section 1-1008. Barns and Corrals.

Barns, corrals, pens and coops for the keeping of animals and fowl shall be located at least one hundred (100) feet from the nearest dwelling or other building used for human occupancy.

Section 1-1009. Height of Buildings.

No building shall be erected to a height of greater than twenty (20) feet, and no building shall be erected to a height of less than one story above grade, except as permitted under the provisions of Section 1-406 of this ordinance. Roofs above the square of the building, chimneys, flagpoles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height.

CHAPTER 11 - RA-4, RESIDENTIAL AGRICULTURAL ZONE

Section 1-1101. General Objectives and Characteristics.

1. The RA-4 Rural Estates Zone is established to encourage the orderly and timely conversion of certain land areas into residential areas as the need arises. It is anticipated that this RA-4 zone will be applied to those areas of the county which are still rural in character, but which have a definite residential potential. To accomplish this purpose, large lot areas and open space will be required to correspond to the rural character while at the same time permitted uses and activities will be controlled to insure a high standard for single family residential use.

2. Representative uses in the RA-4 zone include dwellings on large lots and the maintenance of buildings and facilities for the keeping of animals and fowl for the production of family food and for the convenience and pleasure of those residing on the premises.

3. To accomplish the objectives and purposes of this ordinance, the regulations set forth in this chapter shall apply in the RA-4 Rural Estates Zone.

Section 1-1102. Permitted Uses.

The following uses shall be permitted in the RA-4 Zone:

1. One-family dwellings and buildings customarily accessory thereto.
2. Agriculture, provided that animals and fowl shall be raised only for the purpose of providing family food and for the pleasure of those residing on the premises, but not for commercial purposes. No more than one cow, pig, or horse and their dependent young shall be kept for each twenty-thousand (20,000) square feet of lot area. No more than one sheep or goat and their dependent young shall be kept for each twenty thousand (20,000) square feet of lot area. A poultry flock of not more than one hundred (100) birds may be kept on any one lot.
3. Barns, corrals, pens, and coops for the keeping of animals and fowl, when maintained in accordance with the rules and regulations of the Board of Health.
4. Churches and public, private, and parochial schools and educational institutions.
5. Public parks, public recreation grounds and buildings, not including outside storage yards.
6. Parking lots in connection with permitted buildings.
7. Identification signs for the identification of buildings not to exceed twelve (12) square feet when attached to the building. Any lighting of said signs shall be diffused or screened.
8. Group Daycare for up to 12 children operated in compliance with the provisions of a home occupation.
9. Offices for professional persons and home occupations provided that it conform to the requirements of Section 1-802(9) of this ordinance.
10. Customary household pets.
11. Public utility buildings and structures.

Section 1-1103. Area.

An area of not less than five (5) acres shall be provided and maintained for each one-family dwelling and uses accessory thereto.

Section 1-1104. Width.

The minimum width of any building site for a dwelling shall be two hundred (200) feet.

Section 1-1105. Front Yard.

There shall be a front yard of not less than thirty (30) feet, except as required under Section 1-420 of this ordinance.

Section 1-1106. Side Yard.

1. For an interior lot there shall be a side yard on each side of the main building of not less than twenty (20) feet. Side yard requirements for accessory buildings shall be the same as for main buildings, except that no side yards shall be required for accessory buildings which are located more than one hundred (100) feet from the front lot line and more than twelve (12) feet from the main building.

2. For a corner lot there shall be a side yard on the side street of not less than thirty (30) feet. The side yard for the other side shall be the same as for interior lots.

Section 1-1107. Rear Yard.

For main buildings there shall be a rear yard of not less than twenty (20) feet. For accessory buildings no rear yard shall be required on interior lots.

Section 1-1108. Barns and Corrals.

Barns, corrals, pens, and coops for the keeping of animals and fowl shall be located at least one hundred (100) feet from the nearest dwelling or other building used for human occupancy.

Section 1-1109. Height of Buildings.

No building shall be erected to a height of greater than twenty (20) feet, and no building shall be erected to a height of less than one story above grade, except as permitted under the provisions of Section 1-406 of this ordinance. Roofs above the square of the building, chimneys, flagpoles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height.

CHAPTER 12 - R-P, RESIDENCE PARK ZONE

Section 1-1201. General Objectives and Characteristics.

1. The R-P Residential Park Zone is established to encourage residential development consisting of single-family dwellings situated on lots of fifteen thousand (15,000) square feet or greater size, which are attractively planted, landscaped and maintained. It is the objective of the zone to provide conditions favorable to family living and the raising of children in a quiet atmosphere with a minimum of vehicular and pedestrian traffic.

2. Representative uses within the R-P Residence Park Zone include single-family dwellings, parks, playgrounds, schools, churches and other community facilities which are consistent with the characteristics and purposes of the zone. Boarding and lodging houses, apartment houses and other multiple family dwellings and commercial and industrial uses shall not be permitted. Privacy shall be given to single family dwellings which are situated on lots not less than ninety (90) feet in width and which have an area of not less than eleven thousand (11,000) square feet.

3. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the R-P Residence Park Zone, the regulations provided in this chapter shall apply.

Section 1-1202. Permitted Uses.

The following uses shall be permitted in the R-P Residence Park Zone:

1. Single family dwellings and necessary accessory buildings and structures such as private garages, carports, private greenhouses, private swimming pools, arbors and other garden structures.

2. Signs not exceeding eight (8) square feet to inform the public as to the sale of property and name plates attached to dwellings not exceeding one and one-half (1 1/2) square feet which are designed and maintained to harmonize with the residential character of the zone.

3. Fences, walls and hedges.

4. Public schools, public libraries, public recreation buildings and similar public buildings and grounds.

5. Churches.

6. Public utility buildings and structures.

7. A temporary building or yard storage of construction materials and equipment incidental and necessary to construction of housing development, utilities or other community facilities, provided such temporary building or yard is located on the same tract of land on which the houses, utilities or the community facilities are constructed. A permit, therefore, shall be issued only to the contractor or builder and shall be valid for not more than two (2) years at the expiration of which time the said buildings or yards shall be removed from the premises and said use discontinued.

8. A temporary office or dwelling used temporarily as an office when used in connection with the sale of property within a subdivision under construction provided that such temporary office is located on the same tract of land as the subdivision. A permit, therefore, shall be valid for not more than two (2) years at the expiration of which time the said use shall be discontinued.

9. Customary household pets, such as dogs, cats, and canaries, but not including the breeding of any animals for sale.

10. Group Daycare for up to 12 children operated in compliance with the provisions of a home occupation.

11. Offices for professional persons and home occupations, provided:

(a) The home occupation is conducted entirely within the dwelling and is carried on only by members of the family residing in the dwelling.

(b) The home occupation does not involve the use of any accessory building or yard space for storage or activities outside of the dwelling not normally associated with residential use.

(c) The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.

(d) Signs are limited to one (1) non-flashing sign not larger in area than one and one-half (1 1/2) square feet. If lighted, the lighting shall be indirect.

(e) Not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation.

(f) The activities in connection with the home occupation do not involve the regular sale of goods on the premises.

Section 1-1203. Area.

The area requirements for the R-P Zone shall be the same as those required for the RA-1 Zone.

Section 1-1204. Width.

The width requirements for the R-P Zone shall be the same as those required for the RA-1 Zone.

Section 1-1205. Front Yard.

The front yard requirements for the R-P Zone shall be the same as those required for the RA-1 Zone.

Section 1-1206. Side Yard.

The side yard requirements for the R-P Zone shall be the same as those required for the RA-1 Zone.

Section 1-1207. Rear Yard.

The rear yard requirements for the R-P Zone shall be the same as those required for the RA-1 Zone.

Section 1-1208. Special Provisions.

The special provisions requirements for the R-P Zone shall be the same as those required for the RA-1 Zone.

Section 1-1209. Lot Coverage.

The total area of structures on a lot shall not exceed forty percent.

CHAPTER 13 - R-1, RESIDENCE ZONE

Section 1-1301. General Objectives and Characteristics.

1. The R-1 Residence Zone is established to provide a residential environment characterized by small lots and somewhat greater density of population than is permitted in the R-P Residence Park Zone.

2. Representative uses in this zone include single-family dwellings, parks, playgrounds, schools, churches, and other similar and compatible uses. However, duplexes, apartment buildings and other multiple family dwellings and other uses normally associated with a high density population residential area as well as all commercial and industrial uses shall not be permitted in this zone.

3. Primacy in the R-1 Residence Zone is given to single family dwellings situated on lots not less than seventy-five (75) feet wide and containing not less than eight thousand square feet (8,000) in area.

4. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the R-1 Zone, the regulations provided in this chapter shall apply.

Section 1-1302. Permitted Uses.

The following uses shall be permitted in the R-1 Residence Zone:

1. All uses permitted in the R-P Residence Park Zone shall be permitted in the R-1 Residence Zone.

Section 1-1303. Area.

A lot with an area of not less than eight thousand (8,000) square feet shall be provided and maintained for each single-family dwelling.

Section 1-1304. Width.

A lot on which a single-family dwelling is situated shall not be less than seventy-five (75) feet in width.

Section 1-1305. Front Yard.

Every lot on which a single-family dwelling is situated shall have a front yard of not less than thirty (30) feet, except as otherwise required by Section 1-420 of this ordinance.

Section 1-1306. Side Yard.

1. For an interior lot there shall be a side yard on each side of any main building of not less than one and one-half (1 1/2) inches for each foot of building length, or eight (8) inches for each foot of building height, whichever is the greater distance, provided, however, that no main building shall be set back less than eight (8) feet from the side property line. Side yard requirements for accessory buildings shall be the same as for main buildings except that no side yard shall be required for accessory buildings which are located more than one hundred (100) feet from the front lot line and not less than twelve (12) feet from the main building.

2. For a corner lot there shall be a side yard on the side street of not less than thirty (30) feet. The side yard for the other side shall be the same as for interior lots.

Section 1-1307. Rear Yard.

The rear yard requirements for the R-1 Residence Zone shall be the same as those required for the R-P Residence Park Zone.

Section 1-1308. Height of Buildings.

The height requirements for the R-1 Residence Zone shall be the same as those required for the RA-1 Residential Agricultural Zone.

Section 1-1309. Lot Coverage.

The total area of structures on a lot shall not exceed forty percent.

CHAPTER 14 - R-1.5, RESIDENCE ZONE

Section 1-1401. General Objectives and Characteristics.

1. The R-1.5 Residence Zone is established to provide a residential environment characterized by small lots and somewhat greater density of population than is permitted in the R-1 Residence Zone.

2. Representative uses in this zone include single-family dwellings, zero lot line twin-homes, parks, playgrounds, schools, churches, and other similar and compatible uses. However, duplexes, apartment buildings and other multiple family dwellings and other uses normally associated with a high density population residential area as well as all commercial and industrial uses shall not be permitted in this zone.

3. Primacy in the R-1.5 Residence Zone is given to single family dwellings and zero lot line twin-homes situated on separate lots

4. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the R-1.5 Zone, the regulations provided in this chapter shall apply.

Section 1-1402. Permitted Uses.

The following uses shall be permitted in the R-1.5 Residence Zone:

1. All uses permitted in the R-P Residence Park Zone shall be permitted in the R-1.5 Residence Zone along with zero lot line twin-homes.

Section 1-1403. Area.

A lot with an area of not less than five thousand two hundred (5,200) square feet shall be provided and maintained for each half of the single-family twin-home dwelling. The area for an independent single-family residence shall be not less than six thousand (6,000) square feet.

Section 1-1404. Width.

A lot on which a single-family twin-home dwelling is situated shall not be less than fifty-two (52) feet in width. The width for an independent single-family residence shall be not less than sixty (60) feet in width.

Section 1-1405. Front Yard.

Every lot on which a single-family dwelling is situated shall have a front yard of not less than thirty (30) feet, except as otherwise required by Section 1-420 of this ordinance.

Section 1-1406. Side Yard.

1. The required side yard on each side of any main building of not less than one and one-half (1½) inches for each foot of building length, or eight (8) inches for each foot of building height, whichever is the greater distance, provided however, that no main building shall be set back less than eight (8) feet from the side property line. Side yard requirements for accessory buildings shall be the same as for main buildings except that no side yard shall be required for accessory buildings which are located more than one hundred (100) feet from the front lot line and not less than twelve (12) feet from the main building. The common wall of the zero lot line twin-home must be built on the common lot line between the adjacent subdivision lots.

2. For a corner lot there shall be a side yard on the side street of not less than thirty (30) feet. The side yard for the other side shall be the same as for interior lots.

Section 1-1407. Rear Yard.

For main buildings there shall be a rear yard of not less than twenty (20) feet. For accessory buildings no rear yard shall be required on interior lots.

Section 1-1408. Height of Buildings.

No building shall be erected to a height of greater than twenty (20) feet, and no building shall be erected to a height of less than one story above grade, except as permitted under the provisions of Section 1-406 of this ordinance. Roofs above the square of the building, chimneys, flag poles, television antennas, church towers and similar structures not used for human occupancy are excluded in determining height.

Section 1-1409. Lot Coverage.

1. Maximum Lot Coverage: Lot coverage, including all area under roofs and paved or concrete surfaces, shall not exceed eighty percent (80%) of the total lot and parking area. The maximum lot coverage of single-family attached dwelling units shall be sixty five percent (65%) for interior lots and fifty percent (50%) for corner lots. The remaining lot area shall be landscaped.

2. Lot Coverage Exemption: The landscaped area on a lot will be considered to include such hard-surface outdoor recreation facilities as tennis courts, basketball courts, shuffleboard courts, and swimming pools, provided that:

- (c) The hard-surface outdoor recreation facilities make up no more than forty percent (40%) of the required landscaped area, and
- (d) Those facilities are available for the use of all residents of the development.

CHAPTER 15 - R-2, RESIDENCE ZONE

Section 1-1501. General Objectives and Characteristics.

1. The R-2 Residence Zone is established to provide a residential environment characterized by smaller lots and a somewhat greater density of population than the R-1 Residence Zone.

2. Representative uses in this zone include single-family dwellings, duplexes, triplexes, fourplexes, and certain other public facilities which are necessary to promote and maintain stable residential areas.

3. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the R-2 Residence Zone, the regulations provided in this chapter shall apply.

Section 1-1502. Permitted Uses.

The following uses shall be permitted in the R-2 Residence Zone:

1. Any use permitted in the R-P Residence Park Zone and any use permitted in the R-1 Residence Zone.

2. Duplexes, triplexes, and fourplexes, boarding houses and zero lot line townhouses.

3. Child day care centers.

4. Parking lots in connection with permitted buildings, but not including commercial parking lots.

Section 1-1503. Area.

1. An area of not less than six thousand (6,000) square feet shall be provided and maintained for each single family dwelling; plus an additional one thousand (1,000) square feet of lot area for each dwelling unit.

2. For child day care centers, a lot area of at least eight thousand (8,000) square feet shall be required.

Section 1-1504. Width.

The minimum width of any building site for a single-family dwelling shall be sixty (60) feet. The building site for each two-family, three-family, and four-family dwellings and child day care center shall be eighty (80) feet.

Section 1-1505. Front Yard.

A front yard of at least thirty (30) feet shall be required except as provided in Section 1-420 of this ordinance.

Section 1-1506. Side Yard.

1. For an interior lot there shall be a side yard on each side of a main building of not less than one and one-half (1 1/2) inches for each foot of building length or eight (8) inches for each foot of building height, whichever is the greater distance, provided, however, that no main building shall be set back less than eight (8) feet from the side property line. Side yard requirements for accessory buildings shall be the same as for main buildings except that no side yards shall be required for accessory buildings which are located more than one hundred (100) feet from the front lot line and at least twelve (12) feet from the main building.

2. For a corner lot there shall be a side yard of not less than thirty (30) feet on the street side. The side yard for the other side shall be the same as for interior lots.

Section 1-1507. Rear Yard.

The rear yard requirements for the R-2 Residence Zone shall be the same as those required for the R-P Residence Park Zone.

Section 1-1508. Height of Buildings.

No building shall be erected to a height greater than two (2) stories. Roofs above the square of the building, chimneys, flag poles, television antennas, church towers, and other similar structures not used for human occupancy are excluded in determining height.

Section 1-1509. Lot Coverage and Landscaping.

1. Maximum Lot Coverage: Lot coverage, including all area under roofs and paved or concrete surfaces, shall not exceed eighty percent (80%) of the total lot and parking area. The maximum lot coverage of single-family attached dwelling units shall be sixty-five percent (65%) for interior lots and fifty percent (50%) for corner lots. The remaining lot area shall be landscaped.

2. Lot Coverage Exemption: The landscaped area on a lot will be considered to include such hard-surface outdoor recreation facilities as tennis courts, basketball courts, shuffleboard courts, and swimming pools, provided that:

- (a) The hard-surface outdoor recreation facilities make up no more than forty percent (40%) of the required landscaped area, and
- (b) Those facilities are available for the use of all residents of the development.

CHAPTER 16 - R-3, RESIDENCE ZONE

Section 1-1601. General Objectives and Characteristics.

The objective in establishing the R-3 Residence Zone is to designate appropriate areas within the County where the residential density is limited to eight (8) families on any given lot.

In order to accomplish the objectives and purposes of this ordinance, and to promote the essential characteristics of this zone, the following regulations shall apply in the R-3 Residence Zone:

Section 1-1602. Permitted Uses.

The following uses shall be permitted in the R-3 Residence Zone.

1. Any use permitted in the RP, R-1, and R-2 zones.
2. Residence courts containing not more than eight (8) dwelling units. Apartment buildings containing not more than eight (8) dwelling units.

Section 1-1603. Area Requirements.

The lot area for a single-family unit shall be 6,000 square feet, 1,000 per unit up to four duplex, which shall be 9,000 square feet. If more than a fourplex is used, 2250 for additional units up to eightplexes, which shall be 18,000 square feet.

Section 1-1604. Width Requirements.

The minimum width of any building site for dwellings shall be sixty-five (65) feet measured at the building set back line.

Section 1-1605. Location of Buildings and Structures.

Setback: All buildings shall be set back a minimum distance of 30' from any public street, except as herein provided and required under the provisions of the Ordinance.

Section 1-1606. Side Yards.

For main buildings there shall be a side yard of not less than six (6) inches for each foot of building height, except that no side yard shall be less than eight (8) feet. Side yard requirements for accessory buildings shall be the same as for main buildings, except that no side yard shall be required for accessory buildings which are located more than one hundred (100) feet from the front lot line and at least twelve (12) feet from the main building.

Section 1-1607. Rear Yards.

For main buildings there shall be a rear yard of not less than twenty-five (25) feet on both interior and corner lots. For accessory buildings no rear lot shall be required on interior lots.

Section 1-1608. Height Requirements.

No building shall be erected to a height of greater than twenty-five (25) feet. Roofs above the square of the building, chimneys, flagpoles, television antennas, church towers, and similar structures not used for human occupancy, are excluded in determining height.

Section 1-1609. Size of Buildings.

No requirements.

Section 1-1610. Lot Coverage and Landscaping.

1. Maximum Lot Coverage: Lot coverage, including all area under roofs and paved or concrete surfaces, shall not exceed eighty percent (80%) of the total lot and parking area. The maximum lot coverage of single-family attached dwelling units shall be sixty-five percent (65%) for interior lots and fifty percent (50%) for corner lots. The remaining lot area shall be landscaped.

2. Lot Coverage Exemption: The landscaped area on a lot will be considered to include such hard-surface outdoor recreation facilities as tennis courts, basketball courts, shuffleboard courts, and swimming pools, provided that:

- a. The hard-surface outdoor recreation facilities make up no more than forty percent (40%) of the required landscaped area, and
- b. Those facilities are available for the use of all residents of the development.

CHAPTER 17 - MH, MANUFACTURED HOME ZONE AND REGULATIONS

This chapter's purpose is to provide for placement of structures which do not comply with the International Building, Plumbing, Electrical, Mechanical, or Fire codes, but do comply with accepted H. U. D. Manufactured Home Standards. Conventional homes must comply with the International Codes.

Section 1-1701. General Objectives and Characteristics.

1. The MH Zone is established to provide a zone in which the primary use of the land is for manufactured home parks and manufactured subdivisions and in which conventional housing may also be built. This zone is characterized by relatively level land situated adjacent to public roads. Parks which are designed for manufactured home uses must be located in this zone.

2. The objectives of the manufactured home zone are:

(a) To encourage the continued use and development of the land within this zone for living.

(b) To provide space in pleasant surroundings where families can enjoy favorable conditions for family living and for the raising of children.

(c) To safeguard the health, safety, and welfare of the residents of these developments.

(d) To provide for proper traffic circulation and open space within such developments.

Section 1-1702. Location.

Mobile homes built prior to 1976 (which are identified as mobile homes) on individual lots without permanent foundations may only be located in A-1, MH, and R-F zones. Manufactured home subdivisions and courts are allowed only in MH & R-F zones. Travel trailer parks are allowed only in Commercial, MH and R-F zones.

Manufactured homes built after 1976 may be located in all residential zones subject to complying with the following criteria:

1. Placed on a permanent foundation as identified in Section 44-2205 of the Idaho Code.

2. (a) The manufactured home shall be multi-sectional and enclose a space of not less than 960 square feet.

(b) The manufactured home shall be placed on an excavated and back filled foundation and enclosed at the perimeter such that the home is similar in elevation to conventional site built homes.

(c) The manufactured home shall have a pitched roof of at least 1' in 12'.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on the surrounding dwellings as determined by Planning and Zoning Office.

(e) The manufactured home shall have a garage or carport constructed of like materials. If the predominant construction in the area is attached or detached garages then the same can be required.

- (f) The manufactured home must comply with all of the requirements of the zone in which it is located the same as would be required of conventional construction.

Section 1-1703. MH Zone.

The MH zone has been established primarily for the purpose of providing areas for mobile home developments, especially parks and subdivisions.

Section 1-1704. Permitted Uses.

The following uses shall be permitted in the MH zone:

1. Single family mobile home, manufactured homes, conventional built homes, accessory buildings and structures such as private garages, carports, private greenhouses, private swimming pools, arbors and other garden structures.

2. Signs not exceeding eight (8) square feet to inform the public as to the lease or sale of property and name plates attached to dwellings not exceeding one and one-half (1 1/2) square feet which are designed and maintained to harmonize with the residential character of the zone.

3. Fences, walls and hedges.

4. A temporary office when used in connection with property within a subdivision under construction, provided that such temporary office is located on the same tract of land as the subdivision. A permit, therefore, shall be valid for not more than two (2) years at the expiration of which time the said use shall be discontinued.

5. Customary household pets, such as dogs, cats, and canaries, but not including the breeding of any animals for sale.

6. Planned unit developments.

7. Manufactured home and Mobile home courts.

8. Travel trailer parks.

9. Manufactured home subdivisions.

10. Group Daycare for up to 12 children operated in compliance with the provisions of a home occupation.

11. Home occupations as defined in Section 1-802(9).

12. Exceptions to Front Setback Requirements.

(a) Where lots comprising forty (40) percent or more of the frontage of any block on any street are structurally developed, no building thereafter erected or structurally altered in said block shall project beyond the average front yard setback so established.

EXCEPTION: No setback requirement shall be greater than the setback established for the subject zone, and it is further provided the front of no building which is to be located between two existing buildings, not exceeding one-hundred and fifty (150) feet apart, will be required to set back further than the average of the two existing buildings.

Section 1-1705. Lot Coverage.

The total area of structures on a lot shall not exceed forty percent.

MANUFACTURED HOME AND MOBILE HOME COURTS

Section 1-1706. Mobile Home Court Regulations - Standards and Requirements.

The court shall conform to the following standards and requirements:

Section 1-1707. Ownership.

The area shall be in one ownership and shall remain in one ownership and the same shall not be subdivided.

Section 1-1708. Development Plan.

The final development plan must be prepared by a professional surveyor licensed to practice in the State of Idaho, and recorded as a record of survey or development plan with all road right of ways dedicated. Road Standards shall be the same as those required in standard subdivision plats.

Section 1-1709. Initial Site

The initial site for a manufactured home and/or mobile home park shall be five (5) acres or more and such additional area as may be necessary to meet the requirements of this Ordinance.

Section 1-1710. Setback from Internal Roadways.

Each home or accessory buildings shall be set back thirty (30) feet from property line or road right-of-way.

Section 1-1711. Side Yard.

Each home or accessory building shall be located so as to provide one side yard of at least eight (8) foot width and the front door side yard of at least twelve (12) in foot width.

Section 1-1712. Rear Yard.

Each home or accessory building shall be located so as to provide an eight (8) foot rear yard for each unit.

Section 1-1713. Parking Spaces and Driveways.

All off-street parking spaces and driveways shall be hard surfaced within one year from date of approval of the court or as agreed in a development agreement.

Section 1-1714. Lot Width and Depth.

Minimum lot width shall be 50' or larger with 50% of the lots being 65' or larger in the development. The minimum lot depth shall be capable of fitting a 60' home with 50% of the lots being capable of fitting an 80' home.

Section 1-1715. Buffer.

Courts shall have a twenty-foot wide landscaped sight-obscuring strip installed and maintained around the entire property. The planting strip may be counted in the setback requirements from public streets and may be deleted along boundaries abutting similar land uses and the required eight-foot buffer will suffice. As an option, a sight-obscuring fence not less than six (6) feet in height set on the right-of-way line of any public street may be put in.

Section 1-1716. Setbacks from public streets.

Same as in the A-1 zone.

Section 1-1717. Property Line Setback.

No manufactured home or mobile home or add-on shall be located closer than eight (8) feet to a property line.

Section 1-1718. Width of Roadways.

Roadways shall be of adequate width to accommodate anticipated traffic as determined and approved by the County Engineer, and all streets shall be bordered by a sidewalk and shall be hard surfaced or constructed as specified by County Engineering standards. All streets must be inspected and approved by the County Engineer. The following utilities must also be installed and approved by the county engineer: street lights, fire hydrants, community sewer system, storm water system and community water system.

Section 1-1719. Entrances.

All courts shall have entrances as required depending on traffic loading.

Section 1-1720. Access to Home Space.

Access shall be provided to each home space by means of an access way reserved for maneuvering the homes into position and shall be kept free from trees and other immovable obstructions. Paving the access way will not be required. Use of planks, steel mats, or other means during placement of the home will be allowed so long as the same are removed immediately after placement.

Section 1-1721. Off-street Parking.

Off-street parking shall be provided at the rate of two 10/20 parking spaces per home space contained within the court or subdivision. In no case shall the parking space be located greater than one hundred feet (100') away from the home space it is designed to serve.

Section 1-1722. State Health Department Regulations.

In addition to meeting the above requirements and other laws of the County, all manufactured and mobile home courts shall also conform to requirements of the State Health Department. In the event of a conflict between other regulations or codes with this section, the more restrictive provision shall apply. Courts may include a launderette for convenience of the occupants of the court, but not for the general public.

Section 1-1723. Storage Space.

An area 10 foot by 20 foot shall be provided to serve as the storage space for the renters boats, trailers, campers and other items that cannot be stored adjacent to the home. Each home site shall be provided with an individual space to accommodate some storage behind the building setback lines, or in a separate off street storage area.

Section 1-1724. Drainage.

The site of any court shall be graded and/or filled and maintained so as to prevent the accumulation of storm or waste of any kind. A court shall not be permitted where there is inadequate drainage. Adequate drainage shall be provided and maintained for all patios, manufactured and mobile home stands, buildings, sidewalks, streets and other improvements.

Section 1-1725. Streets and Traffic Control Signs.

Streets and traffic control signs as required by the County Engineer shall be placed in all courts.

Section 1-1726. Drain Systems.

All streets, water, sanitary sewer, and storm drain systems shall meet County or State standards and shall be inspected by and meet the approval of the County Engineer or appropriate agency.

Section 1-1727. Dwelling Types.

Only mobile homes, manufactured homes and a court manager's conventional site built home shall be allowed to occupy a space in a court.

Section 1-1728. Review and Approvals.

The Planning Commission shall review the plan and proposed documents to determine compliance with all portions of the County's Land Use Planning and Zoning Ordinance. If approved, the Commission shall express its approval and state the conditions of approval, if any, or if disapproved, shall express its disapproval and reason therefore.

Approval of the Preliminary Plan shall be good for one (1) year. Thereafter, approval of the Preliminary Plan will have expired unless a final Plan has been submitted to the County Commissioners accepted and recorded, or a mutually agreed upon extension has been granted by the County Commissioners. Whenever a Final Plan is submitted for less than the entire area covered by the Preliminary Plan, approval of the Preliminary Plan for the remaining unplatted area shall be automatically extended for an additional one (1) year.

Section 1-1729. Prepare Preliminary Plan.

The preliminary plan and documents shall be prepared and submitted as follows: Eight (8) copies of the preliminary plan must be submitted to the County Planning Office at least thirty (30) days prior to the meeting of the Planning Commission at which the plan will be considered. It should be drawn to a scale not smaller than one-inch equals 100 feet, and show the following information:

1. The proposed street and lot layout.
2. Size and character of recreation buildings and other structures associated with land and facilities to be used by the occupants.
3. Layout of typical space.
4. Tabulations showing:
 - (a) area of land within the manufactured/mobile home court.
 - (b) number of spaces provided for in the court.
 - (c) number of off-street parking spaces.
5. Proposed location of off-street parking spaces.
6. Generalized landscape planting plan.
7. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants, storm drains and facilities, curbs, sidewalks, street lights and other improvements.
8. Typical street sections if any variations from normal County standards are proposed and required dedications for additional public road right of way.

9. Draft of proposed documents including:
 - (a) Management policies, setting forth the responsibilities and duties of the renters or occupants and owners within the manufactured/mobile home court.
 - (b) Maintenance agreement between the developers and the County stating among other things:
 - (1) That the developer will construct the project in accordance with approved plans.
 - (2) That in the event of failure or neglect on the part of the owners, successors, or assigns to maintain the common areas, landscaping and other improvements in good condition it shall be deemed a public nuisance endangering the health, safety, and welfare of the citizens, in which case the County may perform the necessary work and for that purpose may enter in upon the land and do said work and charge the cost thereof, including reasonable attorney's fees, against the owners or their successors or assignees.
10. Insert showing location of development.
11. North point, scale and date.

Section 1-1730. Final Site Plan.

Upon approval of the preliminary plan and documents by the Planning Commission, the developer shall submit to the County Commissioners copies of a final site plan of either the entire court or the first stage of such development that is to be constructed, and final copies of all required documents. Such plan shall be drawn to scale not smaller than one inch equals 100 feet, and shall provide, in detail, the information required in this Ordinance. This shall include detailed and complete plans of the alignment, location and grade of all streets and utilities. No building permit shall be issued for said court until final plans have been approved by the County Commissioners and the required documents filed in the Planning and Zoning Office and until the development agreement has been signed and recorded, and a copy of the court plan is recorded.

TRAVEL TRAILER PARK

Section 1-1731. Travel Trailer Park Standards and Requirements.

The development of a travel trailer park shall conform to the following standards and requirements:

Section 1-1732. Ownership.

Each travel trailer park shall be held in one ownership and shall contain at least two and one-half (2 1/2) acres of land.

Section 1-1733. Setback from County Roads.

Same as in the A-1 Zone.

Section 1-1734. Roadway System.

The roadway system shall provide convenient circulation through the travel trailer park and provide access to each travel trailer space. No travel trailer space will be permitted direct access to a public street, road, or highway other than by means of the travel trailer park roadway system. All entrances and exits from the travel trailer parks shall be forward motion only. No exit or entrance from a travel trailer park shall be through a residential zone and no entrance or exit shall be located closer than seventy (70) feet to the intersection of two streets.

Section 1-1735. Buffer Yard.

Same as in Section 1-1715.

Section 1-1736. Width and Length of Space.

Each travel trailer space shall be at least twenty (20) feet in width and at least fifty (50) feet in length. All trailers and or vehicles will be parked clear of any interior roadway.

Section 1-1737. Water and Sewage.

All travel trailer parks shall be served by an approved water and sewage disposal system. In addition, the travel trailer park shall have a sewage dump for self-contained trailer units. The park shall also have a public restroom, shower and laundry facility.

Section 1-1738. State and District Health Regulations.

In addition to meeting the above requirements, all travel trailer parks shall conform to the requirements of the State and District Health Department relating to travel trailer parks.

Section 1-1739. Drainage.

See Section 1-1724.

Section 1-1740. Traffic Signs.

See Section 1-1725.

Section 1-1741. Occupancy of Spaces.

Both dependent and independent travel trailers shall be allowed to occupy travel trailer spaces in a travel trailer park.

Section 1-1742. Improvements.

All improvements, including utilities, streets, paved areas and landscaping, must be completed before start of operation.

Section 1-1743. Property Line Setback.

No travel trailer shall be located closer than eight (8) feet to a property line.

Section 1-1744. Reviews and Approvals.

Same as Section 1-1728.

Section 1-1745. Prepare Preliminary Plan.

Same as Section 1-1729

Section 1-1746. Final Site Plan.

Same as Section 1-1730

MANUFACTURED HOME AND MOBILE HOME SUBDIVISION

Section 1-1747. Manufactured Home and Mobile Home Subdivision Regulations.

All manufactured and mobile home subdivisions shall follow the regular requirements and procedures as outlined in the subdivision Regulations of Bonneville County with the following stipulations.

Section 1-1748. Width and Depth.

The minimum width of any building site for a manufactured home or mobile home lot shall be sixty-five (65) feet. The minimum lot depth shall be capable of fitting a 60' home with 50% of the lots being capable of fitting an 80' home.

Section 1-1749. Side Yard.

Same as Section 1-1711.

Section 1-1750. Street Setback.

Shall be the same as in the A-1 zone.

Section 1-1751. Rear Yard.

No home or add-on shall be closer than eight (8) feet from the rear lot line, or from any accessory structure behind the home or add-on.

CHAPTER 18 - LNC, LIMITED NEIGHBORHOOD COMMERCIAL ZONE

Section 1-1801. General Objectives and Characteristics.

1. The LNC Zone is designed to permit carefully regulated development of a limited range of commercial uses on small parcels in appropriate locations for the convenience of persons living in residential neighborhoods.

In order to accomplish the objectives and purposes of this ordinance and to promote the characteristics of this zone, the following regulations shall apply:

Section 1-1802. Permitted Uses.

The following uses shall be permitted in the LNC zone.

1. Grocery stores, including convenience stores.
2. Gasoline pumps as an accessory use.
3. Self-service laundries.
4. Day care centers and group day care facilities.
5. Beauty and barber shops.
6. Accessory buildings or public utilities used in conjunction with the permitted uses listed above.

Section 1-1803. Standards.

All uses of property in an LNC Zone shall comply with the following performance standards:

1. Location of LNC Zones: LNC Zones shall be located at the intersection of an arterial with a collector street in an area zoned residential or designated as such on the Comprehensive Plan. Only one LNC Zone shall be located at any one intersection. LNC Zones shall be designated on the preliminary and final plats of the subdivision served by such centers.
2. Maximum Size of LNC Zones Parcels: The maximum size of any LNC parcel shall be two (2.0) acres.
3. Lot Coverage: The maximum lot coverage permitted in the LNC Zone shall be seventy percent (70%). Lot coverage includes driveways, parking, loading, and service or storage areas or rooftops.
4. Access to LNC Zones: LNC uses shall be served by the adjacent collector street and shall have no direct access to the arterial street.
5. Revolving, animated, roof, off premise, portable, or pole signs shall not be permitted in an LNC Zone. Signs shall be limited to two 32-square foot wall mounted signs.
6. Landscape: A 10-foot buffer on all sides of the lot consisting of fences, shrubs, trees or berms or a combination thereof.

Section 1-1804. Location.

1. Front Yard - See Section 1-420.

Section 1-1805. Height of Buildings.

Buildings may be a maximum of 20' to the square.

Section 1-1806. Other Standards.

No noise allowed above 70 dba; no offensive dust or odors shall be allowed; all lighting shall be directed away from adjacent properties and shielded to avoid any direct glare; illumination on adjacent properties will not be increased by more than .5 foot candles; building heights will not exceed maximum in adjacent zone; setbacks shall match those of the adjacent zone.

CHAPTER 19 - SC-1, NEIGHBORHOOD SHOPPING CENTER ZONE

Section 1-1901. General Objectives and Characteristics.

1. The SC-1 Neighborhood Shopping Center Zone is established to provide an area where the primary use is for retail stores and shops selling the kind of goods and services required to fill the need for household goods and personal services of the people living in the surrounding neighborhood. The SC-1 Zone shall be located not less than one-half mile and preferably one mile or more from each other or from other zones in which business is permitted and shall normally be not more than twenty (20) acres in area.

2. The SC-1 Zone shall be characterized by a harmonious grouping of a variety of stores, shops and other permitted uses into an architectural unit. Other characteristics of the zone include clean, well-lighted parking lots and attractive, properly maintained business buildings and landscaping. Because this zone will usually be surrounded by residential development, the lawn, trees, and shrubbery should be planted and maintained in harmony with the surrounding area. Traffic congestion shall be reduced to a minimum and residential amenities shall be reserved and protected insofar as possible. The area selected for the SC-1 Zone should be developed to provide retail service to the surrounding residential area as the area grows. Assurance that development will proceed as planned shall be required.

3. To accomplish the objectives and purposes of this ordinance, and to promote the characteristics of the SC-1 Neighborhood Shopping Center Zone, the regulations provided in this chapter shall apply.

Section 1-1902. Development Plan.

1. Before any territory is added to the SC-1 Neighborhood Shopping Center Zone and before any building or structure is erected within the zone, a preliminary development plan shall be submitted to and approved by the planning commission. Such plan shall show the location of existing and proposed buildings and structures, location of entrances, loading points, waste disposal facilities, curbs, driveways, driving lanes, parking lanes, fences, walls, malls, and open spaces and the location and size of any detached signs. The plan may be amended from time to time in harmony with the provisions of this section, but only after approval by the planning commission. Planning commission review and approval of the development plan shall furnish guidance to achieve a coordinated, adjusted and harmonious development designed to meet existing and anticipated future needs and to further the objectives and characteristics of this zone. In granting approval of a development plan, the planning commission shall consider among other things, protection of property values, preservation of residential amenities in the surrounding area, characteristics of the surrounding zones, present and future requirements for off street parking, traffic circulation and the relation of off street parking to exits and entrances to streets and buildings.

2. The planning commission may impose such reasonable conditions as are necessary to carry out the purpose of this ordinance and promote the characteristics of the zone. In approving a development plan the planning commission may act on plans submitted to it or may act on its own initiative in preparing and approving a development plan.

3. If a developer desires to develop only a part of the SC-1 Zone at any one time, such information shall be down on the development plan.

Section 1-1903. Permitted Uses.

Uses permitted in the SC-1 Zone shall be limited to those which shall harmonize with the objectives and characteristics of the zone. Accordingly, only the following uses shall be permitted in the SC-1 Zone in accordance with a development plan which has been approved by the planning commission.

1. Florist shops.
2. Garden supply stores.
3. Pet shops, hobby supply stores.
4. Barber shops.
5. Beauty parlors.
6. Dry cleaning and laundry pick up agencies, and dry cleaning establishments which do not clean clothes from other cleaners or pick up agencies.
7. Pressing, altering and repairing of wearing apparel.
8. Ice pick up stations.
9. Music studios, record shops, radio and television repair shops.
10. Book and Stationery stores, gift shops.
11. Camera and photo supply shops.
12. Confectionery stores.
13. Dairy product stores.
14. Delicatessens.
15. Grocery stores.
16. Super markets.
17. Food catering services.
18. Bakeries -- on site retail only.
19. Restaurants, cafes, tea rooms.
20. Drug stores.
21. Variety stores.
22. Dry goods stores.
23. Department stores.
24. Clothing stores.
25. Shoe stores and repair shops.
26. Jewelry stores, including sale and repair of jewelry, watches and small appliances.
27. Sporting goods stores.
28. Hardware stores.
29. Fix-it shops.
30. Wallpaper and paint stores.

31. Banks and financial institutions.
32. Office buildings -- professional buildings.
33. Bowling alley, pool and billiard rooms.
34. Public and private parking lots.
35. Clinics, dental and medical office buildings.
36. Service stations.
37. Public service buildings.
38. Stores selling a combination of items provided only those items are sold which are commonly sold in the establishments above listed.
39. Accessory uses and buildings ordinarily pertinent to any of the aforementioned uses.
40. Daycare centers and group daycare facilities.¹¹
41. Non-flashing signs advertising services, merchandise or products offered for sale in the building on which the sign is located, provided such signs are attached to and do not protrude more than four (4) feet beyond the wall of the building to which the sign is attached.
42. Traffic direction signs not to exceed four (4) square feet in area, also one shopping center identification sign may be constructed which need not be attached to a building.
43. Other uses approved by the Planning and Zoning Commission which are similar to the above listed uses and in harmony with the objectives and characteristics of this zone.
44. Manufacturing, processing and/or fabrication shall be limited to products sold at retail on the premises.

Section 1-1904. Area.

Each single SC-1 Neighborhood Shopping Center Zone shall contain at least one (1) acre, but not more than twenty (20) acres. There shall be no maximum or minimum area requirements for any individual lot contained within the SC-1 Zone except for area required for setback and for off-street parking space.

Section 1-1905. Width.

Each single SC-1 Neighborhood Shopping Center Zone shall have a width of at least two hundred (200) feet along an abutting street. There shall be no maximum or minimum width requirements for any individual building or lot contained within an SC-1 Zone.

Section 1-1906. Location.

All buildings and structures shall be located within the zone in compliance with the development plan approved by the planning commission, provided, however, that all buildings shall be set back at least thirty (30) feet from all streets, except as required under the provisions of Section 1-420 of this ordinance, and at least fifteen (15) feet from the exterior boundaries of the SC-1 Zone, except those boundaries formed by streets.

Section 1-1907. Height of Buildings.

The maximum height of any building measured from the grade to the square of the building shall be thirty-five (35) feet. Chimneys, flag poles, television antennas and similar structures shall be excluded in determining the height of a building. No minimum height shall be required for buildings.

Section 1-1908. Size of Building.

There shall be no size requirements for buildings in this zone.

Section 1-1909. Special Provisions.

1. The improvements shown on the development plan shall be started within a period of twelve (12) months and shall be completed and ready for occupancy within a period of thirty (30) months from the date of zone designation by the board of county commissioners. The board of county commissioners may reclassify any or all of the territory covered by the development plan into another zone, if actual development does not occur within the time herein specified. Satisfactory assurance that the improvements shown on the plan will be made within the time specified must be furnished to the planning commission before an SC-1 Zone can be established or expanded.

2. A landscaped strip of lawn, shrubbery and/or trees at least thirty (30) feet in width shall be provided and maintained along the entire length of any street within or abutting upon the zone except for permitted driveways and in accordance with the development.

3. All storage and activities, except loading and unloading and automobile parking and refueling shall be conducted within the building.

4. No dust, odor, smoke, vibration or intermittent light, glare or noise, which is discernible beyond the premises, shall be permitted.

5. All off-street parking space shall be hard surfaced. No off street parking space shall be located between a street and a building unless the building is located at least sixty (60) feet from the street. Bumper guards shall also be provided to protect the landscaping as required by the planning commission.

6. Residential buildings, industrial uses and buildings shall not be permitted in any SC-1 Zone.

7. All buildings shall be constructed so as to be architecturally harmonious, in the opinion of the planning commission, with the characteristics of the surrounding area. Only types of materials approved by the planning commission shall be used. A plan showing architectural design and specifications of materials to be used on the exterior of all buildings to be constructed shall be submitted to and approved by the planning commission before issuance of any building permit. Where parking area abuts adjacent private property, a masonry wall, ornamental fence, or planter strip, as the planning commission shall determine to be most suitable, shall be erected. Additional landscaping may be required to further protect abutting land use or zone.

8. All lighting shall be indirect or shielded and so designed as to reflect away from adjoining residences.

9. No driveway shall be located closer than one hundred fifty (150) feet to the point of intersection of the front property line with the side property line which abuts upon a street, except that the planning commission may authorize a lesser distance along a minor street when it can be shown that traffic congestion or hazards will not be increased thereby.

CHAPTER 20 - C-1, LIMITED COMMERCIAL ZONE

Section 1-2001. General Objectives and Characteristics.

1. The C-1 Limited Commercial Zone is established to provide an area where the primary use is for retail stores and service establishments selling the kind of goods and services required to fill the need for daily household goods and personal services of the people living in the surrounding area. This zone is usually located at specific locations along highways or other major streets and is characterized by buildings having a wide variety of architectural forms and shapes.

2. The objectives of this zone are:

(a) To encourage the development and continued use of the land within the zone for commercial purposes.

(b) To promote the development of adequate and convenient retail and service facilities.

(c) To provide suitable areas for commercial development within the county and to prevent the scattering of commercial uses into surrounding zones.

(d) To prohibit industrial development within the zone and to discourage any other uses which tend to discourage the continued use and development of the land within the zone for its primary purpose.

3. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the C-1 Limited Commercial Zone, the regulations provided in this chapter shall apply.

Section 1-2002. Permitted Uses.

The following uses shall be permitted in the C-1 Limited Commercial Zone:

1. Any use permitted in the SC-1 Neighborhood Shopping Center Zone.
2. Appliance shops and appliance service establishments.
3. Bakeries.
4. Drive-in restaurants.
5. Customary home occupations.
6. Office buildings, motels, radio and television studios and antennas and enclosed rental storage facilities.
7. Commercial garages but not including the storage of wrecked or dismantled automobiles.
8. Caretaker Dwellings
9. Glass cutting and installation.
10. Plumbing, carpenter shops and similar craft shops.
11. Public buildings and public utility buildings and structures.
12. Signs identifying the buildings and signs advertising products sold on the premises.

13. Other uses approved by the Planning and Zoning Commission which are similar to the above listed uses and in harmony with the objectives and characteristics of this zone.

Section 1-2003. Area, Width, Location, Height and Size.

There shall be no area, width, location, height and size requirements for commercial buildings and structures constructed in accordance with the building code of Bonneville County, except that setbacks from public streets shall be in accordance with the provisions of Section 1-420 of this ordinance and have frontage on an approved county road or an approved subdivided commercial park access road.

Section 1-2004. Special Provisions.

1. Off-street parking shall be provided as required in this ordinance and shall be hard-surfaced.

2. All merchandise, equipment and other materials except seasonal merchandise such as nursery stock, fruits and vegetables and vehicles in running order shall be stored within an enclosed building.

3. No dust, odor, smoke, vibration or intermittent light, glare or noise which is discernible beyond the premises shall be permitted.

CHAPTER 21 - HC-1, LIMITED BUSINESS ZONE

Section 1-2101. General Objectives and Characteristics.

1. The HC-1 Limited Business Zone has been established as a district in which the primary use of the land is for retail stores and service establishments to serve the traveling public. This Zone is usually located at specific locations along highways leading into the City, and is characterized by buildings set back from the right-of-way line and having a wide variety of architectural forms and shapes.

2. The objectives in establishing this Zone are to:

- a. Encourage the development and continued use of the land within the Zone for business purposes.
- b. To promote safety on the highway.
- c. To maintain maximum use of highway right-of-way for travel purposes.
- d. To prohibit uses which tend to thwart or militate against the continued use and development of the land within the Zone for its primary purpose.

3. In order to accomplish the objectives and purposes of this ordinance and to promote the characteristics of this zone, the following regulations shall apply in the HC-1 Limited Business Zone:

Section 1-2102. Permitted Uses.

The following uses shall be permitted in the HC-1 Limited Business Zone.

1. Any use permitted in the SC-1 Residential Shopping Center Zone, and in the C-1 Limited Commercial Zone, except that a dwelling shall not be permitted unless such dwelling is a custodial or caretaker dwelling incidental to the use of the land for commercial purposes.

1. Super service stations.
2. Automobile sales lots.
3. Drive-in eating establishments.
4. Machinery sales establishments and billboards.
5. Amusement enterprises, such as merry-go-rounds, penny arcades, etc.
6. Retail establishments with incidental wholesaling, but excluding establishments, the principal activity of which is storage warehouse.
7. Auto body repair shops.
8. Beer parlors, taverns and cocktail lounges.
9. All outside storage except for vehicles in running order shall be enclosed within a site-obscuring fence.
10. Other uses ruled by the Planning and Zoning Commission to be similar to the above listed uses and in harmony with the objectives and characteristics of this zone.

Section 1-2103. Area, Width, Location, Height, and Size Requirements.

1. No requirements, except for Front Yards - See Section 1-420.

Section 1-2104. Special Provisions.

No dust, odor, smoke, vibration, or intermittent light, glare or noise shall be emitted which is discernible beyond the premises, except for normal movement of automobile traffic.

CHAPTER 22 - C-2, GENERAL COMMERCIAL ZONE

Section 1-2201. General Objectives and Characteristics.

1. The C-2 General Commercial Zone is established to provide an area where the primary use is for heavy commercial establishments and for industries, which do not constitute a nuisance. The objectives of this zone are:

(a) To designate the most appropriate use of land within the county for retail and wholesale establishments and to prevent the scattering of commercial uses along the highways and into surrounding zones.

(b) To encourage the construction of and continued use of the land for commercial and industrial purposes.

(c) To discourage the use of the land for dwellings and for nuisance industries or any other use which would discourage the use of the land for its primary purpose.

2. This zone is characterized by a mixture of businesses, warehouses, craft shops, and manufacturing and industrial enterprises, which are incidental to retail and wholesale establishments.

3. Representative uses within this zone include retail and wholesale establishments, plumbing, carpentry and other craft shops, warehousing, equipment yards and equipment sales yards.

4. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the C-2 General Commercial Zone, the regulations provided in this chapter shall apply.

Section 1-2202. Permitted Uses.

The following uses shall be permitted in the C-2 General Commercial Zone:

1. Any use permitted in the C-1 Limited Commercial Zone.
2. Wholesale distributing houses and warehouses.
3. Service establishments such as dyeing, cleaning or laundry; electrical and plumbing shops, printing plants, machine shops, blacksmith shops.
4. Bakeries, confectionery plants, dehydrating plants and other food preparation plants, the operation of which is not obnoxious by reason of emission of odors, smoke, or noise.
5. Milk distribution stations, creameries, bottling works and similar businesses.
6. Caretakers' dwellings when located on the same lot as a use permitted in this zone.
7. Assembly and sale of farm, mining and similar equipment, machinery, and vehicles, but excluding junk and salvage yards and auto wrecking yards.
8. Public garages and public parking lots.
9. Veterinary hospitals.
10. Hatcheries.
11. Hauling and storage including railroad trackage at stations.
12. Building materials storage yards.
13. Stone cutting and monument works.

14. Coal, lumber and timber yards.
15. Manufacturing, mixing, processing, and selling of hay, grain, and other livestock feed.
16. Wholesale and bulk gasoline.
17. Oil and gas storage or sales.
18. Service stations.
19. Other uses approved by the Planning and Zoning Commission which are similar to the foregoing uses provided that such other uses are not inconsistent with the objectives and characteristics of this zone.

Section 1-2203. Area.

See Section 1-2003.

Section 1-2204. Width.

See Section 1-2003.

Section 1-2205. Location of Buildings and Structures.

There shall be no location requirements except that all buildings abutting upon major county roads and state and federally designated highways shall be set back in accordance with the provisions of Section 1-420 of this ordinance.

Section 1-2206. Height of Buildings.

There shall be no height requirements within the C-2 Zone.

Section 1-2207. Size.

There shall be no size requirements within the C-2 Zone.

Section 1-2208. Lot Coverage.

Maximum Lot Coverage: Lot coverage, including all area under roofs and paved surfaces, including driveways, walks, and parking areas, shall not exceed eighty percent (80%) of the total lot area. The remaining lot area (at least twenty percent (20%) of the total lot area) shall be landscaped.

Section 1-2209. Special Provisions.

All outside storage space except for vehicles in running order shall be enclosed within a sight-obscuring fence.

CHAPTER 23 - P-B, PROFESSIONAL BUSINESS OFFICE ZONE

Section 1-2301. General Objectives and Characteristics.

1. The objective in establishing the P-B Professional Business Office Zone is to provide for business and professional offices, governmental and cultural facilities and certain other uses of semi-commercial nature. This zone is characterized by relatively high traffic volumes and a wide variety of office type buildings.

2. In order to accomplish the objectives and purposes of this ordinance and to promote the characteristics of this zone, the following regulations shall apply:

Section 1-2302. Permitted Uses.

The following uses shall be permitted in the P-B zone.

1. Business and professional offices, including incidental storage, but excluding wholesale and retail stores, shops or markets.

2. Medical and dental clinics.

3. Government offices, excluding storage except for incidental use.

4. Non-flashing pole signs identifying the business not to exceed 100 feet in size or exceed 15 feet in height. Wall signs are limited to 10% of the area of the buildings front surface area.

5. Other uses as determined by the Planning and Zoning Commission, which are similar.

Section 1-2303. Area and Width.

See Section 1-2003.

Section 1-2304. Location.

1. Front Yard - See Section 1-420.

2. Side yard and rear yard: 20-foot minimum.

Section 1-2305. Height of Buildings.

Buildings may be a maximum of two stories in height.

Section 1-2306. Buffering.

Landscape a 10-foot buffer on all sides of the lot consisting of fences, shrubs, trees or berms or a combination thereof.

CHAPTER 24 - M-1, MANUFACTURING ZONE

Section 1-2401. General Objectives and Characteristics.

1. The M-1 Manufacturing Zone is established to provide an area where the primary use of the land is for manufacturing.

2. This zone is characterized by relatively flat, open land, located close to transportation, public utilities and other facilities required for manufacturing operations. This zone is also characterized by buildings and off-street parking lots situated among spacious lawns, trees, shrubs, and other attractive landscaping and by attractively designed buildings, situated in grounds, which have the appearance of a park.

3. Representative uses within this zone include manufacturing establishments, office buildings, educational buildings and research laboratories.

4. To encourage the location of manufacturing establishments in this zone, regulations shall be designed to achieve an attractive park-type development. Dwellings and other uses, which tend to discourage the use of the land for manufacturing purposes are excluded. The objectives of the M-1 Zone are:

(a) To provide for certain types of manufacturing establishments which require a large area attractively landscaped and free from smoke, noise, fumes, and vibration.

(b) To broaden the tax base.

(c) To encourage new industry to locate within the county to promote the economic and social well being of the county and its residents.

5. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the M-1 Manufacturing Zone, the regulations provided in this chapter shall apply.

Section 1-2402. Permitted Uses.

The following uses shall be permitted in the M-1 Zone.

1. Manufacturing, processing and fabricating establishments except those in which explosives or other dangerous materials are used.

2. Assembling of material from previously prepared parts.

3. Research laboratories, excluding activities, which are hazardous because of the danger of explosion or fire.

4. Office buildings and parking lots incidental to uses otherwise permitted in the zone.

5. Public buildings, public recreational buildings, public utilities buildings.

6. Parking lots.

7. Educational institutions.

8. Identifying signs attached to buildings.

9. Buildings, accessory to and incidental to uses permitted in the zone.

10. Other uses similar to the foregoing uses, which are determined by the Planning and Zoning Commission to be in harmony with the character of this zone.

Section 1-2403. Area.

No single M-1 zone shall contain less than thirty (30) acres, However, there shall be no requirements for individual buildings or lots, except that the area shall be sufficient to provide for required setbacks, landscaping and off-street parking.

Section 1-2404. Width.

See Section 1-2003.

Section 1-2405. Location.

All buildings shall be set back a distance of at least thirty (30) feet from any public street, except as required under Section 1-420 of this ordinance.

Section 1-2406. Height of Buildings.

There shall be no height requirements within the M-1 Zone.

Section 1-2407. Size of Buildings.

There shall be no requirements for the size of buildings in the M-1 Zone.

Section 1-2408. Lot Coverage.

All buildings on any lot shall not occupy more than thirty percent (30%) of the total area of any lot. Lot Coverage, including all area under roofs and paved surfaces, including driveways, walks, and parking areas, shall not exceed eighty percent (80%) of the total lot area. The remaining lot area (at least twenty percent (20%) of the total lot area) shall be landscaped.

Section 1-2409. Special Provisions.

1. The entire lot shall be kept free from refuse, debris, and waste material and all such refuse, debris, and waste material shall be kept in approved containers and stored so that the containers cannot be seen from any public street. Dust, odors, smoke, vibration, intermittent lights, glare, noise, fumes, ash or sound which is discernible beyond the premises shall be prohibited except that which results from normal traffic movements.

2. All storage and activities except loading and unloading and automobile parking shall be conducted within a building.

3. All areas not covered by buildings or by off-street parking space shall be planted into lawn, trees, and shrubs and otherwise landscaped and maintained in accordance with good landscaped practice.

4. The required setback space shall not be used for automobile parking, but shall be landscaped and maintained with lawns and trees and shrubs except for permitted driveways.

CHAPTER 25 - M-1A, MANUFACTURING ZONE

Section 1-2501. General Objectives and Characteristics.

1. The M-1A Manufacturing Zone is established to provide an area where the primary use of the land is for manufacturing.

2. This zone is characterized by relatively flat, open land, located close to transportation, public utilities and other facilities required for manufacturing operations. This zone is also characterized by buildings and off-street parking lots situated among spacious lawns, trees, shrubs, and other attractive landscaping and by attractively designed buildings.

3. Representative uses within this zone include manufacturing establishments, office buildings, wholesale businesses, limited retail sales, warehousing, educational buildings, and research laboratories.

4. To encourage the location of manufacturing establishments in this zone, regulations shall be designed to achieve an attractive development. Dwellings and other uses, which tend to discourage the use of the land for manufacturing purposes are excluded. The objectives of the M-1A Zone are:

(a) To provide for certain types of manufacturing establishments which require a large area that are landscaped and free from smoke, noise, fumes, and vibration.

(b) To broaden the tax base.

(c) To encourage new commercial and industrial uses to locate within the county to promote the economic and social well being of the county and its residents.

5. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the M-1A Manufacturing Zone, the regulations provided in this chapter shall apply.

Section 1-2502. Permitted Uses.

The following uses shall be permitted in the M-1A Zone.

1. Manufacturing, processing and fabricating establishments except those in which explosives or other dangerous materials are used.

2. Assembling of material from previously prepared parts.

3. Research laboratories, excluding activities, which are hazardous because of the danger of explosion or fire.

4. Office buildings, wholesale businesses, limited retail sales, and warehousing.

5. Public buildings, public recreational buildings, and public utilities buildings.

6. Parking lots.

7. Educational institutions.

8. Identifying signs attached to buildings.

9. Buildings, accessory to and incidental to uses permitted in the zone.

4. Other uses similar to the foregoing uses, which are determined by the Planning and Zoning Commission to be in harmony with the character of this zone.

Section 1-2503. Area.

No single M-1A zone shall contain less than five (5) acres; however, there shall be no requirements for individual buildings or lots, except that the area shall be sufficient to provide for required setbacks, landscaping and off-street parking.

Section 1-2504. Width.

There shall be no requirements for individual buildings.

Section 1-2505. Location.

All buildings shall be set back a distance of at least thirty (30) feet from any public street, except as required under Section 1-420 of this ordinance and have frontage on an approved county road or an approved subdivided commercial park access road.

Section 1-2506. Height of Buildings.

There shall be no height restrictions within the M-1A Zone.

Section 1-2507. Size of Buildings.

There shall be no requirements for the size of buildings in the M-1A Zone.

Section 1-2508. Lot Coverage.

All buildings on any lot shall not occupy more than fifty percent (50%) of the total area of any lot. Lot Coverage, including all area under roofs and paved surfaces, including driveways, walks, and parking areas, shall not exceed eighty percent (80%) of the total lot area. The remaining lot area (at least twenty percent (20%) of the total lot area) shall be landscaped.

Section 1-2509. Special Provisions.

1. The entire lot shall be kept free from refuse, debris, and waste material and all such refuse, debris, and waste material shall be kept in approved containers and stored so that the containers cannot be seen from any public street. Dust, odors, smoke, vibration, intermittent lights, glare, noise, fumes, ash or sound which is discernible beyond the premises shall be prohibited except that which results from normal traffic movements.

2. All storage and activities except loading and unloading and automobile parking shall be conducted within a building or behind a sight-obscuring fence.

3. All areas not covered by buildings or by off-street parking space shall be planted into lawn, trees, and shrubs and otherwise landscaped and maintained in accordance with good landscaped practice.

4. The required setback space may be used for automobile parking, but shall be landscaped and maintained with lawns and trees and shrubs.

CHAPTER 26 - I&M-1, INDUSTRIAL AND MANUFACTURING ZONE

Section 1-2601. General Objectives and Characteristics.

1. The I&M-1 Industrial and Manufacturing Zone is established to provide an area where the primary use of the land is for manufacturing, fabricating, processing and warehousing. This zone is characterized by relatively flat land suited for industrial uses because of its location near railroad tracks and streets and availability of necessary utilities. While much of the land within this zone may be devoted to agriculture and other open land uses, it is intended that manufacturing and industrial uses shall be directed into this zone as the need arises.

2. Representative uses within this zone include manufacturing, fabrication, processing, storage, warehousing and wholesale distribution and railroad trackage, switch yards and terminal facilities. Uses which give rise to excessive noise, vibration, smoke, odor or dust, fumes or danger of explosion have been excluded from this zone. To attract manufacturing and industrial establishments into this zone, regulations concerning the external appearance of buildings and structures and the maintenance and use of land have been adopted. Dwellings and other uses which discourage the use of the land for its primary purposes have been excluded.

3. The objectives in establishing the I&M-1 Zone are:

(a) To provide space for manufacturing and industrial uses within the county in appropriate locations and to discourage uses which discourage the use of land for industrial purposes,

(b) To encourage the expansion of industrial establishments already existing within the zone.

(c) To encourage new industry to locate within the zone to promote the economic well being of the county and its residents.

(d) To prevent the encroachment of industrial uses into non-industrial zones.

(e) To prevent the commingling of incompatible uses which result in depreciation of property values and unwholesome social conditions.

4. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the I&M-1 Industrial and Manufacturing Zone, the regulations provided in this chapter shall apply.

Section 1-2602. Permitted Uses.

Land within the I&M-1 Zone may be devoted to any use except that the following uses shall be prohibited:

1. All residential uses except the residence of a caretaker of an industrial plant.

2. Manufacture of cement, lime, gypsum, rock wool, plaster of paris, acid, glue, organic fertilizer or rubber and the manufacture or storage of explosives.

3. Rendering of fat, distillation of bones, reduction of dead animals, and garbage dumps.

4. Milling or smelting of ores.

5. Amusement enterprises, bowling alleys, clubs and fraternal societies, dance halls, nightclubs, pool and billiard halls, dancing and music schools, gymnasium and physical culture establishments, hotels, and hospitals for human care.

6. Auto wrecking and crushing.

7. The storing of unused, discarded and partially dismantled automobiles.

8. Dump grounds.

Section 1-2603. Area.

There shall be no area requirements within the I&M-1 Zone except that an area sufficient to accommodate off street parking, loading and unloading and vehicular access shall be provided and maintained.

Section 1-2604. Width.

See Section 1-2003.

Section 1-2605. Location.

All buildings shall be set back a distance of not less than thirty (30) feet from any public street, except as required under the provisions of Section 1-420 of this ordinance.

Section 1-2606. Height of Buildings.

There shall be no height requirements within the I&M-1 Zone.

Section 1-2607. Size of Buildings.

There shall be no requirements for the size of buildings within the I&M-1 Zone.

Section 1-2608. Special Provisions.

All outside storage except for vehicles in running order shall be enclosed within an approved sight-obscuring fence.

Chapter 27 - I&M-2, INDUSTRIAL AND MANUFACTURING ZONE

Section 1-2701. General Objectives and Characteristics.

1. The I&M-2 Industrial and Manufacturing Zone is established to provide an area where the primary use is for industrial, manufacturing and processing establishments involving offensive odor, noise, smoke, vibration or other objectionable features when located near residential and business districts.

2. Representative uses within this zone include the pasturing of animals, stockyards, animal by-products plants.

3. The objectives of this zone are:

(a) To provide a suitable area for the location of industrial uses, which result in the creation of dust, smoke, noise, odor, fumes or which are otherwise offensive.

(b) To prevent the encroachment of such objectionable uses into non-industrial zones.

(c) To prevent the commingling of incompatible uses resulting in the depreciation of property values and unwholesome social conditions.

4. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the I&M-2 Industrial and Manufacturing Zone, the regulations provided in this chapter shall apply.

Section 1-2702. Permitted Uses.

The following uses shall be permitted in the I&M-2 Zone:

1. Manufacturing of cement, lime, gypsum, rock wool or similar products.
2. Manufacturing of acid, glue or similar products.
3. Fat rendering, distillation of bones and manufacturing of organic fertilizer.
4. Refining of petroleum and other oil products.
5. Milling or smelting of ores.
6. Garbage or animal reduction.
7. Stockyards, feeding yards or slaughter of animals.
8. Asphalt mixing plants.
9. House wrecking yards.
10. Manufacturing, compounding, processing, packaging and fabrication establishments and incidental retailing in connection therewith.
11. Storage yards, warehousing.
12. Railroad tracks and facilities.
13. Rock crusher.
14. Saw mills.
15. Service stations.
16. Signs.

17. Craft shops.
18. Plumbing and heating.
19. The residence of a caretaker of an industrial plant permitted in the zone.
20. Other uses determined by the Planning and Zoning Commission to be similar to the foregoing uses and which are consistent with the objectives and characteristics of this zone.

Section 1-2703. Area.

There shall be no area requirements within the I&M-2 Zone except that an area sufficient to accommodate off street parking, loading and unloading and vehicular access shall be provided and maintained.

Section 1-2704. Width.

See Section 1-2003.

Section 1-2705. Height of Buildings.

There shall be no height requirements within the I&M-2 Zone.

Section 1-2706. Size of Buildings.

There shall be no requirements for the size of buildings within the I&M-2 Zone.

Section 1-2707. Location.

All buildings shall be set back a distance of not less than thirty (30) feet from any public street, except as required under the provisions of Section 1-420 of this ordinance.

CHAPTER 28 - I&M-3, INDUSTRIAL AND MANUFACTURING ZONE

Section 1-2801. General Objectives and Characteristics.

1. The I&M-3 Industrial and Manufacturing Zone is established to provide an area where the primary use of the land is for wrecking, crushing and storing of unused, discarded and partially dismantled automobiles, and for the dumping of domestic industrial waste products.

2. Representative of the uses within the zone are: auto wrecking yards, dump grounds, and the grazing of animals.

3. The objective of this zone is to provide appropriate land within the county where auto wrecking yards, salvage yards and dump yards may be established and maintained under conditions which do not diminish surrounding property values.

4. To accomplish the objectives of this ordinance and to promote the characteristics of the I&M-3 Industrial and Manufacturing Zone, the regulations provided in this chapter shall apply.

Section 1-2802. Permitted Uses.

The following uses shall be permitted in the I&M-3 Zone:

1. Any use permitted in the I&M-2 Zone.
2. Auto wrecking and crushing.
3. The storing of unused, discarded and partially dismantled automobiles.
4. Dump Grounds.
5. Grazing of animals and agriculture.

Section 1-2803. Special Provisions.

1. All storage of discarded and partially dismantled automobiles and dump yards shall be situated at least four hundred (400) feet from any public street.

Section 1-2804. Site Buffering System.

IN LIEU OF THE ABOVE 400 FOOT SETBACK REQUIREMENT AN ALTERNATE SITE BUFFERING SYSTEM MAY BE APPLIED FOR. APPROVAL OF AN APPROPRIATE BUFFERING SYSTEM WILL ALLOW FOR A SIGNIFICANT REDUCTION OR ELIMINATION OF THIS SETBACK REQUIREMENT.

Each application will be considered on a case by case basis to determine the appropriateness of the design and its compliance with other ordinance requirements, i.e. traffic safety, off street parking, drainage, public visibility and other factors. The plan must provide for a contract commitment for the continued maintenance of the buffer in a satisfactory condition.

In as much as there has been varying levels of non-compliance with the standards required for businesses operating in the I&M-3 Zone the County is implementing a sunset clause as part of this ordinance. This will allow a period of only two years for all businesses to fully come into compliance with the zoning ordinance or face prosecution for the non-compliance.

Section 1-2805. Width.

See Section 1-2003.

CHAPTER 29 - R-F, RECREATIONAL-FORESTRY ZONE

Section 1-2901. Objectives and Characteristics of Zone.

1. The R-F, Recreational-Forestry Zone is established to provide an area where the primary use of the land is for recreational, forestry and wildlife purposes. In general, this zone includes the portion of the unincorporated area of the county lying within boundary lines of natural forests and other portions of the county characterized by mountains, lakes and forests.

2. This zone is characterized by undeveloped land with mountains, forests and lakes, including reservoirs and other man-made lakes interspersed with farms, ranches, recreational camps, resorts and outdoor recreational facilities.

3. The objectives of the R-F Recreational-Forestry Zone are:

(a) To promote the use of the land for forestry, fish, wildlife and recreational purposes.

(b) To facilitate the conservation of water and other natural resources.

(c) To reduce soil erosion.

(d) To reduce hazards from floods and fires and to reduce the cost of police protection.

(e) To preserve, insofar as possible, natural scenic attractions, natural vegetation and other natural features.

(f) To promote sanitation and protect the water supply.

4. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the R-F Recreational-Forestry Zone, the regulations provided in this chapter shall apply.

Section 1-2902. Permitted Uses.

The following uses shall be permitted in the R-F Recreational-Forestry Zone:

1. Production of forest products and other forest industries.

2. Campgrounds and similar recreational facilities.

3. Public parks and playgrounds, refreshment stands, rides and similar concessions in connection with such public parks and playground.

4. Hydro-electric dams, power plants, transmission lines and substations, water pumping plants and reservoirs, pipe lines, broadcasting facilities, public utility buildings and structures.

5. The growing of crops and buildings related thereto.

6. Grazing and pasturing of animals and buildings and structures related thereto.

7. Single family dwellings containing not more than one kitchen and used by not more than one family and accessory buildings used in connection therewith.

8. Private summer cottages and accessory buildings, hunting and fishing cabins, recreational cottages and ranches, and fisheries; provided that existing private recreational homes and platted lots shall not be required to abut a public road, but must abut an approved private road on at least one side for at least 90 feet. It is further provided that private roads leading to and around private summer homes may have access limited to those persons authorized to use said roads. Roads shall be constructed so as to prevent flooding and erosion to provide for proper drainage and receive approval of the County Engineer. Access to and across private roads must be granted to forest service personnel, emergency vehicles and all public service personnel. All roads must comply with the County Road Construction Standard Specifications.

9. Recreational camps and resorts, golf courses and country clubs, provided the development plans have been first approved by the planning commission.

10. Commercial tourist cabins, provided the property on which the cabins are located is bounded on at least one side by a public road, and trailer courts when constructed and maintained in accordance with Chapter 17 of the ordinance.

11. Grocery stores, cafes and service stations when incidental to and operated in connection with resorts, hunting and fishing cabins, trailer courts and tourist cabins.

12. Fences.

13. Signs advertising services, articles or products, which are offered for sale on the premises on which the sign is located.

The following uses shall be considered in the R-F Recreational-Forestry Zone per the Standards Controlling Use Hearings in Section 1-705:

14. Gravel pits, clay pits, mines, rock quarries, oil and gas wells.

15. Hot road mix plants on a temporary basis for not more than six (6) months.

Section 1-2903. Area.

The minimum lot or building site area outside an approved subdivision shall be one lot or parcel of land of not less than one (1) acre in area for each dwelling or cottage, except those dwellings and cottages which are a part of a recreational camp or resort, tourist or trailer court or a hunting and fishing camp. The minimum lot or building site area within a subdivision shall be at least one (1) acre. The minimum building site for a tourist or trailer court, recreational camp or resort or hunting or fishing camp shall be not less than 2-1/2 acres with an average of three thousand (3,000) square feet for each unit in such tourist court or motel.

Section 1-2904. Width.

1. The minimum width of a lot or parcel of land or building site outside of an approved subdivision shall be ninety (90) feet, except those dwelling sites which are a part of a recreational camp or resort, hunting or fishing camp, or tourist or trailer court. The minimum width of any lot within an approved subdivision shall be ninety (90) feet, except that not more than one-third (1/3) of such lots may have a width of sixty-six (66) feet for each of said lots, provided the sum of the widths of all of the lots within the subdivision is at least ninety (90) times the total number of lots in the subdivision.

2. For individual cottages and other buildings, which are a part of a recreational camp or resort, or hunting or fishing camp, there shall be no width requirements except as may be required by the planning commission in granting approval of the plans.

Section 1-2905. Front Yard.

Every lot on which a structure is situated shall have a front yard of not less than eighty (80) feet from the center line, or at least fifty-five (55) feet from the right-of-way of state and federal highways and all county roads, whichever is greater; except for lots in platted areas which shall be set back thirty (30) feet from the road right-of-way line. Gasoline fuel pumps shall have a setback of not less than twenty (20) feet.

Section 1-2906. Side Yard.

The minimum side yard for any building shall be twenty (20) feet, except that on corner lots the side yard, which faces on a street then Section 1-2905 shall apply.

Section 1-2907. Rear Yard.

Same as side yard.

Section 1-2908. Special Provisions.

1. Domestic water supply and sewage disposal shall comply with State Department of Health requirements.

2. No building used for human habitation shall be constructed, nor shall any permit be issued therefore, until such approval shall have been obtained from the State Department of Health.

3. All yard area shall be kept free of debris, refuse, weeds and other inflammable material, which may constitute a fire hazard.

4. All buildings with walls which are made of materials having a fire resistance rating of less than one hour shall not be located closer than twenty (20) feet to a property line.

5. No building shall be constructed within the boundaries of any natural waterway or course. Where buildings are to be constructed within seventy-five (75) feet of the exterior boundaries of the high water mark of a flood channel existing at the effective date of this ordinance, adequate measures must be taken as determined by the board of county commissioners, so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.

Section 1-2909. Planning Commission Approval.

Development plans for all recreational camps, campgrounds, resorts, golf courses, country clubs and similar facilities shall be submitted to and must be approved by the planning commission prior to the issuance of a permit by the zoning administrator for the construction of such facilities. The purpose of the review and approval of such development plans by the planning commission shall be to guide the planning commission and to achieve a coordinated and harmonious development in keeping with present and future needs and in conformity with the objectives and characteristics of the zone. In granting approval of a development plan, the planning commission shall give consideration to vehicular and pedestrian traffic, water table and high and low water mark, flood protection, public utilities, fire hazards, sanitation, water supply, police and fire protection and similar requirements. The planning commission may impose such reasonable conditions as are deemed necessary to preserve and promote the objectives and characteristics of the zone.

CHAPTER 30 - G-1, GRAZING ZONE

Section 1-3001. General Purposes and Characteristics.

1. This zone is established to provide an area where the primary use is for grazing and dry farming purposes.

2. The G-1 Grazing Zone is characterized by large tracts of open land. Representative uses in this zone include livestock grazing, gravel pits, mineral extractions, and the storage of explosives.

3. The objectives in establishing the G-1 Grazing Zone are:

(a) To encourage and promote the raising of livestock and dry farming operations.

(b) To promote the conservation of water, soils, minerals, and other natural resources.

(c) To reduce the hazards from floods and fire.

(d) To reduce the cost of governmental expenditures for excessive roads, police and fire protection, school bus transportation and other public services.

(e) To allocate areas for certain uses and activities which should be removed from the more densely populated areas of the county.

4. To accomplish the objectives and purposes of this ordinance and to promote the characteristics of the G-1 Grazing Zone, the regulations provided in this chapter shall apply.

Section 1-3002. Permitted Uses.

The following uses shall be permitted in the G-1 Grazing Zone:

1. Any use permitted in the A-1 Zone.

2. Outdoor advertising signs.

3. Manufacturing, testing and storage of explosive chemicals and other materials or products generally considered to be of a hazardous nature, provided such uses are located at least three hundred (300) feet from the outside boundary of the owner's property, at least thirteen hundred twenty (1320) feet from any public road or highway and at least three hundred (300) feet from any building used for human occupancy.

4. Sanitary landfill operations when approved by the Board of County Commissioners.

Section 1-3003. Area.

The area requirements in the G-1 Zone shall be the same as those provided for the A-1 Zone.

Section 1-3004. Width.

The width requirements in the G-1 Zone shall be the same as those provided for the A-1 Zone.

Section 1-3005. Location.

There shall be no location requirements in the G-1 Zone except as required by Section 1-420 of this ordinance.

Section 1-3006. Height of Buildings.

There shall be no height requirements in the G-1 Zone.

Section 1-3007. Size of Buildings.

There shall be no requirements for the size of buildings in the G-1 zone.

CHAPTER 31 - B-1, BUFFER ZONE

Section 1-3101. General Purposes and Characteristics.

1. This zone is established to provide a protective buffer around public or private land areas where because of noise, smoke, unsightliness, or for other reasons as may be determined by the Planning and Zoning Commission and the Board of County Commissioners of uses within the zone be limited to minimize conflicts between competing land uses. For example, if an area has been set aside as a public motorcycle and snow machine track, it may be desirable to create a buffer zone surrounding that track to prohibit further commercial, residential or other uses that would conflict with the use made of the track by snowmobiles and motorcycles.

2. A further characteristic of the zone is that the Zoning and Planning Commission, with the concurrence of the Board of County Commissioners, and in consultation with the affected property owner, will establish the permitted uses within the buffer zone.

Section 1-3102. Permitted Uses.

The following uses shall be permitted in the buffer zone:

(a) Only those uses specifically permitted by the Zoning and Planning Commission with the concurrence of the Board of County Commissioners, following consultation with the affected property owner or owners.

(b) Uses existing at the time of the creation of the buffer zone that are in conflict with the uses specifically permitted within the buffer zone, as specified above, will be deemed non-conforming uses and will be treated in all respects as non-conforming uses, as hereinbefore provided.

3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

4. Any person who is found guilty of violation of this section is guilty of an infraction. A conviction for violation of this section is punishable by a fine of \$100 and no imprisonment. The judge may also enter a permanent or temporary injunction, restraining order, or such other relief, as the court deems appropriate. Each day a violation continues to exist shall constitute a separate offense.

5. Because of impending development in Bonneville County, an emergency exists. In order to preserve the health, safety, peace and general welfare of Bonneville County and the inhabitants thereof, this ordinance shall take effect upon its passage and publication as required by law.

CHAPTER 32 - PUD, PLANNED UNIT DEVELOPMENT

Section 1-3201. Definitions.

The definitions contained in this Section are in supplement to those contained in Section 1-106 of this ordinance.

For the purposes of this act, unless the context clearly indicates a different meaning:

1. The term "submission" indicates a complete filing as prescribed by this act.

2. "Zoning Administrator" is the administrative officer of Bonneville County unless a different municipal official or officials are designated by Ordinance.

3. "Application for development" means an application for approval of a planned unit development for which approval may be required under this act.

4. "Common open space" means an open space within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complimentary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

5. "Developer" means the legal or beneficial owner or owners of all the land proposed to be included in a planned unit development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

6. "Filing" means filing with the Bonneville County Zoning Administrator unless a different municipal official is designated by ordinance.

7. "Garden Apartment" means buildings consisting of three stories or less which have a common entrance shared by all units with each unit having its own private balcony and/or private patio.

8. "Gross Density" is computed on the basis of net land area plus area devoted to street, alleys and other nonresidential uses and one half of bounding streets (total number of dwelling units-total acreage).

9. "Net Density" represents the number of dwelling units per acre of land within the site after deducting the area used for public streets and other nonresidential uses (public parks, school sites, church; total dwelling units acreage devoted to residential uses).

10. "Open space" means any parcel or area of land or water improved or unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

11. "Plan" shall mean the provisions for development of a planned unit development, including a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "Provisions of the plan" when used in this act shall mean the written and graphic materials referred to in this definition.

12. "Planned unit development" means an area with specified minimum contiguous acreage of five acres or more to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial, or public or quasi-public uses primarily for the benefit of the residential development.

(a) "Commercial planned unit development" means an area with specified minimum contiguous acreage of ten (10) acres or more to be developed as a single entity according to a plan containing one (1) or more commercial clusters.

(b) "Industrial planned unit development" means an area with specified minimum contiguous acreage to ten (10) acres or more to be developed as a single entity according to a plan containing one (1) or more industrial clusters.

13. "Residential cluster" means an area to be developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space area as an appurtenance.

14. "Public open space" means an open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservation uses.

15. "Semi-detached dwelling" means a residential dwelling which does not share a common wall with any other dwelling, but is attached to another dwelling or structure by a common carport, garage, storage facility or similar device.

16. "Single family detached dwelling" means a dwelling constructed for the occupancy of a single family which structure is not attached to any other dwelling and does not otherwise share a common wall with any other building.

17. "Site plan" means a development plan of one or more lots on which is shown: a) the existing and proposed topography of the lots, b) the location of all existing and proposed buildings, drives, parking spaces, means of ingress and egress, drainage facilities, landscaping, structures and signs, lighting, screening devices, and c) any other information that may be reasonably required in order to make an informed determination.

18. "Statement of objectives for planned unit development" shall be a written statement of the goals of proposed development with respect to land use for various purposes, density of population, direction of growth, location and function of streets and other public facilities, and common open space for recreation or visual benefit, or both, and such other factors as the county may find relevant in determining whether a planned unit development, or planned unit residential development shall be authorized.

19. "Board" means Bonneville County Board of Commissioners.

20. "Commission" means Planning and Zoning Commission.

Section 1-3202. Purpose.

It shall be the policy to guide a major development of land and construction by encouraging planned unit developments (PUD) to achieve the following:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and reduction in lot dimensions, yards, building setbacks and area requirements.

2. A more useful pattern of open and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses and services.

3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns.

4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.

5. A development pattern in harmony with land use density, transportation and community facilities objectives of the Comprehensive Plan.

Section 1-3203. Priority of PUD

In all cases where there is a conflict with the language or requirements of this chapter dealing with the planned unit development and the language or requirements of any other chapter or section of this ordinance the language or requirements of this chapter shall be controlling.

Section 1-3204. Designations.

1. The person designated to receive plans under this ordinance shall be the Bonneville County Zoning Administrator.

2. The municipal authority designated to act under this ordinance shall be the Bonneville County Board of Commissioners.

Section 1-3205. Provisions Governing Unit Development.

1. Application. The provisions of this section shall apply only to a tract of land to be developed of not less than five contiguous acres within a designated zone or zones, which tract is under single ownership or unified control, and for which an application for planned unit development is made as hereinafter provided. Public roads shall not be deemed to divide acreage for this purpose.

2. A PUD may be located within any zoning district.

Section 1-3206. Minimum Area.

A PUD for the following principal uses shall contain an area of not less than:

1. Five (5) acres for residential development.

2. Ten (10) acres for residential use with subordinate commercial or industrial uses.

3. Ten (10) acres for commercial use or as allowed by zone.

4. Ten (10) acres for industrial use or as allowed by zone.

Section 1-3207. Uses Permitted.

All uses that may be allowed within the zone are permitted within a PUD. Also, up to ten percent (10%) of the gross land area may be directed to other commercial, industrial, public and quasi-public uses that are not allowed within the zone, provided; there is a favorable finding by the commission.

1. That the uses are appropriate with the residential uses.

2. That the uses are intended to serve principally the residents of the PUD.

3. That the uses are planned as an integral part of the PUD.

4. That the uses be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards.

5. That a minimum of fifty percent (50%) of the residential development occur prior to the development of the related commercial or industrial land uses.

Section 1-3208. Ownership Requirements.

An application for approval of a PUD may be filed by a property owner or a person having an existing interest in the property to be included in the PUD. The PUD application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the application may be filed by the holder(s) of an equitable interest in such property.

Before approval is granted to the final development plan, the entire project shall be under single ownership or control and legal title must be presented with the final development plan.

Section 1-3209. Common Open Space.

A minimum of ten percent (10%) of the gross land area developed in any residential, commercial, and industrial PUD project shall be reserved for common open space and recreational facilities for the residents and users of the area being developed.

The required amount of common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation and related uses. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Commission.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

Every property developed under the PUD approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than eight (8) townhouse units in any contiguous group.

Section 1-3210. Utility Requirements.

Underground utilities, including telephone and electrical systems, are required within the limits of all PUD's. Appurtenances to these systems, which can be effectively screened, may be exempted from this requirement if the Commission finds that such exemption will not violate the intent or character of the proposed PUD.

Section 1-3211. Increased Residential Density.

To provide for an incentive for quality PUD, the Commission may authorize an increased residential density of up to fifteen percent (15%) of the allowable number of dwelling units. Character, identity and architectural and sighting variation incorporated in a development shall be considered cause for density increases, provided these factors make a substantial contribution to the objectives of the PUD, which are as follows:

1. Landscaping [a maximum increase of five percent (5%)], streetscape, open spaces and plazas, use of existing landscaping, pedestrian-way treatment and recreational areas.

2. Siting [a maximum increase of five percent (5%)], visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks and building grouping (such as clustering).

3. Design features [a maximum increase of five percent (5%)], street section, architectural styles, harmonious use of materials, parking areas broken by landscaping features and varied use of housing types.

Section 1-3212. Standards and Criteria for Residential Uses.

1. Site and structure regulations.

(a) Plot and lot sizes, dimensions and structure heights, and locations thereon may be freely disposed and arranged in conformity to the overall density standards herein and to the conditions of comprehensive plans therefore, the general features and design of which shall be approved by the planning and zoning commission.

(b) Except as follows, other provisions of this ordinance governing side and rear yard sizes in residential areas shall not apply.

(c) A minimum setback distance or front yard of 30 feet shall be provided on main roads or thoroughfares within the PUD.

(d) All setback regulations of residential districts adjacent to/or across the streets from the planned unit development shall apply to the area of the PUD which is adjacent or across the street from such residential districts.

(e) In a residential PUD, there shall be no minimum lot size. Setbacks and yard requirements shall be as follows:

(1) No building shall be less than 25' apart in the rear yard.

(2) No setback shall be less than 15' feet.

(3) No building shall be less than 12' apart.

(4) Every single family detached dwelling shall have access to a public street, court, walkway or other area dedicated to public use or subject to an easement for access. The boundaries and extent of the lot or plot upon which any single family detached dwelling is located shall be clearly defined and monumented.

Section 1-3213. Standards and Criteria for Commercial Uses.

When PUD's include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress points in order to reduce the number of potential accident locations at intersections. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

Section 1-3214. Standards and Criteria for Industrial Areas.

PUD's may include industrial uses if it can be shown that the development results in a more efficient and desirable use of land.

Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and compact grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.

Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way and project building line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

Section 1-3215. Standards & Criteria for All Uses.

1. All open spaces between structures shall be protected, where necessary, by fully recorded covenants running with the land, conveyances or dedications.

2. The right-of-way and pavement widths for internal ways, roads and alleys serving residential, commercial and industrial development shall be determined from sound planning and engineering standards in conformity to the estimated needs of the full development proposed and the traffic to be generated thereby, and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police vehicles and shall be certified thereto by the county engineer or other person designated by the county.

3. Dedicated streets or highways shall be subject to all other municipal ordinances and the laws of the State of Idaho.

4. Utilities and Services. The developer shall furnish all necessary storm drainage, highway access, service streets, parking facilities, and off-street lighting.

All domestic water and sanitary sewer facilities shall meet the standards of and be approved by the State of Idaho, Department of Health and Welfare, District Seven.

5. Special Requirements. (Ownership and Recording)

(a) Every structure or group of structures of any kind and every designated plot area or cluster unit having services, facilities or utilities in common private usage and in common ownership or controlled by its occupants or which functions as an independent corporate owner or agent of management shall be located upon a lot or plot of land which shall be designated as representing the area of responsibility and control of the individual or group ownership or management. The ownership may be established in full or partial fee or fee lease under deed covenant. A description or plan of each such lot or plat shall be filed separately, or as part of the description maps of a planned unit development with the Bonneville County Recorder.

The developer shall provide for and establish an organization for the ownership and maintenance of any open space for the benefit of residents of the development. Such organizations shall not be dissolved and shall not dispose of any open space, by sale or otherwise except to an organization conceived and established to own and maintain the open spaces for the benefit of such development, and thereafter offering to dedicate the same to the municipality wherein the land is located.

In the event that the organization shall fail to maintain the open space in reasonable order and condition, the Board of County Commissioners may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 15 days of the notice. At such hearing, the Board of Commissioners may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said 30 days or any extension thereof, the county, in order to preserve the open space and maintain the same for a period of one year may enter upon and maintain such land. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the Board of Commissioners shall, upon its initiative or upon the request of the organization heretofore responsible for the maintenance of the open space, call a public hearing upon 15 days' notice to such organization or to the residents and owners of the development, to be held by the Board of County Commissioners shall determine that such organization is ready and able to maintain such open space in reasonable condition, the county shall cease to maintain said open space at the end of said year. If the Board shall determine such organization is not ready and able to maintain said open space in a reasonable condition, the county may, in its discretion, continue to maintain said open space during the next succeeding year, subject to a similar hearing and determination in each year thereafter. The decision of the Board in any such case shall constitute a final administrative decision subject to judicial review.

The cost of such maintenance by the county shall be assessed ratably against the properties within the development that have a right of enjoyment of the open space, and shall become a tax lien on said properties. The County, at the time of entering upon said open space for the purpose of maintenance shall file a notice of such lien in the office of the county clerk upon the properties affected by such lien within the development and the same shall be discharged by the county upon payment as with other liens.

(b) Extension of PUD. Any planned unit development originally established under the requirements of this ordinance and completed, may be extended within the same zone or into adjoining zones which also permit a PUD by later additions of contiguous lands in parcels or units of not less than five acres each under the conditions established for development of the original project, provided that it shall be subject to the same procedure for approval and in conformity with the standards herein set forth.

(c) All other ordinances dealing with subdivision control shall not apply in planned unit development districts or extensions thereof.

Section 1-3216. Procedure for Approval of a Planned Unit Development.

A subdivision plat must be filed with all PUD's, applications. A public hearing shall be held to consider the PUD application ¹²and final development plan.

Section 1-3217. Pre-Application Meeting.

The developer shall meet with the Administrator prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance and such other plans and ordinances as deemed appropriate.

Section 1-3218. Contents of Application for Approval of Preliminary Development Plan.

An application for preliminary PUD shall be filed with the Administrator by a property owner or person having existing interest in the property for which the PUD is proposed. At a minimum, the application shall contain the following information filled in triplicate:

1. Name, address and phone number of applicant.
2. Name, address and phone number of registered Surveyor, registered Engineer and/or Urban Planner assisting in the preparation of the preliminary development plan.
3. Legal description of property.
4. Description of existing uses.
5. Zoning districts.
6. A vicinity map at a scale approved by the Commission, showing property lines, streets, existing and proposed zoning and such other items as the Commission may require to show the relationship of the PUD to the Comprehensive Plan and to existing schools and other community facilities and services.
7. A preliminary development plan at a scale approved by the Commission showing topography at two (2) foot intervals; location and type of residential, commercial and industrial land uses; layout dimensions and names of existing and proposed streets; right-of-ways; utility easements; parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the Commission deems necessary.
8. Proposed schedule for the development of the site.
9. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years.
10. Such other information as may be reasonably required for the Commission to make an informed judgment.

The application for preliminary PUD shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the PUD would be in the public interest.

Section 1-3219. Procedure for Public Notice.

The same provision for public hearing and legal notification as required per Section 67-6511(b), Idaho Code shall be followed.

Section 1-3220. Approval in Principle by the Commission.

1. Within thirty (30) days after the public hearing the Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood and whether the benefits, combination of various land uses and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.

2. The Commission shall consider the general standards of the Zoning Ordinance prior to approving in principle a preliminary development plan.

3. Following the consideration and within 15 days based upon the foregoing evidence, the planning commission shall either:

(a) Grant preliminary approval of the plan as submitted.

(b) Grant preliminary approval subject to specified conditions not included in the plan as submitted or modified.

(c) Deny preliminary approval to the plan.

(d) Continue the consideration for further facts and information.

4. The grant or denial of preliminary approval shall be by written resolution including the reason therefore.

Section 1-3221. Contents of Application for Approval of Final Development Plan.

Upon approval in principle of a preliminary development plan, an application for approval of the final development plan may be filed with the Administrator by at least one (1) property owner or person having a presently existing interest in the property for which the PUD is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

1. Survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site; including major wooded areas, structures, streets, easements, utility lines and land uses.

2. All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity and land use considered suitable for adjacent properties.

3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and street scapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; anticipated timing for each unit and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposed an exception from standard zoning districts or other ordinances governing development.

4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvements and nature and extent of earth work required for site preparation and development.

5. Site plan, showing building(s), various functional use areas, circulation and their relationship.

6. Preliminary building plans, including floor plans and exterior elevations.

7. Landscaping plans.

8. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas, which are to be commonly owned and maintained.

Section 1-3222. Recommendation by Commission.

Within sixty (60) days after receipt of the final development plan, the Commission shall recommend to the Board that the final development plan be approved as presented, approved with supplementary conditions or disapproved. The Commission shall then transmit all papers constituting the record and the recommendations to the Board.

The Commission shall find that the facts submitted with the application and presented to them established that:

1. The proposed development can be initiated within two (2) years of the date of approval.

2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations.

3. The street and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD.

4. Any proposed commercial development can be justified at the locations proposed.

5. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the Board.

6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

7. The PUD is in general conformance with the Comprehensive Plan.

8. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

Section 1-3223. Action by the Board.

Within sixty (60) days after receipt of the final recommendation of the Commission, the Board shall either approve, approve with supplementary conditions, or disapprove the application as presented. Upon granting or denying the application, the Board shall specify in writing:

1. The Ordinance and standards used in evaluating the application.

2. The reasons for approval or denial.

3. The actions, if any, that the applicant could take to obtain a permit.

If the application is either approved or approved with conditions, the Board shall direct the Administrator to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

(a) Validity of final approval. A plan, or any part thereof, which has been given recommendation for final approval by the planning and zoning commission shall be so certified without delay by the zoning administrator to the Board of County Commissioners for their final approval as provided by the zoning and building ordinance of Bonneville County. Upon the filing of record of the plan all other ordinances and subdivision regulations otherwise applicable to the land included in the plan shall cease to apply thereto. Pending completion of said planned unit development or the part thereof, as the case may be, that has been finally approved, no modification of the provisions of said plan or part thereof, as finally approved, shall be made by the county nor shall it be impaired except with the consent of the landowner.

(b) The final plan as approved shall be incorporated into the Bonneville County master plan and the zoning administrator and the building inspector shall be advised to issue the necessary permits in accordance herewith.

(c) Petition for review. Following approval of development plans, the issuance of permits and substantial progress in the completion of 20 percent of the controlled density units thereof, measured as a percentage of the acreage or anticipated population whichever shall be the greater, the developer may petition for review in detail of the previously approved plans or units awaiting development or completion stating his reasons therefore. Such reasons may be based upon such considerations as changing social or economical conditions, potential improvements in layout or design features, unforeseen difficulties or advantages mutually affecting the interests of the municipality and the developer such as technical causes, site conditions, state or federal projects and installations and statutory revisions. The planning and zoning commission upon finding such reasons and petition to be reasonable and valid may consider the redesign in whole or in part of any planned unit development and shall follow in full the procedure and conditions herein required for original submittal and review.

Section 1-3224. Expiration and Extension of Approval Period.

The approval of a final development plan for PUD shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void. An extension of the time limit or modification of the approved final development plan may be approved if the commission finds that such extension or modification is not in conflict with the public interest.

Section 1-3225. Fees.

The fee for a PUD application shall be \$100.00. The fee for an application of final approval for a PUD shall be \$50.00.

Section 1-3226. Effective Date and Severability.

1. Effective Date. This ordinance shall become effective upon its passage and publication as required by law.

2. Severability. If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are declared to severable.

CHAPTER 33 - SUBDIVISION REGULATIONS

Section 1-3301. Approval required for Subdivision.

The resubdividing of an existing subdivision plat will be permitted only if the new lots created are at least as large as the smallest lot platted in the original division from which the new plat was derived. Except upon rezone of the property to a different zone, smaller lot sizes could be appropriate and may be requested.

No person shall subdivide land for any purpose thereof unless plans for such have been submitted to and approved by the county planning and zoning commission and by the Board of County Commissioners of Bonneville County.

EXCLUSIONS:

1. An involuntary sale of land as a result of legal condemnation as defined in and allowed by Idaho Code.
2. The acquisition of a new or the widening of an existing street to conform to the comprehensive plan or by authority of the County.
3. An exchange of land for the sole purpose of straightening property boundaries or enlarging any existing lot or parcel, and which does not create additional lots or parcels.

Section 1-3302. Application of Regulations.

These regulations provided in this chapter shall apply to the subdivision of all land within the unincorporated territory of Bonneville County.

Section 1-3303. Application for Preliminary Plat Approval.

An application form issued and approved by the commission shall be completed by the subdivider who shall furnish information required by the provisions of this chapter.

Section 1-3304. Pre-Application Procedure.

1. Before filing an application for conditional approval of a preliminary plat, the subdivider shall obtain from the zoning administrator information relating to the master plan requirements for the area to be subdivided. The subdivider shall then prepare and submit to the administrator a sketch plan of the subdivision using a scale not smaller than one (1) inch to two hundred (200) feet, showing the general location and layout of the streets, blocks and lots and the relationship to the proposed streets within the subdivision to existing and planned streets in the area. This step does not require formal application or filing of plat with the commission.
2. Upon the filing of the sketch plan by the subdivider, the administrator shall submit the same to the county engineer.
3. Within ten (10) days after the sketch plan has been submitted to him, the county engineer shall review and return the same to the administrator together with any comments or recommendations for modification.
4. Within fifteen (15) days from the date on which the subdivider submits the sketch plan to the administrator, the administrator shall advise the subdivider whether the proposed plan and data as submitted or as modified meets the requirements of the ordinance and the applicable regulations. If the administrator finds the plans and data do not meet such requirements he shall submit a written report stating reasons supporting such findings.

Section 1-3305. Preliminary Plat Approval.

1. After the sketch plan has been approved by the county engineer and the administrator, the subdivider shall prepare a preliminary plat, together with such engineering drawings as are required by the county engineer. The subdivider shall then file an application for approval of the preliminary plat on forms furnished by the administrator, and submit the same to the administrator together with the preliminary plat and other required material and data.

2. A minimum of ten (10) copies of the preliminary plat and two (2) copies of the required supplementary materials shall be submitted to the administrator together with a written application for conditional approval at least fourteen (14) days prior to the meeting at which it is to be considered.

3. The administrator shall refer one copy of the preliminary plat to the county engineer and one (1) copy may be referred to the city engineer and/or state highway department. If no written recommendations or objections are received from the various officials or departments to whom the same have been submitted within fourteen (14) days, the preliminary plat shall be deemed to have been approved by such officials or departments.

4. The commission shall review and take action on the preliminary plan and other supplementary material within thirty (30) days after the meeting at which the application was submitted. If approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproval, shall express its disapproval and its reason therefore in writing.

5. The action of the commission shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and one (1) copy retained for the files of the commission.

6. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed only as an expression of approval of the layout, as a guide to the preparation of the final plat.

7. The commission shall not approve a preliminary plat, which does not comply with the requirements of the zoning ordinance.

Section 1-3306. Procedure for Approval of Final Plat.

1. The final plat shall conform substantially to the preliminary plat as approved.

2. Application for approval of the final plat shall be submitted in writing to the administrator at least ten (10) days prior to the meeting at which it is to be considered.

3. The application shall include one (1) tracing of the final plat, together with such other exhibits as are required for approval, which have been prepared in accordance with the provisions of this chapter. Such tracing and exhibits must be submitted to the commission within twelve (12) months after approval of the preliminary plat; otherwise, such preliminary approval of the plat shall become null and void unless an extension of time is applied for and granted by the commission; provided, however, that where development is made in successive contiguous segments in an orderly and reasonable manner, without major changes or departures from the preliminary plat, such segments, if submitted within successive intervals of twelve (12) months may be considered for final approval without the resubmission of a preliminary plat.

4. Within forty-five (45) days of receipt of the final plat, the commission shall act upon the application and shall either approve or disapprove the same unless a longer period is granted by the subdivider. If the plat is disapproved, the commission shall state in writing the reasons for disapproval. If the plat is approved, the final plat shall be signed by an authorized agent of the commission.

5. Approval of the final plat by the planning and zoning commission shall not be deemed as acceptance of the dedication of any street or grounds. Such acceptance must be approved from the Board of County Commissioners.

6. Final plat shall be filed with the Bonneville County Recorder within three (3) months after written approval by the commission, otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the commission.

Section 1-3307. Preliminary Plat.

The application for approval of a preliminary plat of a subdivision shall include the following:

1. The sketch plan as submitted to the administrator.
2. A preliminary plat drawn at a scale of one (1) inch to one hundred (100) feet, (however, a larger scale may be used for a detailed drawing of the plat), on which is shown:
 - (a) The name of the proposed plat, subdivision or dedication.
 - (b) The name(s) of the subdivider(s) and land surveyor or land planner.
 - (c) The tract designation of the immediate adjacent plats, subdivisions, or dedications as shown in the files of the Bonneville County Recorder, if any.
 - (d) Monuments consisting of the section corner, the quarter-section corner of the meander corner, and such other markers of records as desired.
 - (e) Boundary lines of the tract to be subdivided.
 - (f) The location, width, and names of all existing or platted streets or other important features, such as the general outline of existing buildings, water courses, power lines, telephone lines, railroad lines, municipal boundaries and section lines.
 - (g) Contours when required by the county engineer, with intervals of five (5) feet or less referenced to such datum acceptable to the county engineer.
 - (h) All parcels of land intended to be dedicated or temporarily reserved for public use or to be reserved in the deeds for the common use of property owners of the subdivision with the purpose, condition, or limitations of such reservations clearly indicated.
 - (i) The date, scale, true north point, and section, township and range.
3. All mapped information shall be prepared in a neat and legible manner in pencil or ink. All Map data must be submitted in scale but need not be based upon an actual ground survey, except that the exterior tract dimensions and boundaries must be based on actual survey.

Section 1-3308. Final Plat.

1. The final plat, subdivision or dedication application shall contain all the information specified in this section.

2. The final plat shall be drawn as provided by applicable state law. The plat, diagram or drawing shall be drawn at such scale and contain lettering of such size including reference to dedication and affidavit or survey as to enable the same to be placed upon a single sheet of paper with no part thereof nearer to the edge of said sheet than one inch. The reverse of the same shall not be used for any portion of the drawing but may contain written matter as to dedication and other information matters.

3. The final plat, subdivision or dedication shall clearly show the following information on one or more maps or drawings:

(a) Primary control points, approved by the county engineer, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred. Such primary control points must include either a section corner, quarter-section corner or meander corner according to government survey.

(b) Tract boundary lines, right-of-way lines of streets, easements and other right of way, and property lines of residential lots and other sites with accurate dimension, bearings or deflection angles, and radii, arcs, and center angles or all curves.

(c) Name, centerline and right-of-way width at each street or other right-of-way.

(d) Location, dimension and purpose of any easements.

(e) Minimum front yard setback lines from all public roads or road easements.

(f) Location and description of monuments.

(g) Name and location of adjoining subdivisions.

(h) Certification by surveyor or engineer certifying to accuracy of survey and plat.

(i) Statement by owner dedicating streets, rights-of-way and any sites for public use.

(j) Statement of dedication of easements.

(k) Title, scale, north arrow, and date.

4. Such other certificates, affidavits, endorsements, or dedications as may be required by the commission in the enforcement of these regulations.

5. The final plat shall be signed by the county engineer and the chairman of the Board of County Commissioners.

Section 1-3309. Design Standards - General.

The following design standards shall be incorporated in any plat, subdivision or dedication and each of the requirements hereinafter set forth shall be considered mandatory unless the particular provision indicates to the contrary:

1. Land which the commission has found to be unsuitable for subdivision because of flooding, bad drainage, steep slopes, rock formations, or other features likely to be harmful to the safety and general health of the future residents and which the commission considers inappropriate for subdivision shall not be subdivided unless adequate methods approved by the county engineer are planned for overcoming these conditions.

2. The proposed subdivision shall be prepared in harmony with the official comprehensive plan or portions thereof of Bonneville County.

Section 1-3310. Design Standards - Blocks.

The length, width and shapes of blocks shall be determined with due regard to the following:

1. Provision shall be made for adequate building sites suitable to the special needs of the type of use contemplated, including the zone requirements as to lot sizes and dimensions.

2. Blocks shall have sufficient width to provide for two tiers of lots.

3. Convenient access, circulation, control and safety of street traffic shall be provided. The number of intersecting streets with arterials of all class shall be held to a minimum.

4. Consideration shall be given to the limitations and advantages of topography.

5. Residential block lengths shall be between 400 and 1300 feet, provided block length may be a greater length upon showing of cause.

6. Pedestrian crosswalks, not less than ten (10) feet wide, may be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping center, transportation and other community facilities.

Section 1-3311. Design Standards - Lots.

1. The lot size, width, depth, shape, orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Every lot shall abut upon an approved street, except in Forest-Recreation zones. Corner lots for residential use shall have extra width to permit appropriate building setback from orientation to both streets. Residential lots adjoining arterial streets shall have a lot depth of at least 150 feet except where the use of berms, vegetation, or structures can be demonstrated to constitute an effective buffer for a dwelling on a lot less than 150 feet in depth. Whenever practical, existing roadside trees shall be saved and used in arterial buffers. Development agreements shall include provisions for installation and continued maintenance of arterial buffers.

2. Double frontage, and reverse frontage lots, should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A screening easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or other disadvantageous use. Direct access from a subdivision lot to an arterial road is specifically prohibited.

3. Side lot lines shall be as nearly at right angles to street lines as possible.

Section 1-3312. Design Standards - Streets.

1. The arrangement, character, extent, width, grade, and location of all streets shall conform to the comprehensive plan or portions thereof, and shall be considered in their relation to existing and planned streets, topographic conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

2. Where such is not shown in the comprehensive plan or portions thereof, the arrangements of streets in a subdivision shall either:

(a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(b) Conform to a plan for the neighborhood approved or adopted by the commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing street impracticable.

3. Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal access streets, reverse frontage streets or similar treatment necessary for adequate protection of residential properties.

4. Where a subdivision borders on or contains a railroad right-of-way or limited access highway rights-of-way, the commission may require a street approximately parallel to and on each of such right-of-way, at a distance adequate to provide for the appropriate use of the intervening land.

5. Reserve strips controlling access to streets shall be prohibited except where control is definitely placed in the county under conditions approved by the commission.

6. Street layout shall conform to the most advantageous development of adjoining areas and the entire neighborhood, and shall provide for the following:

(a) Streets shall provide adequate access to adjoining lands.

(b) Streets shall intersect at right angles or as near right angles as possible with no intersection with an angle of less than 80 degrees or greater than 100 degrees.

(c) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the planning commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. In all other instances where a half street is adjacent to an undeveloped tract the other half of the street shall be platted within such tract.

(d) No street names shall be used which will duplicate or be confused with the names of existing streets in any town in the county area. Street names shall be subject to the approval of the commission.

(e) Minor streets shall be so laid out in a manner as will discourage their use by through traffic.

(f) Curbs at street intersections shall be rounded with curves having a minimum radius of twenty-five (25').

7. Permanent dead-end streets shall be no longer than 400 feet with the exception of those that can be connected to an existing or future street on an adjacent parcel or for terrain conditions. All such streets shall have a closed end with a turn-around having a street property line diameter of at least 130 feet.

8. Minimum street grades of two-tenths percent (.2%) shall be required with maximum grade being seven percent (7%) for secondary and major streets and ten percent (10%) for local and minor streets. Other grades may be allowed if the terrain warrants an exception. Within the Idaho Falls Impact Area minimum grade will be four-tenths of a percent (.4%) for all developments with lots of less than ½ acre.

9. Where street lines within a block deflect from each other at any point more than ten degrees, there shall be a connecting curve. The radius of the curve for the inner street line shall be not less than seven hundred feet (700') for a major street, two hundred fifty feet (250') for a collector street, and fifty feet (50') for local or minor streets.

Section 1-3313. Design Standards - Alleys.

1. Alleys shall be provided in commercial and industrial districts, except that the commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate to the uses proposed.

2. The width of an alley shall not be less than twenty-five (25) feet. Lengths of alleys and turnarounds shall be the same as for roads.

3. Alley intersections and sharp changes in alignment shall not be permitted, but where necessary corners will be cut off sufficiently to permit safe vehicular movement.

Section 1-3314. Design Standards - Easements.

1. Easements shall be provided for the utilities upon and across lots, or centered on the side lot lines when considered necessary by the commission having a minimum width of eight feet (8') and utility easement on front yards shall be fifteen feet (15').

2. Where a subdivision is traversed by a watercourse, drainage way, channel, stream or drainage right-of-way, an easement conforming substantially with the lines of such watercourse shall be provided.

Section 1-3315. Requirement Improvements - Monuments.

Monuments shall be placed in accordance with applicable state law relating to municipal plats. The monuments shall be made of such material, size, and length as the county engineer may require.

Section 1-3316. Required Improvements - Streets and Utility Improvements.

1. Streets and utilities shall be installed in accordance with the minimum standards set forth below, and in compliance with the adopted standards and as established in the Development Agreement entered into between the County and the Subdivider. Before the board of county commissioners shall accept the dedication of any of the public rights-of-way or easements shown on any plat, a certificate attesting to such compliance by a registered engineer shall be given to the board of county commissioners. The County Recorder shall note on the face of the plat prior to filing that the same have not been accepted as public or private right-of-way or public or private easements. Thereafter, the county shall not perform any maintenance, improvement, paving, grading or lighting thereon; provided, however, that if after the filing of the plat said minimum standards of improvement as set forth below are installed at the expense of the subdivider or the abutting property owners the Board shall accept such right-of-way and easements as public or private dedications and in such event shall note on the face of the filed plat that the dedications have been accepted. Any subdivider of a parcel of land in any subdivision wherein the utility and street improvements have not met the standards prescribed by these regulations and the subdivider or seller are hereby required to give notice to any purchasers of property in said subdivision before sale that said utility and street improvements have not been accepted by Bonneville County for maintenance or improvement.

2. The standards and specifications for each general type of improvements shall be as follows:

(a) Water systems shall meet the requirement of the National Board of Fire Underwriters and the State Department of Public Health and shall be in accordance with sound engineering practice. The system will also comply with adopted county standards.

(b) Public sewer or sewage disposal system shall meet the requirements of the State Department of Public Health.

(c) Arterial streets, cross sections and specifications shall conform to the county standards as determined by the county and set forth in the Development Agreement entered into between the County and Subdivider. The System will also comply with adopted county standards. All streets shall be constructed to the road standards adopted by the Bonneville County Commissioners for the specific areas in which they are built.

(d) All electrical distribution systems within any subdivision shall be installed underground. All streets, alleys, curbs, gutters, pavement, driveways, sidewalks, street name signs, culverts, street lights, mail boxes and other improvements required on streets shall conform to the standards adopted for Bonneville County by the Board of County Commissioners.

(e) Grading and centerline gradients must be in compliance with plans and profiles approved by the county engineer. Where the county accepts a subdivision containing a half-street only the portion of the street within the subdivision must be graded.

3. Street pavement centerline shall coincide with the right-of-way centerline except as may be approved by the county engineer.

4. The Subdivider shall be responsible for the installation of improvements as agreed upon in the Development Agreement executed between the County and the Subdivider. The Development Agreement will establish a lien against the subdivision to insure the completion of said improvements in cases where the bonding proves insufficient. In addition to the Development Agreement the subdivider shall deposit with the county auditor, a surety bond, cash deposit, negotiable bond, irrevocable bank letter of credit, or certified check equal to 150% of the estimated cost of such improvements as certified by the developers engineer and approved by the county as a guarantee that within two (2) years after the recording of the final plat the required improvements will be installed without cost to the county.

Section 1-3317. Variances and Appeals.

1. Hardship - Where the commission finds that extraordinary hardships may result from strict compliance with the regulations contained in this chapter it may vary the regulations or standards in order to provide relief from hardship if it finds that public interest is served by granting such variances, provided that such variation will not have the effect of nullifying the intent and purpose of the comprehensive plan or portions thereof or these regulations.

2. Large Scale Development - The standards and requirements of these regulations may be modified by the commission in the case of a plan and program for a new town, a complete community, or a neighborhood unit, which in the judgment of the commission provide adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the people when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the comprehensive plan or portions thereof.

3. Conditions - In granting variances and modifications, the commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

4. Appeals - Any person, firm, or corporation may appeal in writing the decision of the commission relative to any matters hereunder decided to the Board within ten (10) days from such decisions, which time may be extended by the Board for a period not to exceed forty (40) days in total upon a showing of good cause. Any person, firm or corporation may appeal the decision of the Board to the District Court in the same manner and within the same time as other appeals may be taken from orders of Boards of County Commissioners.

Section 1-3318. Expenses for Processing Application.

All expenses necessary to provide the data required hereunder for processing and/or qualifying an application for approval of a plat, subdivision or dedication shall be paid by the applicant.

Section 1-3319. Violations and Penalties.

1. Any person who is found guilty of violation of this section is guilty of an infraction. A conviction for violation of this section is punishable by a fine of \$100 and no imprisonment. The judge may also enter a permanent or temporary injunction, restraining order, or such other relief, as the court deems appropriate. Each day a violation continues to exist shall constitute a separate offense.

CHAPTER 34 - MOVING OF BUILDINGS

Section 1-3401. Moving of Buildings.

No person shall move any residential, commercial, or industrial building, from one site to another within Bonneville County or from a site outside of the county to a site within the county without first obtaining a permit from the zoning administrator.

Section 1-3402. Application.

An application for a permit shall be filed with the zoning administrator and shall include the following information:

1. Name and address of the applicant.
2. Location and address of the old and new site.
3. Plot plan of the new location, also showing adjacent lots on all sides of the property and indicating all structures and improvements on said lots.
4. Plans and specifications for the proposed improvement of the new location.
5. Certification by the building inspector ¹³and a structural engineer that the structure is sound enough to be moved, and that the location and use of the building will conform to the zoning ordinance of Bonneville County.
6. Satisfactory written assurances that:
 - (a) Improvements required by the permit will be carried out.
 - (b) The area of the site to be vacated, if the same is within the county, will be cleaned and restored to a safe and orderly condition.

Section 1-3403. Requirements for Approval of Application.

An application to move a building shall only be approved upon a finding by the Zoning Administrator that the move will not result in an appreciable detriment to the living environment and property values in the area where the structure is to be moved. Before issuing the permit the zoning administrator must find:

1. That the building is in conformity with the quality of buildings existing in the area into which it is proposed to be moved.
2. That said building and lot on which the building is to be located conform to the requirements of the zoning ordinance and building code.
3. That its location on the lot does not in any substantial way adversely affect buildings or uses on abutting properties.
4. That all dedication and improvements as required for streets and facilities and buildings, shall be provided in conformity with the standards of the Bonneville County Zoning Ordinance.

¹⁴⁵. Bond Required. Before a permit to move a building is granted, the applicant and the property owner shall sign an agreement and shall post a bond in an amount equal to twice the estimated cost of bringing the buildings and grounds up to current codes and to restore the vacated site in such amount as approved by a licensed engineer. In the event of failure to bring the building or grounds up to current codes the bond shall be forfeited. Notwithstanding the forfeiture of the bond, the applicant and the property owner shall be responsible for all costs and expenses to bring the building and grounds up to current codes and to restore the vacated site.

Section 1-3404. Requirements Prior to Occupancy.

Prior to occupancy the building which has been moved must conform to standards of the adopted building codes.

CHAPTER 35 - AIRPORT ZONING ORDINANCE

Section 1-3501. Declaration of Purpose.

Whereas, the public policy of this state is declared to be that any hazard to the safety of air flight may cause disastrous and needless loss of life and property, that safety in air flight is of paramount importance for the protection and well-being of the people, that the use of the air space is constantly increasing and is vital to the continued growth, development and enjoyment of the great natural resources and economy of this state and that the general welfare of the citizens of this state requires, under the police powers of the state, that maximum safety precautions to air commerce be enacted and maintained, all as is set forth in Idaho Code, Section 21-513, and whereas, it is hereby found that an airport hazard endangers the lives and property of users of Fanning Field Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of Fanning Field Airport and the public investment therein. Accordingly, it is declared: (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Fanning Field Airport. (2) That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented. (3) That the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.

Section 1-3502. Short Title.

This Chapter shall be known and may be cited as Fanning Field Airport Zoning Ordinance.

Section 1-3503. Definitions.

As used in this chapter, unless the context should otherwise require, words and terms are defined as follows:

1. "Airport" means Fanning Field Airport.
2. "Airport elevation" means the established elevation of the highest point on the usable landing area.
3. "Airport hazard" means any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.
4. "Airport reference point" means the point established as the approximate geographic center of the airport landing area and so designated.
5. "Board of adjustment" means the Board appointed by the Bonneville County Commissioners pursuant to the Zoning and Building Ordinance of Bonneville County of the Board of County Commissioners of Bonneville County sitting as a board of adjustment.
6. "Height" for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
7. "Instrument runway" means a runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

8. "Landing area" means the area of the airport used for the landing, taking off or taxiing of aircraft.

9. "Nonconforming use" means any pre-existing structure, tree, natural growth or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.

10. "Noninstrument runway" means a runway other than an instrument runway.

11. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

12. "Runway" means the paved surface of an airport landing strip.

13. "Structure" means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

14. "Tree" means any object of natural growth.

Section 1-3504. Zones Established.

In order to carry out the provisions of this chapter, there are hereby created and established certain zones which shall include all of the land lying within the instrument approach zones, noninstrument approach zones, transition zones, horizontal zone and conical zone. Such areas and zones are shown on the Fanning Field Airport Zoning Map, consisting of one sheet, prepared by the City of Idaho Falls Engineering Department, and dated October 19, 1967, denominated Airport Vertical Zoning Map which is hereby declared to be an official record and a part of this chapter. The various zones are hereby established and are defined as hereinafter provided.

Section 1-3505. Instrument Approach Zone.

An instrument approach zone is established at each end of the instrument runway 2-20, for instrument landings and takeoffs. The instrument approach zones shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

Section 1-3506. Noninstrument Approach Zone.

A noninstrument approach zone is established at each end of the noninstrument runway 16-34, for noninstrument landings and takeoffs. The noninstrument approach zone shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2500 feet at a distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

Section 1-3507. VFR Approach Zone.

A visual flight ruled approach zone shall have a width of 200 feet at a distance of 100 feet beyond each end of the runway widening thereafter uniformly to a width of 500 feet at a distance of 3,100 feet beyond each end of the runway.

Section 1-3508. Transition Zones.

Transition zones are hereby established adjacent to each instrument and noninstrument runway and approach zone as indicated on the zoning map. Transition zones are symmetrically located on either side of variable width as shown on the zoning map. Transition zones extend outward from a line of 250 feet on either side of the centerline of the noninstrument runway, for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of the instrument runway, for the length of such runway plus 200 feet on each end, and are parallel and level with such runway centerline. The transition zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to both instrument and noninstrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of 5,000 feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the centerline of the runway.

Section 1-3509. Horizontal Zone.

A horizontal zone is hereby established as the area within a circle with its center at the Airport Reference Point and having a radius of 13,000 feet. The horizontal zone does not include the instrument and noninstrument approach zones and transition zones.

Section 1-3510. Conical Zone.

A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a distance of 7,000 feet. The conical zone does not include the instrument approach zones and transition zones.

Section 1-3511. Height Limitations.

Except as otherwise provided in this Chapter, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this chapter to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

1. Instrument Approach Zone - One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the instrument runway and extending a distance of 10,200 feet from the end of the runway; thence one (1) foot in height for each forty (40) feet in horizontal distance to a point 50,200 feet from the end of the runway.

2. Noninstrument Approach Zones - One (1) foot in height for each forty (40) or twenty (20) feet in horizontal distance beginning at a point 200 feet from and at the centerline elevation of the end of the noninstrument runway and extending to a point 10,200 feet from the end of the runway.

3. VFR Airport Approach Zones - One (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point 100 feet from and at the centerline elevation of the end of the runway and extending to a point 3,100 feet from the end of the runway.

4. Transition Zones - One (1) foot in height for each seven (7) feet in horizontal distance beginning at any point 250 feet normal to and at the elevation of the centerline of noninstrument runways, extending 200 feet beyond each end thereof, and 500 feet normal to and at the elevation of the centerline of the instrument runway, extending 200 feet beyond each end thereof, extending to a height of 150 feet above the airport elevation which is 4738 feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of 5,000 feet from the edge of the instrument approach zone measured normal distance of 5,000 feet from the edge of the instrument approach zone measured normal to the centerline of the runway extended.

5. Horizontal Zone - One hundred fifty (150) feet above the airport elevation or a height of 4888 feet above mean sea level.

6. Conical Zone - One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 500 feet above the airport elevation.

7. Excepted Height Limitations - Nothing in this chapter shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 75 feet above the surface of the land. Where an area is covered by more than one (1) height limitation, the more restrictive limitations shall prevail.

Section 1-3512. Use Restrictions.

Notwithstanding any other provisions of this chapter, no use may be made of land within any zone established by this chapter in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare to the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

Section 1-3513. Nonconforming Uses.

1. Regulations not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this chapter or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the constructions, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted.

2. Marking and Lighting. Notwithstanding the preceding provisions of this section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Idaho Falls.

Section 1-3514. Permits.

1. Future Uses. Except as specifically provided in Paragraphs (a), (b), and (c) of this subsection, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the

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regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(b) In the areas lying within the limits of the instrument and non-instrument approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or noninstrument approach zone.

(c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour, or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure of tree in excess of any of the height limits established by this chapter except as set forth in Section 1-3511.

2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Nonconforming uses Abandoned or Destroyed. Whenever the City Building Inspector determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this chapter, may apply to the Planning and Zoning Commission for variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this chapter.

5. Hazard Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City of Idaho Falls, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Section 1-3515. Enforcement.

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the County Building Inspector upon a form furnished by him. Applications required by this chapter to be submitted to the County Building inspector shall be promptly considered and granted or denied by him. Application for action by the Planning and Zoning Commission shall be forthwith transmitted by the County Building Inspector. The provisions of the Zoning and Building Ordinance of Bonneville County shall be applicable for the following:

1. To hear and decide appeals from any order, requirement, decision, or determination made by the County Building Inspector in the enforcement of this chapter.

2. To hear and decide special exceptions to the terms of this chapter upon which such Planning and Zoning Commission, under such regulations, may be required to pass.

3. To hear and decide specific variances.

4. To hear and decide appeals from any order, requirement, decision, or determination made by the County Building Inspector.

5. To provide for judicial review.

Section 1-3516. Map.

The location and boundaries of each of the zones are shown on the Fanning Field Airport Zoning Map of Idaho Falls, Idaho, and said map with all notations, references and other information shown thereon is hereby declared to be an official record and a part of this chapter.

The Fanning Field Airport Zoning Map shall be identified by the signatures of the Chairman of the Board of County Commissioners, attested by the County Recorder, and shall bear the seal of the County.

The Fanning Field Airport Zoning Map shall be located in the office of the County Building Inspector and shall accurately designate the current boundary lines of the several zones within Bonneville County, Idaho.

Whenever amendments are made in zone boundaries or other matter portrayed on the Fanning Field Airport Zoning Map, said Fanning Field Airport Zoning Map shall be promptly changed by the County Building Inspector.

No amendment to the Fanning Field Airport Zoning Map shall become effective, however, until the map has been duly changed in accordance with the amending chapter and the amending chapter has been signed by the Chairman of the Board of County Commissioners and attested to by the County Recorder.

In the event of a conflict between the chapter and zone map, the chapter shall govern.

Section 1-3517. Amendments.

This chapter, including the map, may be amended, supplemented, changed, or modified from time to time. Amendments to this chapter and map may be adopted only after a public hearing has been held in relation thereto before the Board of County Commissioners in which parties in interest and citizens shall have an opportunity to be heard. A notice of the time and place of such hearing shall be published in the official newspaper of the county at least fifteen (15) days before the date of the hearing.

Section 1-3518. Penalties.

Any person who is found guilty of violation of this section is guilty of an infraction. A conviction for violation of this section is punishable by a fine of \$100 and no imprisonment. The judge may also enter a permanent or temporary injunction, restraining order, or such other relief, as the court deems appropriate. Each day a violation continues to exist shall constitute a separate offense.

Section 1-3519. Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

CHAPTER 36 - EFFECTIVE DATE, REPEALER AND SEVERABILITY

Section 1-3601. Effective Date.

This Ordinance shall become effective at midnight on November 14, 1968.

Section 1-3602. Repealer.

1. The following Ordinances are hereby repealed:

(a) Bonneville County Zoning Ordinance adopted February 6, 1961, as amended.

(b) Ordinance regulating the subdivision of land within the unincorporated area of Bonneville County, adopted February 6, 1961.

(c) Ordinance pertaining to the moving of buildings within Bonneville County, adopted March 20, 1961.

(d) Ordinance pertaining to the recreational forestry zone within Bonneville County, adopted August 31, 1961.

(e) Ordinance pertaining to trailer houses within Bonneville County, adopted October 31, 1961, as amended.

(f) Ordinance providing for the adoption of a building code in the unincorporated area of Bonneville County, adopted in 1965.

2. All other Ordinances and parts of Ordinances to the extent that the same are inconsistent with the provisions of this Ordinance are hereby repealed.

3. This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the effective date hereof, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted. Transactions validly entered into before the effective date of this Ordinance and the rights, duties and interests flowing there from shall remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by any Ordinance or part thereof amended or repealed by this Ordinance as though such real or amendment had not occurred.

4. Any use which existed on the effective date of any ordinance or part thereof which is repealed by this Ordinance and which use was permitted to continue as a nonconforming use under the terms of such repealed Ordinance or part thereof shall continue to be permitted as a non-conforming use under this Ordinance unless such use is expressly defined hereunder as a permitted use. However, any use not expressly permitted under the terms of this Ordinance, and which use was not permitted as a non-conforming use under the terms of any Ordinance or part thereof repealed by this Ordinance but which came into existence after the effective date of such repealed Ordinance or part thereof and in violation thereof, shall not be permitted to continue as a non-conforming use under this Ordinance but shall constitute a violation of this Ordinance.

Section 1-3603. Severability.

If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are declared to be severable.

HEALTH AND SANITARY

ORDINANCE

1968

TITLE 2 - HEALTH AND SANITARY ORDINANCE

CHAPTER 1

Section 2-101. Title.

This ordinance shall be known and may be cited as the Health and Sanitary Ordinance of Bonneville County.

Section 2-102. Authority.

The Board of Health of Bonneville County, under and pursuant to the powers vested in it by Title 39, Chapter 3, Section 39-101, Idaho Code, and in order to carry out the work effectively and to perform properly the duties intended and required by said statute, does hereby make and place into effect rules and regulations deemed necessary and proper to prevent the outbreak and spread of dangerous, contagious, and infectious disease, in Bonneville County, said rules and regulations to be known collectively as the Sanitary Ordinance of Bonneville County.

Section 2-103. Purpose.

This Sanitary Ordinance is based on the premise that controlling and changing the physical environment is necessary to protect and improve the public health. Certain types of illness may be prevalent where living conditions place dependence on common water supplies and on others for food and drink, where vermin abound, where disposal of body wastes endanger others, and where filth in general abounds. Such conditions perpetuate diseases and may set into action a series of events that result in epidemics. Methods have been developed to deal competently with conditions promoting the transmission of disease. It is hereby declared to be the duty of the Board of Health to deal with the forces and processes of the environment and to influence or control them in the interest of health, individual and community alike, to prevent the outbreak and the spread of dangerous, contagious, and infectious disease.

Section 2-104. Definitions.

For the purpose of this ordinance, certain words and terms are defined as follows:

1. Words in the present tense include the future and the future includes the present; the singular number includes the plural and the plural the singular; the words "shall" and "must" are always mandatory.

2. "Board of Health" means the Board of Health of Bonneville County.

3. "Collector" means the county or its agent or person holding a license or contract who is authorized or designated to collect, transport, and dispose of refuse.

4. "Domestic sewage" means sewage derived principally from dwellings, business buildings, and institutions and may or may not contain ground water, surface water, or storm water.

5. "Garbage" means all animal and vegetable wastes resulting from the handling, storage, preparation, cooking or consumption of food.

6. "Health Officer" means the County Health Officer appointed by the Board of Health or his authorized representative.

7. "Industrial Sewage" means sewage in which industrial wastes predominate.

8. "Industrial Waste" means the liquid wastes from industrial processes as distinct from domestic or sanitary sewage.

9. "Industrial Waste Treatment" means any artificial process to which industrial waste is subjected in order to remove or alter its objectionable constituents and thus render it less offensive or dangerous, and approved by the Idaho State Board of Health.
10. "Inspector" means the Health Officer or other duly authorized officer of Bonneville County having the duty of enforcing this regulation.
11. "Marine Toilet" means any toilet on or within any watercraft.
12. "Owner" and "Occupant" means every person in possession, charge or in control of any dwelling, flat, rooming house, apartment house, hospital, school, hotel, motel, boarding house, eating establishment, place of business, or manufacturing plant where refuse is created or accumulated, and such terms may be used interchangeably.
13. "Persons" means any natural person, association, partnership, firm, corporation, or institution.
14. "Private water supply" means any individual supply serving only one residence and includes the source and pumping equipment with appurtenances.
15. "Public water supply" means any supply which serves two or more residences or serves any other type of establishment which provides drinking water and includes the source, pumping equipment and appurtenances and distribution system.
16. "Refuse" means solid wastes, including, but not limited to garbage and rubbish. It shall not include human body wastes.
17. "Rubbish" means solid wastes other than garbage, dead animals, abandoned vehicles, industrial wastes, sewage treatment residue, and extremely hazardous substances.
18. "Sanitary Ordinance" means the entire series of rules now and hereafter adopted by the Board of Health, which govern the environment of the area under jurisdiction of the Board, and specifically the several sections which follow hereafter.
19. "Sanitary sewage" means domestic sewage with storm and surface water included; sewage discharged from sanitary conveniences of dwellings, (including apartment houses and hotels), office buildings, factories and institutions; or the water supply of a community after it has been used and discharged into a sewer.
20. "Sewage" means the liquid or water carried wastes from residences, business buildings and institutions, together with the sanitary sewage from industrial establishments, and with such ground water, surface water, and storm water as may be present, but for the purpose of these regulations shall not include industrial wastes.
21. "Sewage treatment" means any artificial process to which sewage is subjected in order to remove or alter its objectionable constituent and thus render it less offensive or dangerous, and approved by the Idaho Department of Health.
22. "Sewer" means a pipe or conduit, generally closed, but normally not flowing full, for carrying sewage or other waste liquids.
23. "Sewerage system" means a system of sewers and appurtenances for the collection, transportation, and pumping of sewage and industrial wastes.
24. "Waste" means unwanted solid, liquid or gaseous materials.
25. "Water craft" means any contrivance used or designed for navigation on water, specifically including houseboats.
26. "Waters of this county" means all of the waters on which watercraft shall be used or operated.

CHAPTER 2 - SEWAGE

Section 2-201. Prohibited Conditions.

1. Sewage, sewage effluent, or human excretes shall not be allowed to remain open to the atmosphere, or on the surface of the ground so that it is or is likely to be:

(a) A cause of flies or fly breeding or mosquito breeding or a breeding for other vermin.

(b) A source of noxious or offensive odors or conditions inimical to public interest, dangerous or prejudicial to health, or a public nuisance.

2. Sewage, sewage effluent, or human excreta shall not be allowed to endanger any source or supply of drinking water, or cause damage to any public or private property.

3. Raw or untreated sewage shall not be allowed in any body of water, water course, or any underground water drain, any storm water drain, channel or other surface water drain, except if subjected to satisfactory sewage treatment.

4. No raw or untreated sewage shall be permitted to irrigate or flow onto any ground so that edible portions of vegetable, fruit, root crops or other edible portions or other growing food plants may come in contact with the sewage or with such soil; or onto any ground used or intended to be used for the pasture or enclosure of animals producing milk likely to be used for human consumption so that the sewage or soil containing such sewage will come in contact with such animals, except if subject to satisfactory sewage treatment.

Section 2-202. Standard of Maintenance.

1. Corrections and alterations to existing sewerage systems or sewage treatment processes, or new sewerage systems may be required, when in the opinion of the Health Officer, there is a violation of Section 2-201, (1), (2), (3), and (4) of this Ordinance.

2. Privies shall be maintained in such condition so as not to be in violation of Section 2-201, (1), (2), (3), and (4) of this Ordinance.

3. It shall be unlawful for any person, firm or corporation to construct, alter or extend individual sewage disposal systems within Bonneville County unless such person, firm or corporation holds a valid permit issued by the Health Officer in the name of such person, firm or corporation for the specific construction, alteration, or extension proposed. Applications for a permit shall be made to the Health Officer. It shall be the duty of the Health Officer to issue a permit after satisfactory evidence of intent is presented, which shall consist of:

(a) The applicant's name and address.

(b) Lot and block number and/or street address of property on which construction, alteration, or extension is proposed.

(c) Complete plan of proposed disposal facility, including plot plan, construction, alteration or extension is proposed.

4. The Health Officer may refuse to grant a permit for construction of any individual sewage disposal system where approved public or community sewerage systems are available. All individual sewage disposal systems shall be designed and constructed in accordance with standards as stated in Bulletin #6, "Standards for Subsurface Sewage Disposal Systems", Idaho State Department of Health. The Health Officer shall make an inspection during the construction prior to the stage of final earth covering to determine compliance with the plans and standards. It shall be unlawful to cover or use the individual sewage disposal system without written approval of the Health Officer. This paragraph shall be applicable to all residential and commercial individual sewage disposal installations, except that

it shall not apply to rural farm installations on tracts of five (5) acres or more provided rural farm installations shall meet the requirements of Section 2-201 of the Bonneville County Sanitary Ordinance.

5. It shall be the responsibility of the owner of a proposed subdivision to submit the provisions and/or plans for the domestic water and sewerage facilities to the Health Officer who shall review and approve the provisions and/or plans prior to the filing of the plat with the County Recorder.

Section 2-203. Disposal of Industrial Sewage and Waste.

1. Said application for a permit to construct sanitary disposal, permits for industrial sewage and waste facilities, shall be accompanied by a sketch indicating the approximate layout of the building and approximate dimensions of the land ownership to be used with said building or buildings.

2. All proposed industrial sewage and waste facilities shall comply with the standards issued by the Idaho State Department of Health and with applicable regulations hereafter approved. It is also necessary that plans and specifications for industrial sewage and waste facilities be submitted to the Idaho Department of Health for approval prior to construction. Maintenance and operation of such facilities are also subject to the approval of the Idaho Department of Health.

3. No permit shall be issued until sanitary disposal facilities for industrial sewage and waste have been constructed and inspected by the Health Officer. Said sanitary disposal facilities shall not be covered with dirt or otherwise completed or used until inspected and approved.

4. The Health Officer shall inspect any industrial sewage or waste facility heretofore constructed where he has reason to believe sewage treatment or waste treatment may not conform to the requirements of this code. If any industrial sewage or waste disposal system heretofore constructed or in operation shall be found to be causing contamination or endangering any source or supply of drinking water or causing damage to any public or private property, the Health Officer shall notify in writing the owner or occupant of said property that said industrial sewage or waste disposal facility is a nuisance which must be abated within thirty (3) days from the date of such notice by altering, modifying or rebuilding said facility to conform to the standards of the Idaho State Department of Health, as aforesaid. If said owner or occupant shall neglect or refuse to comply with said notice, the Health Officer shall invoke the penalties of Section 39-303 of the Idaho Code and shall further ask the State Board of Health to act under the provisions of Section 39-101 and related provisions of the Idaho Code.

Section 2-204. Removal and Transportation or Disposal of Sewage, Sewage Sludge, or Human Excrement.

1. Any tank wagon, tank truck, can or other container, or equipment used or intended to be used for the purpose of removal and transportation or disposal of sewage, sewage sludges, or human excrement shall conform to the following requirements:

(a) The tank or container shall be water tight and so constructed as to prevent spillage or leakage while being loaded or transported.

(b) Tanks and containers shall be so constructed that every portion of the interior and exterior can be easily cleaned and kept in a clean condition at all times and while not in actual use.

2. The material shall be disposed of in one or more of the following ways:

(a) Discharge to a manhole on a public sewer.

(b) Discharge to a sewage treatment plant.

(c) Burial under two feet of earth in a location and in a manner not conflicting with Section 2-201, (1), (2), (3), and (4) of this Ordinance.

(d) Drying in a manner not creating a nuisance and not conflicting with Section 2-201, (1), (2), (3), and (4) of this Ordinance.

Section 2-205. Sewage Disposal From Boats.

1. Restrictions: No marine toilet on any water craft used in this county shall be so constructed and operated as to discharge any sewage into said water directly or indirectly and, further, it shall be unlawful to discharge or deposit any garbage, refuse or other solids, or other liquid waste from any water craft, onto any waterfront property, or into any waters in Bonneville County.

2. Dock Facilities. Every dock servicing watercraft, shall have conveniently located thereto, adequate toilet facilities for men and women, and every dock shall have covered garbage and waste facilities for the disposal of garbage and wastes other than sewage.

CHAPTER 3 - REFUSE CONTROL

Section 2-301. Refuse Containers.

1. Refuse containers shall be of a type manufactured specifically for the purpose of refuse storage and shall be made of durable water-tight, rust-resistant material having a close-fitting lid and handles to facilitate collection and shall be rodent and fly-proof.

2. Refuse containers shall be of not less than 20 gallons, not more than 32 gallons in capacity, with the exception that standard metal refuse bins manufactured for this purpose may be used where the volume of refuse produced per day is greater than the refuse from an average single-family dwelling.

3. It shall be unlawful to permit the accumulation or residue of liquids, solids or a combination of such material on the bottom or sides of containers. It is the intention of this provision that the interior of containers shall be kept clean by thorough washing, rinsing and drainage as often as necessary.

Section 2-302. Storage of Refuse.

1. Each person having refuse shall provide himself with approved refuse containers and shall place and keep all refuse therein; except as otherwise provided in this regulation.

2. It shall be unlawful to place refuse in any street, alley, or body of water, irrigation canal, drainage canal, or any public place, or upon private property, unless such refuse is placed in an approved container; except as otherwise provided in this regulation.

3. No person shall bury, dump, collect, remove or in any other manner dispose of refuse within the prescribed limits of this regulation, except as hereby provided.

4. No person shall throw, deposit or permit to accumulate any refuse in any building or on any premises, improved or vacant, or any lot or area, either public or private, so that it is or is likely:

(a) To be a source of flies or fly breeding or mosquito breeding;

(b) To afford food or harborage for rodents or other vermin;

(c) To be a source of noxious or offensive odors or conditions inimical to public interest, dangerous or prejudicial to health, or an unhealthy nuisance.

5. Under no circumstance shall any material causing excessive smoke, liberating a toxic substance on combustion, or producing a noxious odor likely to affect the occupant of any premises, be burned except under conditions and in equipment approved by the Health Officer.

6. No person shall deny the inspector the right of ingress or egress to any premises for the purpose of inspecting all places and containers where refuse is created or kept.

Section 2-203. Collection of Refuse.

1. Where refuse collection service is provided by a governmental agency or by contract to a government agency, all persons, hotels, restaurants, institutions, or community establishments within the geographical boundaries or areas of any municipality and incorporated villages or subdivisions shall subscribe to the refuse collection service as provided.

2. Collectors shall collect refuse for disposal from each premise at least once a week. Hotels, restaurants, institutions, and commercial establishments may be required to have more frequent collection, if determined by the Health Officer, to be essential to protect the public health. Persons not retaining or receiving the collection service shall be bound by the provisions of this paragraph as it pertains to the frequency of disposal.

3. All refuse containers shall be kept in a place accessible to the collector, except that in isolated cases where reasonable access cannot be had by the collection vehicle, the container may be kept in such places as may be agreed upon by the owner and collector; or at such place as may be designated by the inspector.

4. Collectors shall follow the traveled portion of streets, alleys, and roadways, or the regular walks for pedestrians while on private property, and shall take care in loading such refuse so that none of the material to be collected is left upon the private property or the streets, alleys, or roadways. The collector shall return the receptacle with all contents removed and replace the lid thereon.

5. It shall be unlawful for any person, firm or corporation to engage in the business of collecting, transporting, hauling or conveying any refuse over the streets or alleys of Bonneville County or its subdivisions unless such person is licensed for this business. This regulation does not prohibit a person from hauling or transporting refuse from the premises owned or occupied by said person to one of the official disposal sites.

6. All collectors shall furnish vehicles designed for the collection and hauling of refuse. The collectors shall keep such vehicles clean, sanitary, neatly painted and in good running order and shall wash, clean and disinfect all such vehicles at least once a week. Each vehicle shall be equipped with a tight metal body, or if a wood body, shall be metal-lined so as to be water-tight, and each vehicle shall at all times be provided with a suitable cover of an approved type that may be securely fastened on all sides when required to retain dust and prevent scattering of refuse. Any person hauling refuse shall keep such vehicle covered with a canvas tarp, or like material to prevent the scattering or loss of such refuse along or upon public roads or properties adjacent to such public roads.

7. The Inspector shall at least yearly inspect all vehicles designed and used for collection or transportation of refuse and shall certify his approval or disapproval as to compliance with the provisions of this regulation. No private franchise or contract collector shall haul, collect or transport, or dispose of refuse until the refuse collection vehicle to be used has been approved by the Inspector and a license obtained from the Bonneville County Health Authority.

8. The license for each vehicle for private, franchise, or contract collectors shall be issued for the calendar year, or such portion thereof as shall remain after the issuance of the license.

9. The license of a collector may be revoked or renewal denied by the Bonneville County Health Authority for violation of these regulations.

10. Dead animals, hides, viscera, and parts of carcasses shall be removed to a rendering plant or other designated or authorized disposal site or buried under two feet of compacted soil and at least 100 feet from a domestic water source on the premises of the owner of the animal within 24 hours from the known time of death of the animal; except that small dead animals or parts of animal carcasses may be tightly wrapped or packaged in at least five layers of newspaper or equivalent for disposal in an approved refuse container for storage until collection where weekly collection is provided.

Section 2-304. Disposal of Refuse.

1. All persons hauling or transporting refuse for disposal shall dispose of the refuse at the disposal site or sites designated or authorized by the Bonneville County Commissioners.

2. All persons hauling or transporting refuse to an authorized disposal site shall deposit the refuse in accordance with directions of the person in charge of the site. The Inspector is hereby authorized, subject to the approval of the Health Officer, to make rules and regulations designating the manner of and the hours and limits of time of depositing refuse, providing that before such rules and regulations become effective, appropriate signs shall be placed at or upon the premises of the disposal site giving notice of such rules and regulations and enforceable under the penalty clause of this Ordinance.

CHAPTER 4 - WATER SUPPLIES

Section 2-401. Public Supplies.

1. All public water supplies shall be designed, constructed, operated, and maintained in accordance with the State Department of Health Water Standards and Regulations.

Section 2-402. Private Supplies

1. Prior to the development of any new source for a private water supply a permit shall be obtained from the Health Authority of Bonneville County.

2. A permit application shall be submitted to the Health Authority of Bonneville County on forms provided for this purpose and shall contain a description of the proposed source site in relation to possible sources of contamination, such as ditches, flood waters, sewage disposal facilities, streams, livestock pastures, barnyards, etc.. Also, if the source is to be a well the application should list the probable size and minimum depth of the well along with a plan design of the well head construction.

3. All supplies shall be constructed to meet the minimum design standards for private supplies as listed in the Idaho Department of Health Bulletin No. 5, as amended.

4. Upon proper notification of completion of the project, the county will survey the water supply and will issue a certificate of approval upon satisfactory compliance with the Ordinance.

5. Abandoned wells shall be properly sealed or capped to meet Idaho Department of Health requirements.

CHAPTER 5 - VIOLATION OF SANITARY ORDINANCE

Section 2-501. Penalties for Violation.

Any person who shall violate any provision of these regulations upon conviction shall be fined not to exceed \$50.00 or be imprisoned for, not to exceed sixty (60) days, or be both fined and imprisoned and every day that such conduct is in violation of this section is carried on shall constitute a separate offense and in addition to such fine and imprisonment shall be liable for any expense incurred by the County Board of Health in enforcing this act or in removing or terminating any nuisance, source of filth, cause of sickness or health hazard. Conviction under the penalty provisions of this act or any other health law shall not relieve any person from any civil action and damages that may exist for an injury resulting from any violation of the public health laws or rules and regulations promulgated by the County Board of Health.

BY ORDINATION TO PROMOTE THE HEALTH, PEACE, SAFETY, MORALS, PROSPERITY, CONVENIENCE, ORDER AND GENERAL WELFARE AND TO PROVIDE FOR THE ESTABLISHMENT OF RULES AND REGULATIONS FOR THE ORDERLY DEVELOPMENT OF LAND AND TO PROTECT PROPERTY VALUES, FOR THE CONSTRUCTION, ALTERATION OR REPAIR OF BUILDINGS AND STRUCTURES, THE INSTALLATION OF PLUMBING, THE INSTALLATION OF ELECTRIC WIRING, FOR SANITARY REGULATIONS, HEALTH MEASURES AND RELATED SUBJECTS, AND TO PROVIDE FOR THE ENFORCEMENT OF SUCH RULES AND REGULATIONS AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH ORDINANCES AND FOR SUCH ORDINANCES TO BE ADOPTED AS THE BONNEVILLE COUNTY CODE BY THE BOARD OF COUNTY COMMISSIONERS, AND FOR WHEN SUCH CODE SHALL BECOME EFFECTIVE.

Whereas, the Board of County Commissioners of Bonneville County, Idaho, deem it necessary for the carrying into effect and discharging the powers and duties conferred by the laws of the State of Idaho and to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein to adopt, revise, codify and publish ordinances in book or pamphlet form for the establishment of rules and regulations for the construction, alteration or repair of buildings and structures, the installation of plumbing, the installation of electric wiring, sanitary regulations, health and safety measures and regulations, pursuant to authority granted in Idaho Code 31-714 and 31-3801.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO, that the Ordinances attached hereto as Exhibit "A" and by this reference made a part hereof, are hereby regularly adopted as a Bonneville County Code, to be effective this date without publication or posting other than as published herein, it being satisfactorily shown that no less than three copies of such code, duly certified by the Clerk of the Board of County Commissioners, have been filed for use and examination by the public in the office of the Clerk of the Board of County Commissioners.

Regularly passed and adopted by the Board of County Commissioners of the County of Bonneville, State of Idaho, on this 14th day of November 1968.

ATTEST:

/S/ A. L. Owens, County Commissioner

/S/ WALLACE HANSON
Clerk of the Board of County
Commissioners
Bonneville County, Idaho

/S/ John Burtenshaw, County Commissioner

/S/ Dean Huntsman, County Commissioner

1 Added 2/28/2011
2 Added Section 1-443 1/29/2009
3 Added 2/3/2011
4 Added Section 1-444 3/17/2010
5 Added 2/28/2011
6 Added 2/28/2011
7 Amended 2/28/2011 to replace Board of Adjustment with Planning and Commission throughout ordinance
8 Added 2/28/2011
9 Added d, e, f, g 2/28/2011
10 Added "commercial" 2/28/2011
11 Amended 1/29/2009
12 Amended 2/28/2011
13 Amended 2/28/2011
14 Added 2/28/2011